

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, September 21, 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
Steven Winter, Member
Charles Studen, Member

Susan Glazer, Acting Assistant City Manager
for Community Development

Community Development Staff:
Liza Paden
Roger Booth
Stuart Dash
Jeff Roberts
Iram Farooq

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

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

I N D E X

<u>CASE</u>	<u>PAGE</u>
Update by Susan Glazer	45
 <u>GENERAL BUSINESS</u>	
Board of Zoning Appeal Cases 9995 - Portland Street, Telecommunications Installation	3
9993 - 13-15 Avon Street, Appeal of Code Interpretation	16
 <u>PUBLIC HEARINGS</u>	
McKinnon, et al Petition to amend the Zoning Ordinance, Section 13.70	46
PB #230, 169 Western Avenue Special Permit	148
 <u>GENERAL BUSINESS</u>	
1. PB #227, 70 Fawcett Street Request to Extend Special Permit for One Year	194
Other	xx

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

HUGH RUSSELL: This is a meeting of the Cambridge Planning Board. And the first item on our agenda is review of Zoning Board appeal cases. I gather we have a telecommunication installation to look at?

LIZA PADEN: Right. There are two cases that I wanted brought to your attention. One is at 141 Portland Street, which is at the corner of Portland and Broadway. It's the Citizens Bank building at this point. And T-Mobile wants to add two booster cabinets to replace the existing cabinets on the rooftop as well as adding one equipment cabinet. And the other one is for an appeal.

We have a representative from T-Mobile here to answer any questions and present you the drawings on how they're going to locate the cabinets.

PETER COOKE: Good evening. Peter

1 Cooke here on behalf of T-Mobile. We're --
2 we have an existing site at 141 Portland
3 Street. We'd like to make some modifications
4 to it. It's an industry B-zone. As I'm sure
5 the Board is aware any modifications requires
6 us to visit with the ZBA which is why we're
7 making this application.

8 We have two existing cabinets up there.
9 We want to add a third on a lower roof. And
10 then there's two booster cabinets we want to
11 add to the existing two cabinets. It's
12 basically a two by two addition that gets
13 added to the five. The booster cabinets
14 really won't be visible. The other part of
15 the installation is adding two additional
16 antennas. We have six antennas that are
17 flush mounted to the penthouse now. We want
18 to add two more to the southerly elevation of
19 the penthouse, same treatment as the other
20 antennas. There is an existing antenna for
21 another carrier on that penthouse facade

1 wall, and it's really part of our fourth
2 sector add program where we're trying to
3 better utilize our existing sites to provide
4 coverage rather than, you know, proposing
5 additional sites when we can. So, that's the
6 reason for it.

7 STEVEN WINTER: Mr. Chair, excuse me
8 before we go on, could you tell us
9 anecdotally I guess, what measures you're
10 taking in addition to putting these
11 installations together in one part as best
12 you can. With this specific upgrade, what
13 measures have you taken to make them less
14 visible to the public?

15 PETER COOKE: Well, this particular
16 one, and I'm not sure if you've seen the
17 photo simulations that were part of the
18 package. Again, it's --

19 THOMAS ANNINGER: We didn't see any
20 of them.

21 PAMELA WINTERS: They're coming

1 around.

2 PETER COOKE: There were copies
3 provided, but here's the plans here.

4 I think in essence we're trying to take
5 advantage of existing sites. And the
6 treatments that we've used there before
7 essentially are flush mounted to the
8 penthouses and painted to match. And then
9 the cabinets are centrally located to the
10 roof and out of view so they become part of
11 the -- part of the rooftop equipment of the
12 landscape.

13 Really only visible from the -- Looking
14 at the southerly elevation as you can
15 imagine, you can see the top part of the
16 lower roof cabinet and obviously the
17 antenna's visible.

18 THOMAS ANNINGER: I don't know what
19 T-Y-P means.

20 PETER COOKE: Typical. I had to ask
21 the same question, quite frankly.

1 THOMAS ANNINGER: I thought it was
2 an acronym.

3 PETER COOKE: If it was easy you
4 wouldn't need to stamp it.

5 CHARLES STUDEN: I would like to
6 sort of suggest at least from my perspective,
7 I don't see what you're proposing, seeing it
8 having a very dramatic effect to the
9 building. It seems consistent with what's up
10 there already. The measure I use if I went
11 by there today and looked at it and then went
12 back a couple weeks and looked up, I don't
13 think I'd be able to tell what you've done.
14 Again, that's just my take on it.

15 PETER COOKE: Well, that's certainly
16 our intention.

17 STEVEN WINTER: Charles, if I could.
18 That's my -- after looking at the photos,
19 it's a quandary, because one has to say well,
20 which toll booth on the New Jersey Turnpike
21 do you find most attractive? However, with

1 this equipment it's not a substantial
2 allegedly new landscape.

3 CHARLES STUDEN: Right.

4 HUGH RUSSELL: Also, even though
5 there's a lot of equipment up there, because
6 it's mounted on the penthouse sort of behind
7 the architecture, it's less annoying.

8 THOMAS ANNINGER: In looking at
9 these pictures, I just see with one
10 exception, I only see the word existing from
11 just -- oh, no, there's a proposed. And
12 proposed antenna, flush mounted. That's on
13 page three.

14 PETER COOKE: You should be able to
15 see the two antennas on the southerly face of
16 the penthouse with two new ones next to an
17 existing one that's not T-Mobile. Our stuff
18 is mounted on the other face of the
19 penthouse.

20 THOMAS ANNINGER: That's what you
21 mean by others?

1 PETER COOKE: Yes.

2 THOMAS ANNINGER: Others is not you?

3 PETER COOKE: Others are
4 non T-Mobile antenna.

5 And then you should be able to see the
6 same elevation on the lower roof, the top
7 half of the cabinet, that actually is
8 somewhat shielded by the sky, but the
9 cabinets are behind it already.

10 THOMAS ANNINGER: And now I see in
11 addition to the proposed antenna there's a
12 proposed equipment and mounting sled which
13 seems like a smaller version of something
14 behind it?

15 PETER COOKE: That's correct.

16 We're mounted on a steel platform on
17 the upper roof with two cabinets. There
18 wasn't room for the third. So the third they
19 dropped to the lower roof adjacent to it.
20 And what they call it a sled, it's really a
21 non-penetrating frame that they'll, that the

1 cabinet would sit on. So you won't see the
2 sided feature, but you do see the top half of
3 the cabinet.

4 THOMAS ANNINGER: And in doing any
5 of this, I mean, certainly the existing
6 others do not distinguish themselves in these
7 photographs as being as not inconspicuous as
8 you are, so that's nothing that we have any
9 control over. But as for your own antennas,
10 as you upgrade, I think your attempt at
11 staying where you are is a worthy value that
12 I think we can support, but I guess a further
13 thing that we've been hearing from time to
14 time is that as technology progresses and you
15 put new things in, some of the existing ones
16 can be downsized or even eliminated. Is
17 there any opportunity for that?

18 PETER COOKE: I think what you're
19 finding more so is more cell splitting
20 perhaps. I haven't really seen carriers
21 eliminate existing sides except when there's

1 say a merger and there's some overlap through
2 an AT&T and Cingular merged a couple years
3 ago, they were able to decommission some of
4 the existing sites that they had the same,
5 you know, an AT&T and a Cingular site on the
6 same location, they would take those down. I
7 think what you'll find is that they will add
8 additional coverage, sometimes that would
9 change an existing footprint. But I haven't
10 seen T-Mobile go back and decommission
11 existing sites. Some of the older sites
12 which were more of the original cell
13 carriers, Verizon or Cell One at the time
14 now, many changes later is now Cingular.
15 They've done things like, I recall Verizon
16 for example, had a cell site on the top of a
17 building down at State Street which is a
18 30-story building on State Street. It was
19 decommissioned because the footprint was too
20 large and they went with smaller footprints.
21 And so maybe three sites that were lower. I

1 mean, the way -- what the carriers, and it's
2 not just T-Mobile, what the carriers are
3 really wrestling with now is capacity.

4 Really two things. One, they want
5 better coverage in residential areas. Which
6 means that before you go to residential area,
7 you need to make sure that the ones that you
8 have, are you getting the maximum out of
9 which is kind of what this program is about.
10 Or its capacity. And especially with video
11 and the amount of bandwidth that data takes,
12 that's why you're seeing these booster
13 cabinets and T-Mobile space. And some of the
14 antenna swap outs that you're seeing is to be
15 able to maximize and get out of these sites.
16 The carriers that really came in in the late
17 nineties which would be T-Mobile, Spring,
18 AT&T, haven't seen much. They purposely
19 stayed away from the 30-story buildings. You
20 know, the earlier cell technology, you could
21 probably cover Boston with 15, 200-foot high

1 towers in terms of signal, but you'd only be
2 able to handle about 1500 calls. I mean, so
3 that's where you did see some decommissioning
4 of sites early on.

5 Now, frankly, once a site is built due
6 to the investment and the struggle to get one
7 on there, very rarely have I seen them give
8 one up unless there's been something, a lease
9 lost or something along those lines, but
10 typically it's not due to a technical change.

11 THOMAS ANNINGER: Well, we're a
12 little bit -- I like this word
13 decommissioned. I don't remember hearing,
14 but we are at a disadvantage because we
15 really don't know what you can and what you
16 can't decommission from a coverage point of
17 view. We have to rely on you and your
18 engineers to answer to us truthfully that it
19 can't be done because we need it for
20 coverage. My sense is that a lot of them are
21 probably becoming useless as time goes by and

1 they're staying up there. And I have a
2 problem with that.

3 PETER COOKE: Well, I don't think
4 so. The call volume has been very, very
5 strong and continues to grow. And as I say,
6 to work with some of the other carriers as
7 well. Obviously I'm here before you on
8 T-Mobile. The stuff that we have, what you
9 find is the technology is changing. So,
10 you'll see antennas that get swapped out,
11 that they're more efficient. There may be a
12 quad pole antenna instead of a dual pole
13 antenna. You have a lot of the carriers
14 right now are doing their 4G, fourth
15 generation swap out stuff, and the reason
16 they're doing that is they're trying to pick
17 up download speed, and they're trying to be
18 able to increase capacity so that -- not that
19 I personally have any desire to do it, but if
20 you want to watch a movie on your Blackberry,
21 you need, you know, you need high download

1 speeds to be able to do it. I think you're
2 seeing a lot of change in terms of the
3 equipment. And I know it's been a sensitive
4 issue in the city in terms of some of the
5 swap out stuff, some of the things going on.
6 And I think it is a struggle in terms of
7 trying to, you know, make sure that the
8 original zoning decisions are still, you
9 know, in terms of the painting to match, some
10 of the other things as things get changed out
11 under what they would call a maintenance, is
12 not, you know, not being, not being picked up
13 frankly as well as it should be. And I admit
14 to that. But I don't think there's equipment
15 up there that's not being utilized in some
16 way, shape or form.

17 THOMAS ANNINGER: We could go on but
18 I'm not going to do it.

19 HUGH RUSSELL: Yes, I'm kind of
20 reaching my limit what I can learn on this
21 subject at one time. And it's actually, I

1 think --

2 PETER COOKE: I only have about five
3 minutes more.

4 HUGH RUSSELL: Well, I do appreciate
5 your telling us what you're telling us
6 because it is just as Tom said. On this
7 installation should our comment be those that
8 Charles gave?

9 STEVEN WINTER: Yes.

10 THOMAS ANNINGER: Yes. That these
11 do not seem to make the situation worse than
12 what it had before. I'd like to see you make
13 it better, but that's maybe for another day.

14 CHARLES STUDEN: The way I would put
15 it is it doesn't seem the material to change
16 the appearance of the building.

17 HUGH RUSSELL: Thank you very much.

18 PETER COOKE: Thank you for having
19 us.

20 HUGH RUSSELL: The appeal of code
21 interpretation is a puzzling thing. We have

1 on the one hand our esteemed and experienced
2 Commi ssi oner of bui ldi ngs. On the other hand
3 one of the fi nest archi tects that practi ces
4 i n the ci ty. I don' t want to get i n the
5 mi ddl e between them. And so I don' t know
6 what the Board wants to do. Maybe you coul d
7 i n say a mi nute tel l us why we shoul d step i n
8 between the two of you?

9 GUY ASAPH: Two mi nutes? You saw
10 our proj ect --

11 HUGH RUSSELL: You' ll want to gi ve
12 your name.

13 GUY ASAPH: Oh, I' m sorry. Guy
14 Asaph, 29 Hopedal e Street i n Al l ston.

15 We brought our Avon Street proj ect
16 before you that was seeki ng a Vari ance to
17 keep the hei ght and keep the front porch i n
18 order to make i t conformi ng to the rest of
19 the proj ect. The BZA, I thi nk i n respondi ng
20 to nei ghborhood feel i ngs, deni ed that
21 Vari ance. And so now we' re cutti ng off the

1 top of the roof and the porch. We're not
2 here to try and get a second bite at that
3 apple. That's done. But in the process of
4 going through the project, there are a number
5 of issues of questions of interpretations
6 that are not, not referred to anywhere in the
7 code that have very real ramifications to the
8 project. And that's why we're here. And we
9 did have a meeting with the Commissioner, and
10 he agrees there's some uncertainty. We've
11 had a meeting with Community Development. So
12 if Mark could show you some of those issues.

13 HUGH RUSSELL: Well, I guess before
14 we get to the issues, I want to get to the
15 question as to whether we want to get to the
16 issue or not.

17 CHARLES STUDEN: I had a sense of
18 this and I've had this difficulty actually
19 not just relative to this particular item
20 that's before us, but others as well. And I
21 don't know what it is. I guess it's my

1 a little bit. I think -- it's Mark
2 Boyes-Watson, Boyes-Watson Architects, 30
3 Bowes Street, Somerville.

4 Yes, I think procedurally it's
5 complicated why we're here on this project
6 where, you know, we go through this on every
7 project. And actually it's never a good time
8 to visit these things. And I think actually
9 what's happening, if I just go back all the
10 way off into the sky, what's happening is as
11 -- I'm just going to generalize. As the city
12 gets agendasized (phonetic), the pressure on
13 the rules intensifies. And what I think is
14 happening to ISDs is they are needing more
15 specificity in the rules in order not to fall
16 foul one side or the other of their own
17 interpretations. And I think they're having
18 trouble staying consistent on their
19 interpretations because of the pressure. So
20 it makes as a constant proponent, let's say,
21 it's very difficult to act in a professional

1 environment where that uncertainty is making
2 everybody nervous; proponents, ISD, the Board
3 of Zoning Appeal I think has not been largely
4 involved in this. So they maybe get these
5 things at the very back end when things have
6 gone wrong or being returned. So it seems to
7 me that the Planning Board's role here -- I
8 mean there are some things we could do. We
9 could tidy up the Zoning Code to make it
10 clearer, which is a Planning Board's role as
11 I understand it. I'm not very good at those
12 kind of regulations.

13 We're happy to be here to initiate kind
14 of the process on a few things. In the
15 specifics of this appeal there are a couple
16 of things that would make a difference in
17 this project that would make us want to come
18 here and try to go through this process.
19 Maybe not all of the ones we have on our list
20 but some of them because they make a material
21 difference to the project. But really it's

1 that bigger -- we've been looking for ways to
2 open up that bigger discussion. And there
3 are a few that I think that maybe -- I was
4 hoping that maybe the Board would actually
5 have already known the intent in the Code
6 that would make it easier for the BZA. So,
7 an opinion says, you know, we think that when
8 we wrote this, we were trying to protect the
9 historic fabric by saying this and this type
10 of feature exists. Or were we trying to
11 encourage the new buildings to have these
12 features, therefore -- that would be the bays
13 for instance. And that would be helpful.
14 Because you get into the situation as an
15 architect, you're taking bits of building off
16 to make it comply. And that's what we're
17 doing here. And that wasn't the intention of
18 the Code, but it is now because of this
19 interpretation environment becoming the norm.
20 I think that's something the Board might want
21 to step into just, you know, as a role, in

1 its role as protector of the city and guider
2 of the city. It is very complicated. It's
3 not very tidy. But we've not found a good
4 place to start. So that's kind of why we're
5 here.

6 HUGH RUSSELL: Okay.

7 MARK BOYES-WATSON: And that wasn't
8 very tidy either.

9 HUGH RUSSELL: I guess my feeling is
10 that the way to address this from our point
11 of view is a technical amendment to the
12 Ordinance that deals with these things.
13 We've done this from time to time. Every
14 five or ten years there's a technical
15 amendment that arises out of these kinds of
16 problems with the ISD. You know, putting
17 some things on the table that they want to
18 work on. I mean, the one thing on the list
19 here which seems to me to be counter to the
20 intent of the Ordinance is the bay window
21 interpretation. And, you know, I live in a

1 house that happens to have a cantilevered bay
2 window. The house that faces mine has two
3 bay windows with foundations. The overall
4 appearance of the structure is nearly the
5 same and -- in terms of a street. And if you
6 go down the 19th century streets, you'll find
7 a mix. So it's surprising to me that Ranjit
8 would have made this distinction. Because I
9 think people want -- they like bay windows.
10 I think they're good for buildings. They add
11 character to streetscapes and so we'd like to
12 encourage them.

13 The other items on the list you could
14 think about the same argument and you could
15 go into the history, you know, do we want to
16 encourage porches? Do we want to encourage
17 pergolas? And I did the pergola discussion
18 under the green zoning as I recollect. And I
19 don't remember how that sorted out.

20 IRAM FAROOQ: We did adopt the
21 pergola provision and there is a -- the

1 requirements are that structural members
2 which are defined as one inch by two inch are
3 to be separated by at least three feet, but
4 you can have smaller sections in between to
5 feed the pergola. And there is a climate for
6 it, at least 80 percent openness on any side
7 of the pergola which also seems reasonable.

8 HUGH RUSSELL: It might be a
9 particular reason why your project can't
10 follow these rules then. We probably don't
11 want to know about it.

12 MARK BOYES-WATSON: To have a
13 standard that's really that's all that is
14 needed.

15 HUGH RUSSELL: So my feeling is I'd
16 might like to offer my advice to the Board
17 for bay windows. And maybe we would offer
18 advice that, you know, it makes sense to look
19 at some technical amendments. And if there
20 was a -- if the Board felt there was merit in
21 this, they might grant relief. I mean, I

1 guess your feeling if the Board makes this
2 interpretation, then that sort of ordi nates
3 the need for techni cal amendments because
4 they are now sayi ng that' s what the Ordi nance
5 means.

6 MARK BOYES-WATSON: I think that
7 would be great, but I think even better would
8 be a techni cal amendment that everyone can
9 see. But, yes, i n thi s speci fi c -- that' s
10 goi ng to take a whi l e. So for thi s speci fi c
11 project we woul d l o v e -- I mean, I thi nk the
12 bay wi ndow -- I agree wi th you. It seems the
13 bay wi ndow, especi al l y si nce -- the thi ngs
14 that are al l owed, projected eaves, chi mneys,
15 bay wi ndows, I don' t see why it doesn' t have
16 a foundati on, the bay wi ndow, ri ght off the
17 chi mneys, ri ght before the chi mneys.
18 Chi mneys, bay wi ndows. I mean, it seems it
19 wasn' t precl udi ng -- the ambi gui ty of
20 projecti ng, you can project from a plane or
21 you can project, you know, hori zontal l y or

1 vertically. It seems the Code meant both so
2 it is ambiguous. It just seems unfortunate
3 that interpretation was made.

4 THOMAS ANNINGER: And is that what
5 he's saying, it's a projection from both?

6 MARK BOYES-WATSON: You may not --
7 right. They are prohibiting it ISD, bays
8 from having foundation. And projecting into
9 bays -- and projecting into setbacks.

10 STUART DASH: And just to clarify,
11 that was really a Law Department
12 interpretation a number of years ago. And I
13 think staff agreed with that, probably
14 looking at a technical amendment would be
15 appropriate because we're turning bays and
16 talk about this over the years.

17 THOMAS ANNINGER: So, are you
18 saying -- I'm hearing you say that there is
19 some consistency in the past with their
20 position. And I thought you were perhaps at
21 least hinting that perhaps there is some

1 i nconsi stency goi ng on.

2 MARK BOYES-WATSON: What happens i s
3 these thi ngs are often deci ded when a
4 parti cul ar proj ect comes up. It comes up and
5 chal l enged. The Law Department wei ghs i n and
6 the new i nterpreti ve regi mi ne starts from
7 that moment. Unbeknownst of course to most
8 of the communi ty (i naudi bl e). And we have, I
9 thi nk, a sort of backl og of those to thi s
10 poi nt, agai n, given that overal l envi ronment
11 that I' m descri bi ng. It gets a l i ttle
12 pressure. So, yes, I don' t know when that
13 was.

14 STUART DASH: I thi nk the meeti ng we
15 had was a number of years ago that i t
16 happened. And I don' t thi nk i t' s -- I thi nk
17 I agree wi th your i nterpretati on, Hugh, that
18 the bay i s a bay. But i t was i nterpretati on
19 sort of more on a techni cal l anguage rather
20 than wanti ng a bay wi ndow from the ci ty.

21 HUGH RUSSELL: That' s what l awyers

1 do.

2 MARK BOYES-WATSON: So, I mean the
3 other one that's kind of interesting for our
4 project which is this one, which is actually
5 again went through the Law Department and
6 went in a specific project. But the notion
7 of how big can a bay be? How much of your
8 facade can be a bay? Because if you're
9 allowed to push it into -- you need to know
10 unless your whole building can be a bay. So
11 that wasn't much guidance for ISD and in the
12 Code on that. And the interpretation for the
13 25 percent of a facade could be a bay that's
14 projected. The only thing about that is that
15 in Zoning the Code is quite careful to
16 distinguish, you know, small bits of facade,
17 the whole facade, you know. And so now the
18 interpretation is on single bit of a facade
19 for 25, which penalizing you on a facade.
20 Because the more you vary the less bays you
21 have. So you know, it's very, very technical

1 and kind of important with the design of
2 buildings.

3 HUGH RUSSELL: So virtually no bay,
4 back bay would meet this requirement because
5 it's an architecture of bays.

6 MARK BOYES-WATSON: Right.

7 On those double breasted buildings that
8 you get, three and six families don't comply.
9 Because that's the other thing when I said
10 about the historic, and I think it's very
11 complicated, and you don't want to go too
12 far. But I do think the Zoning Code was
13 trying to craft the city not unlike the city
14 we have. And I think that's where it gets
15 most interesting. And actually with some --
16 but still allows some as of right
17 development. Some as of right development of
18 housing. That's most interesting around
19 these canopies. Because you go around and
20 see people who have taken the roofs off
21 porches of these historical buildings and

1 cantilever the -- and remove canopies. And
2 we've had to remove the bay in the front of
3 our house. The granite foundation we would
4 have had to remove to avoid it creating a
5 non-conformity of the structure. It just
6 doesn't seem that was the intent of the Code
7 to do that. So, yes, no, it's right. So
8 that interpretation is the narrow
9 interpretation, though it's certainly -- it
10 forms a nice line for ISD to regulate by
11 doesn't necessarily have kind of design or
12 thoughtful process that is, that led us to
13 somewhat complex Zoning Code in the first
14 place.

15 CHARLES STUDEN: You know, I
16 unfortunately -- I have a great deal of
17 sympathy for the points you're raising here
18 tonight relative to the way the Ordinance is
19 written. And the only problem I'm having,
20 and I had this when I first read this, is I
21 thought, my God, each one of these is so

1 complicated. We could spend the entire
2 evening tonight talking about this and not
3 necessarily reach any agreement on what we
4 should be doing. For example, the height of
5 the building issue being measured from mean
6 grade as existing prior to construction. So,
7 I don't know what would be most helpful to
8 you. But I mean ultimately you've got to go
9 to the Board of Zoning Appeal to appeal this
10 decision, whether some acknowledgement --
11 we're not going to solve this -- but some
12 acknowledgement from this Board that we are
13 sympathetic to the larger issues that this is
14 raising for you, and that these issues should
15 be addressed in some manner in the Ordinance.
16 Something like that.

17 MARK BOYES-WATSON: So what we had
18 thought just relative to the specifics of the
19 project, what would be helpful if it could
20 be -- if you had time to be slightly more
21 specific about the bays and even maybe the

1 size of the bays, but certainly the
2 foundation of the bays and then, you know,
3 say -- specifically -- because I would -- I
4 think that, you know, I think that the
5 process of the technical amendment is
6 obviously, you know, doesn't fit into this
7 particular bucket. So, but if it's possible
8 to sort of isolate that so that when we go to
9 our hearing we have something specific with a
10 recommendation from the Board, whatever that
11 is, from this Board, that would be great.
12 And then yes, a sort of an expression of
13 sympathy suggesting that maybe it's better
14 remanded back to this group for
15 clarification. And then maybe it goes
16 forward or who knows after that happened that
17 would be great if that's possible.

18 CHARLES STUDEN: How do my
19 colleagues feel about that?

20 WILLIAM TIBBS: Are we clarifiers of
21 zoning? That's not our role.

1 THOMAS ANNINGER: Well, maybe I can
2 speak to it for a second.

3 You know, Hugh started out by saying
4 should we really roll up our sleeves and get
5 involved in this? And then I, like Charles,
6 have some sympathy because I think what you
7 said at the outset is that you really have no
8 recourse if all -- if each of the Boards just
9 say we defer to ISD for its interpretation,
10 then there's really nothing you can do. And
11 I -- then an appeal is really not an appeal.
12 You have no recourse at all. And I think
13 that's not quite right either.

14 PAMELA WINTERS: Right, I agree.

15 THOMAS ANNINGER: So this is a tough
16 dilemma because it's very technical and yet
17 we're reluctant to roll up our sleeves and do
18 it. And yet, if we don't nobody will. And
19 so we're in a bit of a difficult dilemma. I
20 guess I would not mind expressing some intent
21 on the bays. I'm looking for ways out of

1 this dilemma, but I guess we're not the Board
2 to decide this appeal. So, all we're doing
3 is recommending. Perhaps, and I'm not sure
4 the Zoning Board is desirous of doing this
5 either, but we might encourage them to look
6 at this, as they say in the law, de novo
7 rather than just defer to ISD and to really
8 give it a good looking over to see if there
9 have been any interpretations that don't seem
10 to meet the purpose behind it. That might be
11 enough to give them at least a chance to have
12 somebody beyond ISD make a decision here.
13 And that's what I think is really the
14 problem.

15 HUGH RUSSELL: Yes, but that's not
16 really what the Zoning Board does. I mean,
17 they're charged with interpreting the
18 language that's written. They're not really
19 charged with deciding if it's the right
20 language.

21 WILLIAM TIBBS: Right.

1 THOMAS ANNINGER: Well, I'm not
2 saying it's the right language. Well, that's
3 another thing. I'm saying that they ought to
4 get involved in interpreting rather than
5 deferri ng.

6 PAMELA WINTERS: But then who makes
7 the final decision then? They're stuck --

8 THOMAS ANNINGER: I guess it would
9 be the Zoning Board.

10 CHARLES STUDEN: The Board of Zoning
11 Appeal .

12 MARK BOYES-WATSON: If the language
13 were then clarified, you know, going forward
14 as a technical issue let's say from the
15 Planning Board then voted on as members of
16 the Zoning Board, that would be great, too.
17 So I think, this one that seems to be a
18 linguistic problem about projection, I think
19 it's a good one for the BZA. It's relatively
20 straight forward. Because they say it was
21 the intent. Notwithstanding, you know, the

1 prior ruling. I mean, there were probably
2 actually 30 years of rulings the other way
3 before that ruling. So I don't know which --
4 I mean, so, yes. Because I think obviously
5 the clearest thing for everybody is for the
6 -- if for the Planning Board to set aside
7 these issues and shake some of these issues,
8 because I can tell you as somebody who does
9 this a fair bit, it's getting really hard.
10 It's getting hard for them and it's hard for
11 us. And that's not good for the city. And
12 actually often the loser in it is exactly the
13 historic buildings and all of this in this
14 process. So, the time is coming -- and so
15 maybe -- and I do realize it's -- we've
16 realized every time we try to talk about
17 this, it's way too complicated to try to talk
18 about it. It's really hard to talk about it.
19 You have to take it a day for one at a time.
20 Take it really calm. So I think if we talk
21 about the bays --

1 HUGH RUSSELL: So, Roger, did you
2 want to add something?

3 ROGER BOOTH: I think it would be
4 helpful. We like bays. And if we just send
5 a message let's not stand in the way of
6 seeing this architectural feature and leave
7 it at that.

8 HUGH RUSSELL: Yes. And then
9 comment that the other issues probably should
10 be looked at in a comprehensive technical
11 amendment stance.

12 STUART DASH: A lot with the bays
13 and bring it back to the staff to work with
14 the Planning Board on.

15 HUGH RUSSELL: Yes, that works for
16 me. Does that work for the rest of you?

17 CHARLES STUDEN: Yes, it works for
18 me as well.

19 STEVEN WINTER: It works for me.

20 GUY ASAPH: Part of the process is
21 we had to present something --

1 CHARLES STUDEN: Could you go to the
2 microphone?

3 GUY ASAPH: I'm sorry.

4 We had to present something so that it
5 could be challenged and we kind of loaded
6 everything in because we think they're real
7 issues. But any one of these things at the
8 BZA, I'm happy to withdraw, you know, and not
9 force the issue. We just wanted to be -- to
10 assist the process. And I know it doesn't
11 make your life any easier, but wherever the
12 -- we don't need a decision. The bays we
13 really care about, because there's one bay
14 left on the front historic house. It's a new
15 bay, but it's visible from the street and
16 that's why we'd love to put a foundation
17 under it. So that's the, that's the
18 priority. All of the other issues, you know,
19 we don't need to put pergolas on, but we
20 think it's an important issue. We don't need
21 to make the garages bigger, but we think it's

1 an important issue. And so we were just the
2 punching bag to start the process. So
3 however you want to use us, we don't have --
4 I don't have a problem.

5 Thank you.

6 WILLIAM TIBBS: We don't want to use
7 you, you're the one that's come to us.

8 CHARLES STUDEN: Exactly.

9 HUGH RUSSELL: Okay. Well, I think
10 we've come to this step that we want to take
11 on this.

12 LIZA PADEN: Okay.

13 HUGH RUSSELL: So if you would send
14 that down to the Board of Zoning Appeal, that
15 would help us.

16 LIZA PADEN: Okay.

17 STEVEN WINTER: Mr. Chair, if I
18 could. I'd like to note that we're very
19 appreciative of the thoughtful and temperate
20 presentation of the facts. I think that
21 really does help us all to think about it

1 clearly. And I am now.

2 HUGH RUSSELL: Are there any other
3 cases on the agenda of the Zoning Board?

4 PAMELA WINTERS: I was interested in
5 9992, the one before it on Foster Street. Do
6 you know what the issue is there, Liza?

7 LIZA PADEN: The Foster Street has
8 been going back and forth.

9 PAMELA WINTERS: Oh, okay.

10 LIZA PADEN: And this is where
11 there's a building permit that's been issued,
12 and what has happened is that the documents
13 in the application versus what was granted,
14 there's a conflict on what the plans show.
15 There's two separate sets of plans, and the
16 plan that they want to build wasn't adopted
17 at the BZA hearing clearly enough. So what
18 they're doing is they're going back to the
19 BZA to have them adopt the plans that were
20 looked at. In my mind it's a clerical
21 clarification.

1 PAMELA WINTERS: Okay. Thank you.

2 THOMAS ANNINGER: Is this is that
3 ancient feud that's been going on for years?

4 LIZA PADEN: It's related to it,
5 yes.

6 HUGH RUSSELL: And case 9999?

7 LIZA PADEN: Oh, the Starbucks.

8 HUGH RUSSELL: I'm curious to know
9 how much of the vacant space the Starbucks is
10 going to take. It's a matter of curiosity.
11 I don't think it's a matter of Planning
12 basically.

13 LIZA PADEN: The Starbucks where the
14 Omega Jewelry Store was, they are proposing
15 to take a significant amount of space.
16 They're taking two floors. So they're taking
17 the corner, the whole corner of the building
18 between Cambridge Savings Bank and the
19 Citizens Trust. Citizens Bank. I keep
20 calling it the wrong name.

21 CHARLES STUDEN: Is this going to be

1 the largest Starbucks in the world?

2 LIZA PADEN: I don't know. Right
3 here in Harvard Square.

4 CHARLES STUDEN: If I remember that
5 building, I think it is going to be the
6 biggest Starbucks in the world.

7 LIZA PADEN: It's two floors that's
8 all I can tell you.

9 HUGH RUSSELL: It isn't the entire
10 frontage.

11 THOMAS ANNINGER: It doesn't go very
12 deep.

13 LIZA PADEN: No.

14 HUGH RUSSELL: So there's, I think
15 it's 1, 2, 3, 4, 5, 6, 7 bays on the front of
16 the building. I think Omega had this last
17 piece over here. (Indicating). I'm not
18 certain of that.

19 CHARLES STUDEN: You said it was
20 running from the bank. Cambridge Savings
21 Bank.

1 HUGH RUSSELL: And upstairs they're
2 taking the whole floor, and there's a piano.

3 LIZA PADEN: So there may be a
4 ground floor facade space that they're not
5 taking.

6 HUGH RUSSELL: Yes, it is.

7 LIZA PADEN: Oh, okay.

8 HUGH RUSSELL: I think the Omega
9 took the whole front floor of it. And this
10 piece that used to be cafeteria many, many,
11 many years ago is still....

12 PAMELA WINTERS: It was in Ben
13 Affleck's recent movie, The Town.

14 HUGH RUSSELL: If they were really,
15 really politically correct, they would take
16 the corner of the shop and create a replica
17 of the Tasty.

18 PAMELA WINTERS: That would be
19 awesome.

20 LIZA PADEN: Are there any comments
21 for that one?

1 CHARLES STUDEN: No.

2 LIZA PADEN: No? Okay.

3 HUGH RUSSELL: The next item on our
4 agenda is an update from Susan Glazer.

5 SUSAN GLAZER: Thank you, Hugh. Our
6 meetings in October are scheduled for October
7 5th and 19th. I can't tell you what's on the
8 agenda yet. We'll have to see how this
9 evening progresses.

10 In November, however, we have only one
11 meeting scheduled on November 16th. As you
12 know, November 2nd is an election. We don't
13 hold meetings on that day. And so right now
14 we only have one meeting in November.

15 And following then in December,
16 December 7th and December 21st. So we'll see
17 how the schedule progresses.

18 HUGH RUSSELL: Okay.

19 SUSAN GLAZER: And one other item
20 not regarding the schedule but more to a memo
21 that I believe Liza sent you regarding the

1 Open Meeting Law training, if you haven't
2 signed up for any of those sessions, please
3 send Liza an e-mail and let us know what
4 you're thinking is on that.

5 WILLIAM TIBBS: I was a little
6 confused because I wasn't sure if you were
7 saying it's only for chairs.

8 SUSAN GLAZER: It is strongly
9 advised that all board members, if possible,
10 attend one of these sessions.

11 WILLIAM TIBBS: Okay.

12 HUGH RUSSELL: It does say
13 mandatory for chairs.

14 THOMAS ANNINGER: Liza, can you
15 remind us as it gets closer to those dates
16 what we signed up for?

17 LIZA PADEN: Okay.

18 THOMAS ANNINGER: Thank you.

19 HUGH RUSSELL: Okay. So, let's go
20 on to the next item on our agenda. The
21 McKinnon, et. al. Petition to amend the

1 Zoning Ordinance, Section 13.70.

2 How are we going to proceed? The staff
3 has some material they want to present? I
4 assume we should let the Petitioner start and
5 see what they want. This is a public hearing
6 so there will be an opportunity for people to
7 testify in a while. And there's a sign-up
8 sheet over on the window.

9 RICHARD MCKINNON: Thank you,
10 Mr. Chairman. May I begin?

11 HUGH RUSSELL: Please.

12 RICHARD MCKINNON: My name is Rich
13 McKinnon, and I live in the district that's
14 being rezoned. My address is One Leighton
15 Street, unit 1905. That's North Point in
16 Cambridge, 02141.

17 I'm the Petitioner for this Petition.
18 And the reason I've done it is I worked with
19 Dean Stratouly from Congress Group to bring
20 EF to North Point many years ago. They were
21 the first development in North Point over 15

1 years ago. And they have reached the point
2 where they've outgrown their existing
3 building. They are a terrific company. They
4 are rare. They need more space. They're
5 looking to hire another 450 employees. And
6 sitting behind them where the red star is is
7 the DOT surplus parcel that has been out
8 there for a very, very long time. It goes
9 way back to the Carol Johnson master planning
10 days. And I think it all but got forgotten
11 when we did the rezoning of North Point ten
12 years ago. But it was there, we knew it.
13 And so we have -- EF has placed a bid under a
14 competitive bidding process that was run by
15 DOT. The bids were closed in the 2nd of
16 September, and we're in negotiations with DOT
17 now. And I'll let our Attorney Richard
18 Rudman to bring us up to date on precisely
19 where that stands. But it is our hope that
20 we would be awarded the bid. And in order to
21 put -- in order to put EF into the site, onto

1 that site, there's a specific building
2 program. This isn't a case of a developer
3 saying oh, give me a big zoning envelope and
4 I'll go try and find tenants and I'll fill it
5 up. Dean and I are really acting like
6 mechanics. We're like ironworkers or
7 carpenters that are just helping to
8 facilitate this process for EF. They know
9 exactly how much space they need. They know
10 exactly what they're building program's going
11 to be. And we know what size building we
12 have to put on the site. And in order to do
13 that, it requires an Amendment of the Zoning
14 Code. And we are trying to do an Amendment
15 that I think respects the principles of this
16 Board as established over the years that has
17 a great respect for precedent and it relies
18 upon existing principles. And I hope Richard
19 our attorney, Richard Rudman will be able to
20 explain that to you a bit more when we get to
21 that.

1 I'm going to keep my piece short,
2 Mr. Chairman, because I'd like you to have a
3 chance to hear from Martha Doyle who's the
4 President of EF, and to have her come up here
5 and speak to you directly about her company.
6 I'd like you to have a chance to hear from
7 Richard Rudman from DLA Piper just about the
8 various elements of the Zoning Petition. And
9 then I'd also like you to just have a chance
10 to hear from Sam Norod. There had been some
11 planning issues that have arisen in the three
12 meetings that we've had with our neighbors,
13 and certainly some in just discussions we've
14 had with our immediate neighbors from Regatta
15 who will be going down to meet with them on
16 October 4th and we'll begin in a long
17 dialogue I'm sure with them. So, I'd like to
18 be able to have Sam come to speak.

19 But before I have Martha come up, I'd
20 like to just remind the Planning Board of one
21 thing, and I think some members have been

1 been here for sometime and may remember it.
2 When EF entered into discussions with
3 Congress Group some 20 years ago really, to
4 decide to come out to North Point, North
5 Point was nothing like it was today. If you
6 think it's grim now, you should have been
7 there 20 years ago. There were no roads.
8 There were no utilities. There was no
9 (inaudible) bridge. There was no North Point
10 Park. And there were no buildings. The
11 nicest building we could bring our lenders to
12 was the Charles Street jail, and at least
13 point out to them proudly that it was
14 designed by Hugh Stefans (phonetic) a famous
15 Cambridge architect in spite of its use.
16 There was nothing to look at out there, it
17 was grim. But what was worse, though, is
18 what was there. Cambridge brought all of its
19 trash to North Point everyday. We had a
20 gigantic trash transfer station out there,
21 and just hundreds and hundreds of trucks

1 would come out there. When we would take the
2 ladders out to North Point, we had seagulls
3 at North Point the size of alligators,
4 Mr. Chairman. And when we would take the
5 ladders out there to look around the site,
6 whether it was rain or shine, we needed very
7 big umbrellas, I assure you. Under those
8 conditions EF made the decision still to
9 leave One Memorial Drive, their original
10 location here in the states, and to move out
11 to North Point and to build the very first
12 building there. Because it was the first
13 building, Dean and I had to build roads. We
14 had to bring in all the utilities. It
15 triggered, as I think your staff, many of
16 whom were here with me at the time, remember.
17 And it also allowed us to donate the first
18 parcel of land to the North Point Park thus
19 leading to the creation of North Point Park
20 itself.

21 EF has been central. I look back

1 historically and having been a part of the
2 history, their decision to come to North
3 Point was a central decision in getting North
4 Point going. They've toughed it out through
5 some very difficult times, and they're here
6 tonight. They didn't ask for a nickel then.
7 They didn't ask for any state aid, federal
8 aid or city aid. Nor are they doing it this
9 time around either. It's a competitive bid
10 for the land. They're paying a competitive
11 price. And furthermore, the City Manager in
12 the negotiations we've had with him coming up
13 to this point, because part of the building
14 will be occupied by the health and -- the
15 health school of business, it's a school and
16 it's subject to being exempt from real estate
17 taxes. The City Manager likes to collect
18 real estate taxes as all of you know, and we
19 have agreed to enter into a 50 year covenant
20 with him. So that even though part of the
21 building is tax exempt, it will pay for real

1 estate taxes. They've been a great neighbor.
2 I think you may have a letter from school
3 committee Fred Fantini. It speaks to it.
4 We're very pleased to have the support of the
5 East Cambridge Planning Team. We have the
6 support of many, many unions. I didn't think
7 it was the best use of Planning Board time to
8 bring 50 union workers into the room to speak
9 tonight. So we've just asked the members to
10 communicate to you with letters from their
11 leaders.

12 So, that's a little bit of the history
13 and that's why I'm here. And if you'll allow
14 me, I'd like to have Martha Doyle the
15 President of EF come up and speak.

16 HUGH RUSSELL: If people are
17 speaking, they should start by giving their
18 name and address.

19 MARTHA DOYLE: My name is Martha
20 Doyle D-o-y-l-e and I live at 2444 Beacon
21 Street, Chestnut Hill, 02427. It is -- can

1 you hear me? Okay.

2 It is a pleasure and an honor to be
3 here, and thank you very much for giving me
4 the opportunity to introduce EF to you. I
5 will try to be very quick about it.

6 To explain what EF is I need to explain
7 very quickly where we've been. We were
8 founded in 1965 by one man who was Swedish
9 and dyslexic and had dropped out of school.
10 And when you're dyslexic in the 50s and 60s,
11 and it was something that no one understood,
12 and he was thought to be stupid which he knew
13 wasn't true. And he felt for sure there was
14 a more direct way to learn. And in
15 particular a way to learn languages. So he
16 started a program that brought Swedish
17 students to England for the summer. They
18 lived with host families, and they learned
19 English and they practiced it with their host
20 families. This was both a great market need
21 in Sweden because if you're Swedish, there

1 are only nine million people who speak what
2 you speak, and otherwise you have to learn
3 something else. It was -- we took advantage
4 of market opportunities. Schools in England
5 were empty. Swedish teachers were delighted
6 to go to England just in exchange for a free
7 trip, and they would do all the teaching.
8 And families in England were delighted to
9 host Swedish students with their kids for the
10 summer.

11 At the time EF stood for Europeiska
12 Feri eskolan which is Swedish for European
13 Holiday School. Now more than 50 years later
14 we have grown from two employees to 33,00
15 teachers and staff. We have grown from that
16 one little product to 16 products operating
17 in over 50 countries. And from that one
18 little office in a garage to 400 offices and
19 schools around the world. And now EF stands
20 for Education First. And we are the world's
21 leader in international education programs.

1 Our mission is to increase global
2 awareness by breaking down barriers of
3 language, culture or geography. And the
4 symbol of that mission stands in front of our
5 front door in Cambridge. It's one of two
6 fully intact sections of the Berlin Wall
7 which was a gift from all EF employees to our
8 founder for his 50th birthday. The way we
9 accomplished this mission is through our 16
10 products and services in four main areas.

11 We run language programs which include
12 one of the world's largest online language
13 programs, which has over 10 million students.

14 We also serve as a language trainer for
15 a lot of big international events, like the
16 Olympics or the World Cup Games.

17 We run cultural exchange programs. We
18 run international tours. In fact, we're the
19 only tour company that is accredited as a
20 fully educational institution.

21 And we run real traditional academic

1 programs like our Halls International School
2 of Business which is ranked 23rd in the
3 world.

4 We had our North American headquarters
5 in Cambridge since 1987. We started -- we
6 chose Cambridge because Cambridge is really
7 the education capital of the United States,
8 and is branded as such worldwide. We started
9 at One Memorial Drive 23 years ago. And when
10 we outgrew that space in less than ten years,
11 our landlord was Steve Stratouly and he
12 suggested we look at North Point. We wanted
13 to stay in Cambridge but there wasn't a place
14 that was right for us. And you heard from
15 Rich, and you all know, and I remember you,
16 Mr. Chairman, from those days, North Point
17 was a dump if I may say. But the city had
18 great vision for that location, and it was
19 that vision that really inspired us to invest
20 there and to be the pioneers in this area.
21 And we've had 15 wonderful years in this

1 location. We have tried in those 15 years to
2 be a very supportive member of our local and
3 immediate community. As Rich said, we pay
4 taxes even in the situations where we don't
5 have to. We try to hold ourselves to
6 significantly higher environmental
7 regulations than are mandated. And our
8 company who is growing incredibly rapidly.
9 And now we plan to and need to hire at least
10 400 people in the next two years. And it's
11 just not viable in our offices right now.

12 So as Rich pointed out, this is not a
13 development. This is not a developer. There
14 is nothing that is speculative about this.
15 This is just an education company that is
16 growing, that wants to stay here. We have
17 offices in Miami and San Francisco and
18 Denver, but North Point is our home. And we
19 really retained Rich and Dean to help us
20 develop something that is appropriate for
21 this site and this community and that will

1 allow us to stay here and grow here which is
2 really our intention for many, many decades
3 to come.

4 Thanks very much.

5 HUGH RUSSELL: Thank you.

6 RICHARD MCKINNON: Thank you,
7 Martha. By the way, Martha is very tight
8 with those books that she just gave out. I
9 once again don't have one of my own, Martha.

10 Could we go to the next -- thank you,
11 Stuart.

12 Before I ask Richard Rudman to come up
13 and talk about the Zoning, I'd like to -- the
14 Petition is in my name. And I'd like you to
15 get some idea of some of the thinking that
16 went into figuring out the best way to be
17 able to put this building program on this
18 site. I've been coming up here too long to
19 try to flatter you folks. I say this
20 truthfully. I've always look at the Planning
21 Board as for developers and the world of

1 planning, our Supreme Court here. I have a
2 great respect for the Board. I have a great
3 respect for precedent. I'm not trying to
4 take the Board into places that it -- that
5 knowing very well that others are going to
6 want to follow. Especially places we've been
7 banned in. I have a great respect for
8 existing principles that are in the Zoning
9 Code. And when trying to do a rezoning, I
10 think it's important to respect the precedent
11 and also to use the existing principles that
12 are already established in the Cambridge
13 Zoning Ordinance. And especially in this
14 instance the ones that are established at
15 North Point.

16 The objective here was to build a
17 second 220,000 square foot home for EF in
18 North Point. The parcel that's available was
19 a 55,000 square foot parcel by DOT. The
20 obstacles that are presented immediately are,
21 you've got a minimal development parcel size

1 at North Point of 100,000 square foot, eight.
2 Which by the way, is another one of those
3 things that makes me think maybe we weren't
4 thinking of the eastern side of the bridge
5 when we did North Point. But be that as it
6 may, we've got the minimum development parcel
7 size of 100,000 square feet in the North
8 Point zone. And this parcel, which has been
9 out there for many, many years, is a 55,000
10 square foot parcel.

11 Many years ago we did a city wide
12 rezoning. And what we really did is we
13 scraped all the force out of our Zoning
14 Codes. Most of them were crowned as you
15 remember in the old industrial A and
16 industrial B zones. And I think there was a
17 sense city wide that boards weren't
18 appropriate. That we wanted to bring our
19 caps down to 3.0. And we did so in the new
20 zone. And the only place you'll find higher
21 FAR's are in the MXD that have been there for

1 20 years, but that's on redevelopment
2 authority there which I always figure could
3 be in Katmanzoo as well as in Cambridge as so
4 much has rules onto itself.

5 The North Point PUD-6 FAR has a maximum
6 of 2.4 for a non-residential development
7 which this is. But, if I take 220,000 square
8 feet building program, divide it into 55,000
9 square feet, I wind up with a FAR of 4.0. It
10 has been suggested when I first met with Beth
11 before she left, well, why don't you do that,
12 Rich, it's on the other side of the bridge.
13 It's in its own world. It's the last
14 building over on this side of the bridge. I
15 think the problem is, I'm pretty good at
16 following someone else who opens up a
17 precedent and I think people would follow me,
18 too, if we did it that way. I think if
19 there's another way to do this without going
20 back and reviving the fours, we're all better
21 off doing it that way. And I think if

1 there's a way to do it, it also let's us stay
2 with in, not just the fours, under the fours,
3 but under the 2.4 we're better off doing it
4 that way. So the solution was really driven
5 by the two obstacles. The minimum
6 development parcel and the maximum
7 non-residential FAR. One being 100,000, the
8 other being 2.4.

9 If you look at 13742, there's a concept
10 in there written in the North Point Zone that
11 already existing. And it says: That parcel
12 size may include adjacent land that's
13 dedicated, as open space. And my assumption
14 was if that's okay on the western side of the
15 bridge on the Melon Property, it might be
16 okay here for EF as well. Because the
17 principle is the same principle that adjacent
18 parcels that's dedicated to open space to
19 your development parcel can reconstitute the
20 development parcel size. And I'll ask
21 Richard to explain how the corollaries can

1 di ffer but the pri nci ple remai ns the same on
2 both side of the bri dge.

3 And the speci al legi slati on -- none of
4 this has been easy by the way, to get to this
5 poi nt. But we had to adopt speci al
6 legi slati on. One of the reasons we adopt --
7 we submi tted it and set a de domeni co and
8 Representati ve Toomey submi tted this speci al
9 legi slati on. It was passed unani mousl y by
10 the Mass. State Senate j ust before they
11 adj ourned in July 30th. And it's in the
12 Senator -- it's in the state budget
13 appropri ati on and the suppl emental budget
14 whi ch owned by the Speaker of the House as
15 soon as they return, they'll adopt it. And
16 the Govern or said he'll sign it. So this
17 Bill will be there.

18 It does a couple of thi ngs: It let's
19 us do the Chapter 91 li cense and meet
20 simul taneousl y. Because as you can i magi ne,
21 Martha woul d rather us go faster rather than

1 slower. She has a real requirement to get in
2 there. But it does something else. In the
3 legislation and under public documents in the
4 exhibits that I submitted to the Board, there
5 were three of them; a letter from the Mayor,
6 City Council resolution and then this
7 legislation, there's language that says: The
8 EF will be allowed such land to be included
9 with the parcel as a single development
10 parcel under the Zoning Ordinance of the City
11 of Cambridge.

12 So, we had to stretch far to respect
13 these principles that have been established
14 here. But stretch we did. And I'm able to
15 come here tonight with a Zoning Petition that
16 uses existing principles, keeps the FAR not
17 at four but brings it down to less than 2.4
18 and respects the existing FAR at North Point,
19 city-wide FAR's where we got away from the
20 fours and doesn't utilize in principles that
21 are already in our Cambridge Zoning

1 Ordi nance.

2 I 'm goi ng to ask Ri chard to go through
3 the poi nts, but that' s the thi nki ng that
4 we' ve gone through. And I hope the Board
5 appreciates that we' ve tried to respect what
6 you do on your si de of the equati on up here.

7 Thank you.

8 HUGH RUSSELL: Thank you.

9 ATTORNEY RI CHARD RUDMAN: Thank you,
10 Ri ch.

11 Mr. Chai rman, members of the Board, my
12 name i s Ri chard Rudman. I 'm an attorney wi th
13 DLA Pi per. Our offi ces are at 33 Arch Street
14 i n Boston. Once upon a time I l i ved i n
15 Cambri dge, but my wi fe and I found that we
16 could not at that time afford two bathrooms
17 i n Cambri dge. And when we got marri ed, we
18 needed two bathrooms. So I 'd l ove to be back
19 here.

20 We were -- coul d you fl i p over to the
21 next -- I di dn' t want to be on that. We were

1 given the task by EF and Dean and Rich of
2 trying to as narrowly and surgically as we
3 could propose Zoning Amendments that would
4 allow for the construction of the EF building
5 on the site that is being made available by
6 the Department of Transportation. This is
7 actually the front page of the request for
8 proposals that the state issued, and the
9 parcel that we are talking about is the small
10 yellow parcel that is enclosed there in red.
11 And that's about 55,000 square feet of land
12 area. We have been selected by DOT as the
13 only party that they are negotiating with
14 respect to this parcel. We've had some very
15 productive meetings with them and expect that
16 we will be wrapping up an agreement that DOT
17 can take to their Board for approval in the
18 near future. They would like us to pay more
19 for the land, we would like to pay less. And
20 then that will work itself out.

21 If you could flip on to the --

1 This is a page out of the Charles River
2 Basin master plan actually from 1999. The
3 site that is being made available for
4 development is the site that is designated
5 there with a star. So the point here is that
6 this is a piece of land that has been thought
7 of as a development parcel for quite some time
8 and as part of the overall planning process.
9 In fact, if you go back earlier than 1999,
10 the original proposals were for the
11 development of land both where the star is
12 located, but also on the other side of the
13 cul-de-sac for the North Point Park. And
14 during the course of the planning for the
15 Charles River Basin, the other side of that
16 cul-de-sac sack was programmed for parkland.
17 And this parcel remained as what was
18 available for development.

19 In terms of a building what EF needs on
20 this site, we identified three principle
21 substantive requirements in the Zoning Code

1 that needed to be adjusted.

2 One of them is height. One of them is
3 limitations on non-residential use in the
4 North Point area. And the third is a
5 requirement for public open spaces.

6 And I do want to say just by way of
7 background, Rich McKinnon talked about a
8 220,000 square foot building that EF needs.
9 That is in fact the required FAR under the
10 Cambridge Zoning. But that is because
11 parking counts as FAR under Cambridge Zoning,
12 and only about 150,000 square feet plus or
13 minus is going to be the usable space that is
14 needed for EF.

15 If you could flip to the next slide.

16 In terms of height, right now the
17 permitted height on the development parcel is
18 a maximum of 85 feet. On the other side of
19 the North Point Park cul-de-sac and where the
20 current EF building is located, the maximum
21 height is 150 feet. So what we are proposing

1 as part of this Zoning Amendment is that the
2 current 150-foot zoning height district on
3 one side of the cul-de-sac be expanded to
4 cover the other side of the cul-de-sac on
5 over to the highway ramps.

6 So, Sam, if you could go to the next
7 slide.

8 This is the height map for the North
9 Point PUD. You'll see that on the other side
10 of Gilmore Bridge there are height districts
11 that go up to 220 feet right along the
12 Gilmore Bridge, and back along the Somerville
13 line and then lesser heights on the interior.

14 On what I'm going to call our side, the
15 Charles River of the Gilmore Bridge, you'll
16 see there's a 150-foot height district which
17 is now where the Museum Towers project is
18 located and where the existing EF building is
19 located. On the other side of the cul-de-sac
20 we've struck through the 85-foot maximum
21 what, it says under the strike through, it

1 says 65 to 85 feet depending on various
2 variables. And this proposal would allow
3 150-foot maximum height in that area.

4 HUGH RUSSELL: Do you know what the
5 height of the existing EF building and
6 existing Museum Towers is?

7 RICHARD MCKINNON: It's about 119
8 feet.

9 THOMAS ANNINGER: 119?

10 RICH MCKINNON: That Museum Towers
11 is about 235.

12 HUGH RUSSELL: Thank you.

13 ROGER BOOTH: We actually have a
14 Board that shows those heights.

15 HUGH RUSSELL: Okay. That's fine.
16 I didn't mean to derail your presentation.

17 RICHARD MCKINNON: We have a quick
18 presentation on heights if you like following
19 this too, Mr. Chairman.

20 HUGH RUSSELL: Please proceed.

21 ATTORNEY RICHARD RUDMAN: I'll

1 finish up on the lawyer stuff and then Sam
2 Norod our architect can address some of the
3 planning principles. Sam, if you could flip
4 over to me to the next slide.

5 The next Zoning requirement that
6 requires -- I'm going to use the phrase
7 adjustment, is a provision which says the
8 buildings in any development parcel cannot be
9 more than 35 percent non-residential use.
10 So, at least 65 percent residential. No more
11 than 35 percent office, retail, other
12 non-residential uses. That obviously does
13 not work for the EF building which is
14 programmed entirely for office and
15 educational use. There will be public uses
16 on the ground floor.

17 The -- so the change that we are
18 suggesting in the Zoning is to allow this
19 Board, the Planning Board, to have the
20 discretion in granting a Special Permit.
21 This project is going to need a Special

1 Permi t. That as part of the Speci al Permi t,
2 the Pl anni ng Board coul d allow up to 100
3 percent non-resi denti al for a project where
4 there is one bui lding on the devel opment
5 parcel. So, we're not creati ng anythi ng as
6 of ri ght, but we are allowi ng thi s Board the
7 assumpti on that you wi ll fi nally have a
8 project from EF that you're comfortabl e wi th
9 to allow i t to be 100 percent offi ce.

10 The poi nt of thi s Board, whi ch i s al so
11 I thi nk helpf ul from a pl anni ng perspecti ve,
12 if you look at the nei ghborhood that i s
13 between the Gil more Bri dge and the Charles
14 Ri ver, Museum Towers, the existi ng EF
15 bui lding, there i s a smal l offi ce bui lding on
16 O' Bri en Hi ghway, and then the new proposed EF
17 bui lding, the amount of resi denti al at Museum
18 Towers i s very cl ose to the 65 percent
19 pl anni ng obj ecti ve that' s i n the Zoni ng.
20 It' s 63.7 percent. But the poi nt i s that we
21 do have a mi xed use nei ghborhood there i f you

1 take a look -- if you look at it -- view it
2 as a whole.

3 If you could go to the next slide.

4 The third substantive issue that we
5 have to deal with is a requirement for
6 setbacks where a building is located closer
7 than 50 feet to public open space. And what
8 the Zoning Code requires is that if a
9 building is closer than 50 feet to public
10 open space, then at the 65-foot height level,
11 it has to be stepped back basically 20 feet.
12 The proposed EF building as you could see if
13 you could read these numbers, and we have
14 copies of this plan if you would like to see
15 it as a hard copy, but on the left and the
16 right towards the cul-de-sac and towards the
17 highway ramp, there is less than 50 feet
18 between the edge of the building footprint
19 and the edge of the area we're going to be
20 developing. And everything outside the area
21 that we're going to be developing is public

1 open space. But because we are surrounded
2 actual ly on three sides by publ ic open space,
3 we have di ffi cul ty in meeti ng the setback
4 requi rements. And i n fact, i f we had to meet
5 them, we woul d lose somethi ng l ike 15 or 20
6 percent of the usabl e space i n the bui l di ng.
7 The bui l di ng woul d have to be hi gher or i t
8 woul d be too smal l for EF.

9 We are pl anni ng on mai ntai ni ng the
10 50-foot setback from the property l i ne faci ng
11 the Charl es Ri ver. Though, there may be a
12 techni cal requi rement here that we are not
13 sati sfi ng because i t i s the i nte nti on that
14 that area, even though i t i s goi ng to be
15 wi thi n the EF si te, wi thi n the devel opment
16 parcel , i s al so goi ng to become publ ic open
17 space. Because the pl an i s that EF i s goi ng
18 to be bui l di ng some attracti ve open space
19 i mprovements, a pl aza, al l wi th the approval
20 of the state whi ch i s responsi bl e for the
21 parkl and. But the si te actual ly becomes

1 integrated with the park. And we may
2 actually have the development site, the area
3 that EF is going to own, become public open
4 space as well.

5 So, the proposal that's made in the
6 Zoning Amendment is to exempt the area which
7 is between the Gilmore Bridge and the Charles
8 River from this public open space setback
9 requirement. And the open space that we
10 would be talking about is the open space that
11 is around the EF building, the new EF
12 building. And of course that would be also
13 subject to getting a Special Permit from this
14 Board for the building to go forward.

15 RICHARD MCKINNON: It wouldn't be an
16 as of right exception, Richard, right?
17 Subject to Planning Board approval.

18 ATTORNEY RICHARD RUDMAN: Right.
19 There are some -- why don't we flip
20 over to the next slide. The next one, Sam.
21 The one with all the text. Are we having

1 trouble keeping them?

2 SAM NOROD: We may have given that
3 up.

4 ATTORNEY RICHARD RUDMAN: Let me
5 talk to this. The print I think is pretty
6 small to read. I think you have copies of
7 this as a handout.

8 As Rich explained, there is a
9 requirement in the PUD District, the North
10 Point PUD District for a minimum 100,000
11 square foot development parcel. The
12 development parcel of which DOT is making
13 available is only 55,000 square feet. It
14 doesn't meet the 100,000 square foot
15 requirement. However, under the existing
16 Zoning, there is a provision which says the
17 development parcel can also include public
18 open space which is made subject to an
19 agreement with the City of Cambridge that's
20 enforceable by the City Cambridge that that
21 land will remain open space forever. And

1 what we have agreed on with the state is that
2 to allow the development of this site,
3 they're going to enter into an agreement with
4 the City of Cambridge committing that at
5 least another 45,000 square feet of the park
6 is going to be public open space forever.
7 And that the City of Cambridge approval,
8 agreement would be necessary in order to
9 change that use of the park. So that will
10 satisfy the requirements under the Zoning to
11 include the 100,000 foot development parcel
12 except for two, what I think are technical
13 aspects. But I want to present them so that
14 you fully understand them.

15 What Section 1374.2 currently says is
16 that the minimum open space parcel, the
17 minimum development parcel, excuse me, is
18 100,000 square feet or 75 percent of all of
19 the lots that existed on June 1, 2001 and
20 have a portion included in the development
21 parcel. What this was intended to get at is

1 the land on the other side of the Gilmore
2 Bridge where there are some very large
3 parcels. And it was to limit the subdivision
4 of those parcels into different smaller
5 development parcels each of which could be as
6 small as 100,000 square feet. So that the
7 planning for the large North Point
8 Development would go forward based on
9 planning for large development areas. There
10 couldn't be changes, major changes to create
11 new parcel lines for the purpose of coming up
12 with smaller development areas.

13 That creates a problem for us because
14 the Department of Transportation and the
15 state on June 1, 2001, and to this day owns a
16 lot of land on the other side of -- on the
17 Charles River side of the Gilmore Bridge. So
18 that if we were subject to this 100,000
19 square feet or 75 percent of the existing
20 lots, we would have to have a development
21 parcel that was 75 percent of our land plus

1 all of the state land that surrounds us. And
2 the state is not willing to include all of
3 that land in the development.

4 RICHARD MCKINNON: Nor do we want
5 it, Richard.

6 ATTORNEY RICHARD RUDMAN: So we
7 are -- the change that we are proposing is to
8 say that for land that is owned -- that was
9 owned by the Commonwealth on June 1, 2001,
10 only the 100,000 foot minimum applies. And
11 for the second part of the task, or greater
12 of the 75 percent that was owned together
13 would not apply to the Commonwealth.

14 The other change to this provision is
15 that what it currently provides is that the
16 open space must be dedicated by an agreement
17 with the City of Cambridge before a Special
18 Permit is issued. And we have a difficulty
19 because the state is not going to sign
20 anything until -- they will sign an agreement
21 with us. We don't have a binding agreement

1 with the state, but final closing documents
2 will not be signed until we have all of our
3 approvals. So --

4 HUGH RUSSELL: It's chicken and egg.

5 ATTORNEY RICHARD RUDMAN: It's the
6 chicken and egg problem.

7 RICHARD MCKINNON: Right.

8 ATTORNEY RICHARD RUDMAN: And what
9 we're proposing is that in this case the
10 agreement for the open space could be signed
11 after the Special Permit. It would be a
12 condition. For sure it would be a condition
13 of the Special Permit. The land area that
14 was going to be subject to this agreement
15 would be specified in the Special Permit, but
16 it would be a requirement of getting a
17 building permit would that agreement actually
18 be signed. And we think we'll probably be in
19 a position to fully negotiate the agreement,
20 have City Council approval of it and it's
21 just a matter of signing it when we're ready

1 to complete our deal with the state.

2 So those are the changes that we're
3 proposing in the Zoning. Happy to answer any
4 questions you might have about that. But
5 first I think we want Sam Norod to talk a
6 little bit about the planning principles
7 here.

8 HUGH RUSSELL: Sure.

9 PAMELA WINTERS: May I ask a
10 question before since you're the lawyer?
11 While I think this is a terrific
12 organization, my question is would this be
13 considered spot zoning where it's just for
14 this one parcel?

15 RICHARD MCKINNON: No.

16 PAMELA WINTERS: No. Could you
17 answer that?

18 ATTORNEY RICHARD RUDMAN: Sure.

19 The changes that we are proposing are
20 generally applicable to the land between the
21 Gilmore Bridge and the Charles River Basin

1 which are as a land area, that has a distinct
2 planning character being different from the
3 land area that's on the other side of the
4 Gilmore Bridge. And we're quite confident
5 that a court would never consider that to be
6 spot zoning.

7 RICHARD MCKINNON: Counts as other
8 parcels as well.

9 ATTORNEY RICHARD RUDMAN: Yes,
10 that's the point.

11 PAMELA WINTERS: Thank you.

12 RICHARD MCKINNON: Mr. Chairman,
13 when we were at three different meetings with
14 our neighbors, there were some issues that
15 came up. They certainly came up in
16 discussions we had with our neighbors
17 Regatta. And we're going to spend a lot of
18 time with our neighbors from the Regatta as
19 we go along. Our first meeting with them is
20 October 4th. But I asked Sam if he could
21 spend three or four minutes -- Sam Norod from

1 El kus at least gi vi ng you an i dea frami ng
2 some of those i ssues and let you know that
3 they are thi ngs we' re thi nki ng about. And we
4 obvi ousl y know they' ll be part of the PUD
5 process and meeti ng wi th our nei ghbors as we
6 go forward. Okay? But to gi ve you some
7 context as well , some of the thi ngs that
8 we' ve al ready begun to look at.

9 Thank you.

10 SAM NOROD: Thank you, Ri ch.

11 My name i s Sam Norod wi th El kus,
12 Manfredi Archi tects. Our offi ce i s at 300 A
13 Street i n Boston.

14 It' s i nteresti ng, when Martha fi rst
15 asked about thi s bui ldi ng, the fi rst questi on
16 was: Do we have to go to Denver? Do we have
17 to go to Mi ami ? Do we have to go to San
18 Franci sco? Or can we stay i n North Park?
19 Can we have a bui ldi ng cl ose to us that we
20 can wal k back and forth between that wi ll fi t
21 the program that we need? Get cars i n i t and

1 fit the flexibility of the program of both
2 the educational component and the office
3 component?

4 So we looked at the site, having been
5 familiar with it, and Rich and Dean didn't
6 say too much about the first time I went out
7 there with them and the seagulls were
8 circling from the BFI transfer station. And
9 we had a very good look at what was going on.
10 But as Richard suggested, the very first
11 thing we did was take a look at setting this
12 piece back from the public area 50 feet.
13 Until the boundary is confirmed with the
14 state, it may be 49 and a half feet, it may
15 be 52 feet. We're still trying to get that
16 waterside boundary established. And we
17 placed the building so that it sits in the
18 northwest corner of the park. So shadows are
19 virtually non-existent. And if it shields
20 the MWRA pumping facility, it shields the
21 highway ramps. It shields the train

1 stations. It shields the sand and gravel
2 operation at the far side. So, having looked
3 at a lot of open space around the country,
4 now around the world, one of the things we
5 noticed that is very important is the edge of
6 an open space. An open space can sit as a
7 field and have no boundaries as you would see
8 in a national park. An open space in an
9 urban zone can really benefit from a
10 powerful, strong, clear, understandable edge.
11 And this park -- we'll go to the next image.

12 Right now from the park what you see is
13 a raised platform in an existing building,
14 previous building, a highway ramp, the MMRA
15 pumping station in the background. And we
16 think that the -- a building closing off that
17 view, is actually a very appropriate way to
18 screen some of those activities that are not
19 really associated with the park.

20 In addition to that, the open space
21 around the base of the building will also

1 contribute to the park space. We're planning
2 a public facility in the lobby. Probably
3 food of some sort on the cul-de-sac side
4 fronting to the park. And then building
5 lobby. So there are public and active edges
6 as well as the building's screening what
7 exists.

8 And to the question of height, we
9 looked at the Zoning on both sides of the
10 Gilmore Bridge. We looked at the existing
11 building. We had some -- there's always this
12 question about parking and uses. We wanted
13 to get the people in the building up enough
14 so that they were over the highway ramp in
15 the occupied space because they're very close
16 to it. And we also felt the need to get
17 parking into the building. We can't go down
18 because of the soil conditions. And so we
19 put the parking above the lobby, and that's
20 been lifted the additional height to get the
21 first floor of office space above the ramp.

1 And we -- this isn't in the PowerPoint.
2 We've actually -- it would be impossible to
3 reach the board.

4 HUGH RUSSELL: You don't think the
5 skateboard park might be really cool to look
6 at?

7 SAM NOROD: The skateboard park --

8 MARTHA DOYLE: Yes.

9 SAM NOROD: The skateboard park will
10 indeed be very cool to look at. And we've
11 talked about some possible ways to interface
12 with the skateboard park. We know that
13 there's a DCR pathway running between the
14 building and the park. But one of the things
15 that's attended to the activity in the
16 skateboard park, is we see a lot of tagging
17 in urban areas. And one of the concepts as
18 we get into the developing the building
19 further, is we think we might make -- might
20 be able to make that north face of the
21 building solid because we have parking behind

1 it, and some service areas. And we would
2 like to, if we can figure out how to do it,
3 provide it as a space for some of the local
4 artists to come in and actually use. The
5 idea being give them something that they can
6 work on, they can maintain themselves and
7 then we come back to, you know, clean it up
8 periodically. Rather than just turning the
9 back on an important component of this which
10 is the skateboard park.

11 So, those diagrams are actually
12 reflected in this board up here. Maybe I
13 should turn the board.

14 MARTHA DOYLE: Do you want me to
15 hold it right here?

16 SAM NOROD: They all have them.

17 WILLIAM TIBBS: It's for the public.

18 SAM NOROD: And one of the things we
19 have learned about this whole tagging issue
20 is that if you can get the artists not to mix
21 brake fluid in with their paints, they become

1 a lot less permanent. We're still working on
2 that detail.

3 So we took a look through the Charles
4 River. We were curious about what happens on
5 both sides of this river, not just the park
6 side and the Cambridge side. So, if you look
7 at the -- what's directly across the river
8 and what is the jail, we're having a little
9 trouble getting the exact height. Somewhere
10 within the 70, 80 foot world. The Spaulding
11 Hospital is at its current configuration. We
12 don't know what it's currently at. It will
13 be a little taller.

14 Certainly as you move up the river, a
15 couple of projects that we worked on at
16 Emerson Place, you get up over 200 feet. You
17 get up to MGH, it's 375. The same thing
18 happens moving up the river on the Cambridge
19 side because of the Sonesta and Riverside,
20 they're approximately 120 feet, and the
21 buildings get taller. Moving back away from

1 the river, the buildings also get taller.
2 And the Zoning for the other side of the
3 Gilmore Bridge is up over 200 feet along the
4 boundary of the bridge. So we're thinking
5 that the -- because it sits in this view
6 plane from the top if you were to take from
7 the top of the Regatta or the top of the
8 Archstone building and take it across the
9 river to the most, the most immediate
10 location, to the Spaulding or to the bridge,
11 this building at 150 feet fits in under that,
12 that plane fairly significantly. So, these
13 images are just in reference.

14 The top one is the tallest building.
15 Along that edge is Memorial Drive. Coming
16 down toward Riverside, the Museum of Science,
17 the Zakim and then looking back at Regatta,
18 third image in the middle row with the
19 current EF building imposed against that just
20 to give a sense of the scale moving back.

21 Are there any questions?

1 RI CHARD MCKI NNON: Okay.

2 SAM NOROD: Thank you.

3 HUGH RUSSELL: Thank you.

4 RI CHARD MCKI NNON: Mr. Chai rman,
5 members of the Board, I j ust wanted to wrap
6 up.

7 I live at North Point in the Archstone
8 bui lding. You're always so happy, Mr. Ti bbs,
9 when I say I'm going to wrap up. That's the
10 view from my terrace where I go and si t every
11 day. And the yellow dumpster that you see
12 out there is on the si te. The si te that
13 we' ll be bui lding thi s bui lding on. I'm
14 going to be looking at thi s bui lding
15 li terally for the rest of my li fe. I'm proud
16 of the park I helped to bui ld, and I really
17 expect to bui ld a beauti ful bui lding up
18 there. We've got a great, great company that
19 we're going to be bui lding i t for.

20 We have some chal lenges. I thi nk the
21 bi ggest chal lenge is j ust taking the time to

1 walk through some of the issue that are
2 friends from the Regatta have raised. It's
3 understandable. It's new to them. It's a
4 new building. It's on their side of the
5 bridge. As I said, to some of them tonight
6 we're all going to have bigger problems that
7 we're going to deal with together. They talk
8 about traffic. We all know 5,000 parking
9 spaces have been permitted at North Point on
10 the other side of the bridge. So Regatta and
11 EF and Archstone, all of are going to be
12 working with our big, big new famous neighbor
13 that just bought permits at North Point. But
14 we have a project that's a Rubik's Cube.
15 It's complicated. Any time you involve the
16 State House, the state legislature, the
17 Governor, all of the state agencies, the
18 Feds, the Central Artery Mitigation Program,
19 it can get complicated. And certainly there
20 are complications in this one. But
21 underneath those it's a simple project. A

1 great company that was the first one to come
2 to North Point would like to stay. They'd
3 like to build within the same envelope
4 they've built in before. They'd like to be
5 the same good neighbor that they've been for
6 the 15 years that they've been here. And
7 they'd like to build a beautiful building on
8 the site. And I'll ask the Planning Board
9 respectfully to recommend adoption of the
10 Petition to the Council.

11 Thank you.

12 HUGH RUSSELL: Thank you.

13 Are there any other questions at this
14 time by members of the Board?

15 CHARLES STUDEN: Yes, I have a
16 question.

17 HUGH RUSSELL: Charles.

18 CHARLES STUDEN: Actually I'm
19 confused. I wasn't part of the North Point
20 planning process. I've been on the Board for
21 three years.

1 RICHARD MCKINNON: Yes, I know.

2 CHARLES STUDEN: Who owns the site
3 now?

4 RICHARD MCKINNON: It's owned by the
5 Department of Transportation.

6 CHARLES STUDEN: Okay. And so does
7 this Planning Board -- and, Hugh, maybe you
8 can help me. Do we have -- I don't
9 understand, we have jurisdiction over this?
10 Why are we -- it seems like it's out of
11 order.

12 THOMAS ANNINGER: It's Cambridge.

13 CHARLES STUDEN: No, wait let me
14 explain what I'm saying.

15 RICHARD MCKINNON: Yes.

16 CHARLES STUDEN: And I'm sure all of
17 the experts in this room -- wait --

18 HUGH RUSSELL: I think if the state
19 were building for their own purposes, we
20 would have -- they have a general exemption
21 under 40-B I think. But this is not per the

1 state permissions.

2 CHARLES STUDEN: But I guess what
3 I'm struggling with what we're being asked to
4 do tonight is we're being asked to approve
5 Amendments to the Use Regulations, the Floor
6 Area Ratio and the height limit that are on
7 this site that are owned by the Commonwealth
8 of Massachusetts.

9 RICHARD MCKINNON: At this time,
10 that's right.

11 CHARLES STUDEN: At this time. And
12 that the applicant, EF which sounds like
13 you're a wonderful company and all that, but
14 if we don't do this, the site then has no use
15 at all to this particular applicant because
16 everything you're asking us to do in terms of
17 use, height and FAR, if we don't approve all
18 of that later, the project doesn't go
19 forward. So I don't want to feel like it's
20 almost like you have to do it. There's no
21 choice. If we don't, EF will not be able to

1 use the site.

2 RICHARD MCKINNON: You know,
3 Mr. Studen, I've never come before this Board
4 and board members that have dealt with me
5 know that with this take it or leave it
6 attitude. There are certainly going to be
7 this flexibility within the Zoning that the
8 Board is going to have. But I think at some
9 point there are certain elements of the
10 Zoning that we at least need to know that we
11 can apply for a Special Permit and have those
12 as elements as an envelope within which we
13 can ask the Board's permission.

14 CHARLES STUDEN: No, but let me give
15 you a specific example.

16 RICHARD MCKINNON: Sure.

17 CHARLES STUDEN: You're asking for a
18 Variance on a height limit to go to 150 feet.

19 RICHARD MCKINNON: Yes.

20 CHARLES STUDEN: The applicant can't
21 build the building that they want.

1 RICHARD MCKINNON: That's absolutely
2 right.

3 CHARLES STUDEN: I personally will
4 talk about this later, this is not part of
5 the asking questions, asking questions is --
6 I'm not sure that 150-foot building in that
7 location is appropriate. So, I guess what
8 I'm saying you're asking us to allow an
9 Amendment that would allow a building of 150
10 feet in that location?

11 RICHARD MCKINNON: I think what I'm
12 asking is to allow -- go ahead.

13 CHARLES STUDEN: If we don't grant
14 it later on, then the Applicant can't use the
15 site, period.

16 RICHARD MCKINNON: I think what I'm
17 asking is for --

18 CHARLES STUDEN: I'm struggling with
19 my hands are being tied.

20 HUGH RUSSELL: Well, Charles, I
21 don't agree. I frankly don't think if you've

1 got a 55,000 square foot site and you're
2 trying to put 220,000 square feet of building
3 on it, that you necessarily have to go to 150
4 feet. That may be the current plan, but
5 there may be other plans. And my question is
6 do we dig into that here or do we dig into it
7 at the PUD process?

8 CHARLES STUDEN: I guess that's what
9 I'm confused about as well.

10 HUGH RUSSELL: All right. And so I
11 think probably some people who are sitting
12 here waiting to testify, will probably advise
13 us on that particular subject.

14 RICHARD MCKINNON: Right. But
15 clearly we know -- to answer the question,
16 we'd like to be able to apply within 150 foot
17 Zone. We know the Planning Board is creative
18 and will find ways to ask us to look at
19 building a building that is not 150 feet.
20 But we'd like to at least have that Zone to
21 apply here, that's all.

1 Thank you.

2 HUGH RUSSELL: Okay. Let's go to
3 public testimony. I note that a member of
4 the City Council is in the room. We often
5 allow the Councilors to speak first if
6 they'd like to speak.

7 FEMALE: Thank you, appreciate it.
8 Good evening, I'm Denise Simmons, Cambridge
9 City Councilor. I'm here as a resident. I
10 live at 188 Harvard Street right down the
11 street.

12 And Mr. McKinnon has come before the
13 City Council and has talked to us extensively
14 about this project. And as you can see in
15 this document before you, there's a letter
16 not only from my colleague the Mayor, but
17 also as member of the City Council. One
18 thing we know about Mr. McKinnon is that he
19 has a social consciousness that he brings to
20 the development. So he doesn't do it with a
21 blind eye, if you will. Or just about let's

1 put a building because I can. He really does
2 engage individuals and community groups.
3 Again, as you can see from this packet before
4 you, that it is done in a thoughtful way,
5 which I applaud him for. So I like him as a
6 person and I also like the way that he
7 approaches how he develops in our
8 neighborhood. And I think the One Leighton
9 Street building really speaks to that, and
10 has brought life to an area that we were
11 fearful was going to sit dormant for a number
12 of years. And so I just wanted to sort of
13 stand behind the letter that you already have
14 from the City Council relative to the EF
15 project.

16 Now, if I may because this -- the other
17 subject is not in front of you, may I take
18 the liberty to mention that? And then I get
19 to take a 13-year-old home and she'll be
20 happy and you'll be happy as well.

21 I also wanted to speak briefly to PB

1 No. 230, 169 Western Avenue, the Special
2 Permit to convert from non-residential to
3 three units of housing. I happen to know
4 that the Applicant Ms. Walcott who has owned
5 this building -- the buildings' s been in her
6 family for years. She's a former teacher in
7 the City of Cambridge. Former resident of
8 the City of Cambridge. Has owned this
9 building for more years than I can tell you.
10 And so I feel very comfortable in supporting
11 her application knowing that she will engage
12 -- not only is she coming before the Planning
13 Board for a Special Permit, but I know that
14 she will work with the community at large to
15 build in a respectful and a socially
16 conscious way. And so I just leave you
17 before you start your deliberations, to bear
18 that in mind. You'll be hearing from the
19 Petitioner herself, and so I just wanted to
20 leave you with those thoughts as you move
21 forward.

1 I also wanted to thank you very much
2 and the audience for indulging me to have
3 this opportunity to speak to you out of
4 order. And I bid you all a very good
5 evening.

6 HUGH RUSSELL: Thank you very much.

7 The first name on our list to speak is
8 Renata von Tscharner.

9 RENATA VON TSCHARNER:

10 Mr. Chairman --

11 HUGH RUSSELL: Pam was saying I
12 should remind everyone speaking that we have
13 a three minute rule. And at the end of those
14 three minutes Pam will start indicating the
15 time is what the time is.

16 RENATA VON TSCHARNER: My name is
17 Renata von Tscharner. I'm a resident of
18 Cambridge, and I'm also with the Charles
19 River Conservancy. You know I've spoken to
20 you about the signs edification because the
21 conservancy sees itself as the advocate for

1 the Charles River parklands.

2 And as a city planner by profession, I
3 was looking at this EF proposal in a way of
4 how can I understand that? Because I know EF
5 is a wonderful company. I got to know them
6 from the inside. I had the pleasure of
7 really enjoying what they do. And I have
8 great respect. And as a city planner, I'm
9 puzzled here we have a parcel that is -- has
10 a certain height limit. We have -- and yet
11 now we have a proposal that is much higher.
12 And we also have the conflict of it being
13 right on the parklands. So, what I hope you
14 as the experts, as the voice of the residents
15 of Cambridge will look at of how can we
16 balance these things? Wonderful company. A
17 wonderful park. Mitigation funded. A great
18 asset to Cambridge. How can we bring these
19 together? How can we be creative to create
20 something that benefits everybody involved?
21 So I'd like you to look at what are the

1 impacts on the parklands. At the City
2 Council meeting about the Ordinance there was
3 questions about shadows on the parklands. I
4 think that's something you might like to look
5 at.

6 There was discussion earlier in the
7 process about providing tennis courts next to
8 the skate park. So, all these aspects need
9 to be looked at. How can Cambridge as a city
10 benefit from that building and find a
11 creative way that is -- really brings all the
12 elements together.

13 Just one idea might be to look at the
14 skate park, which is a project of the Charles
15 River Conservancy, and maybe include the
16 skate park area for the FAR. Maybe that
17 might be a creative way of looking at it.
18 And I think just the blank wall for tagging,
19 I don't think this is the best approach to
20 the skate park. I think there might be more
21 interaction that might integrate the skate

1 park which will also be a rejuvenating force
2 just like EF has been for North Point. The
3 skateboarders will be great, and they will
4 have certain needs like bathrooms, vending
5 facility, maybe a store. So I really want us
6 to think of how this new development can be
7 beneficial for the whole city and for all the
8 parkland users.

9 Thank you very much.

10 HUGH RUSSELL: Thank you.

11 Heather Hoffman says she does not wish
12 to speak. Have you changed your mind?

13 HEATHER HOFFMAN: Yes.

14 HUGH RUSSELL: And, Charlie, are you
15 going to speak or not?

16 CHARLES MARQUARDT: Yes.

17 HEATHER HOFFMAN: Hi. My name is
18 Heather Hoffman. I live at 213 Hurlley
19 Street.

20 And I'm not here to speak for or
21 against this proposal, but to remind you as

1 you have been reminded in the past when
2 proposals to change the Zoning Ordinance have
3 been brought before you because of a
4 particular land owner, or in this case
5 hopeful land owner, wants to do something
6 that the current Ordinance doesn't permit.
7 To remember that this is a change in the
8 Zoning Ordinance. This is not a project.
9 And so, in looking at this remember that if
10 everything falls apart, the changes that you
11 recommend since you are not the people who
12 pass the changes to the Zoning Ordinance but
13 you simply make a recommendation to the City
14 Council which can then do whatever it darn
15 well pleases, remember that anybody else
16 could come and use what you recommend today.

17 Thank you.

18 HUGH RUSSELL: Okay.

19 Charlie, you're next on the list. And
20 Steve Kaiser will follow Charlie.

21 CHARLIE MARQUARDT: Charlie

1 Marquardt, Ten Rogers Street.

2 I want to speak at two different
3 things, first as myself and also as a member
4 of the East Cambridge Planning Team Board.
5 From that perspective I'll start with that
6 East Cambridge Planning Team Board, we're of
7 the mind that this parcel will be sold, will
8 be developed. No ifs, ands or buts. The
9 state needs the money, we all know that. And
10 we would much rather work with the developer
11 and a builder that has worked with us and
12 built some really good projects then having
13 someone else come in that we don't know that
14 can build pretty much whatever they want. My
15 own personal fear is I do not want another
16 state monstrosity or county monstrosity like
17 the state courthouse or the county courthouse
18 stuck next to the river. I sit with that
19 every day looking at that building.

20 From a personal perspective, I look at
21 what we can do there. We have another

1 opportunity, just like we had this past
2 summer, to help a Cambridge-based business
3 stay in Cambridge. Without this building
4 they're probably going to go somewhere else.
5 And that would be a terrible loss. We worked
6 hard to keep the Broad here. We worked
7 through a whole bunch of different things.
8 What's different about this one? Is that
9 they've already offered up what they are
10 going to do. We're not going to try and
11 avoid taxes. We're going to pay our share
12 and then some. We're going to work with the
13 tennis courts. We're going to help with
14 maintaining the park. That's a benefit for
15 both the state and the city. The park -- I
16 don't know if anybody goes out there as
17 frequently as others, but it's gone downhill.
18 It is a victim of the loss of money for the
19 state. So the upkeep has not been what it
20 has been. How wonderful to be if someone
21 else came in there and took care of that for

1 us. And we have the opportunity to put a
2 building in place that can help not only
3 shield the entire park area there from the
4 noise of those on and off ramps, but put
5 something pretty. I hate to use the word
6 pretty, but something architecturally
7 interesting rather than the mess. If you go
8 to the parkland, I dare you to try and look
9 at those on and off ramps for more than 30
10 seconds without spinning back to look at the
11 river and even look at the jail which is far
12 better than the architecture that we have
13 there today.

14 So we have the opportunity to move
15 forward with the Zoning, and then have a nice
16 big bite of the apple to go through how can
17 we make the front of that building and the
18 faces of the parkland beautiful? How can we
19 make it inviting? That's not what we're here
20 to do today though. We're here to say how do
21 we get to that point? We'll never have that

1 opportunity without first making the changes
2 to the Zoning to allow the envelope to
3 actually allow to work within the building a
4 great building for a great company and a
5 great city.

6 Thanks.

7 HUGH RUSSELL: Thank you. Steve
8 Kaiser.

9 STEVE KAISER: Again my name for the
10 record is Steve Kaiser, 191 Hamilton Street.

11 And what this plan shows is North Point
12 area, normally we think of big North Point
13 which is the original 44 acres of
14 development. And the area we've been talking
15 about tonight is what I call small North
16 Point which is close to the river. And the
17 key thing I want to point out is on the
18 matter of ownership, what this map shows in
19 the dark blue is the original channel of the
20 Millers River which is Commonwealth diagraphs
21 owned by the Commonwealth. So one of the

1 Zoning changes is to make a reference to land
2 owned by the Commonwealth. So I'm sure they
3 didn't intend that this whole area up there
4 in blue, the Commonwealth tide lands, would
5 be included in that discussion.

6 But what I would like to point out
7 that's important about the small North Point
8 area, is that there are some severe problems
9 here and land ownership and title and this
10 sort of thing. The developers here and EFL
11 consider to be innocence. They didn't fill
12 in the tide lands. They didn't abuse it.
13 And they've tried to obey the law as much as
14 they could. So I'm not going to make any
15 major problems for this on this tide land
16 search. I just want to emphasize when we get
17 to the big North Point, the guys who did fill
18 in the river, the guys who did misrepresent
19 the ownership, I will take quite a different
20 stand. I think there are some solutions to
21 this and I'll propose them to the developer.

1 The second point is Section 13.71 where
2 the purpose of North Point is confined as a
3 North Point Residential District, and any
4 non-residential uses in that area have to be
5 supported by the neighborhood and the
6 neighborhood activity specifically. And I'm
7 a little concerned that the building as
8 proposed is an office building with a school
9 of business in there is not necessarily
10 supportive of the residential area that we're
11 trying to develop at North Point.

12 I think there are some solutions there.
13 The existing North Point includes no -- the
14 plan for the 44 acres includes no schools, no
15 libraries, no churches, no community centers.
16 To the extent that EF could provide an
17 educational function, an educational
18 assistance to that neighborhood, even to
19 buildings S and T which are sort of derelict,
20 practically derelict at the moment so that
21 families could move in and EF would become a

1 service to the citizens and the children and
2 the neighborhood in general.

3 So, I would urge that they get into an
4 innovative elementary education mode and that
5 this might meet the purposes of 13.71.

6 I'm concerned about up zoning and the
7 implications like Alexandria for benefit for
8 one developer. I'm concerned about spot
9 zoning and what this means. We've only
10 talked about one parcel, just one parcel. So
11 the Board is going to have to resolve that
12 issue amongst yourselves.

13 And on the boundary, when you redo this
14 map, the one that was shown up on the screen,
15 it doesn't have the accurate boundary for the
16 City of Cambridge and Somerville. So when
17 this is redrawn, it's going to be a challenge
18 to get the right boundary. I think we know
19 that.

20 A couple quick design issues.

21 PAMELA WINTERS: Steve, I'm sorry

1 your time is time.

2 STEVE KAISER: 150 feet height I'm
3 very opposed to. I'm concerned about lack of
4 parking, construction, and no traffic
5 discussion.

6 So, I will stop right there. And have
7 a good evening.

8 HUGH RUSSELL: Thank you:
9 Next speaker is Shofali Jindal.

10 SHOFALI JINDAL: I wanted to bring
11 to your attention that the Zoning Laws are
12 there for a reason.

13 HUGH RUSSELL: You need to give your
14 name address.

15 SHOFALI JINDAL: Shofali Jindal. I
16 live at the Regatta.

17 HUGH RUSSELL: Spell your name for
18 the stenographer.

19 SHOFALI JINDAL: Shofali,
20 S-h-o-f-a-l-i Jindal, J-i-n-d-a-l. I live at
21 10 Museum Way, Cambridge.

1 I just wanted to bring it to your
2 attention that the Zoning Laws are created
3 for a reason, and all of this project
4 requires exception after exception after
5 exception. And it is an area surrounded by
6 green space, and the traffic and the cars
7 that will come in that space that is
8 surrounded by three parcels of green space
9 where there are children and pets and
10 animals and people walking and people riding
11 bikes. And obviously there will be more kids
12 when the skate park comes. There will be a
13 lot of pollution from that. That is going
14 to, you know, damage the park. And I really
15 oppose the 150 height limit. You know, that
16 is a very small parcel of land right next to
17 the bridge. The bridge -- the fireworks over
18 New Year's Eve will no longer be viewable to
19 people because the bridge -- it will block
20 the view of the bridge and, you know, of the
21 ability to see over the bridge and anything

1 else. So I really hope you keep that in mind
2 before you decide to change the Zoning Laws
3 which have been created for a reason.

4 HUGH RUSSELL: Thank you.

5 Next speaker is Louis Clunk.

6 LOUIS CLUNK: Good evening. My name
7 is Louis Clunk and I live at 10 Museum Way
8 at Regatta Riverview residences. I'm a
9 member of the Board of Directors there. And
10 as I mentioned, I also live there.

11 So, obviously as you've seen and you've
12 heard we have a residential complex on this
13 site, and we've got over 400 units and
14 approximately 800 people living on this site.
15 So we're very concerned about who our
16 neighbors are going to be. Now, I have to
17 say that EF has been a very good neighbor to
18 us, but we're concerned about what goes on on
19 the rest of that site with respect to it
20 affecting our real estate values. We all
21 bought there expecting certain standards of

1 real estate value. Some people bought
2 because of the view of the bridge there,
3 which of course that building will block the
4 view of the bridge. But we're concerned not
5 only for the real estate value aspect, but
6 this is our home and these buildings are
7 being built in our backyard. So we would ask
8 the Board to be very sensitive to the fact
9 that this is our neighborhood and we have to
10 be very careful about any changes that are
11 being contemplated that would affect the
12 quality of life in our neighborhood for the
13 people living in that building.

14 We're concerned also about the
15 potential environmental impact of a building
16 that that's close to the river. As already
17 been mentioned, we're concerned about
18 increased traffic flow, with the influx of
19 many workers everyday. There's already
20 parking issues in that area as it's difficult
21 for people who don't live in those buildings

1 or have an assigned spaces in the buildings
2 or the EF building to be able to park on the
3 street. A building that size is going to
4 contribute to the parking issues, to the
5 traffic issues. The density of the building
6 is going to be detractive to the area, too.
7 I think no matter what kind of building goes
8 on that site, there's going to be great
9 sensitivity to how that building blends in
10 with the existing area.

11 There's been discussion of the open
12 space around the building. As you noticed,
13 we've got a beautiful park there, North Point
14 Park. The original plan was to have the
15 green space extended across the back of the
16 area there to where DCR is currently
17 occupying space. I understand there's a
18 temporary occupancy, although it seems that
19 it's forever. The green space was to extend
20 underneath the bridge and link up into the
21 other, as it was mentioned, the big North

1 Point. We'd like to see that green space
2 continued around.

3 We've been concerned about any
4 increased security risk that a building and
5 more people in that area would bring. And
6 again, the commercial use, a commercial use
7 building in an area that is largely
8 residential is a concern to us also. So
9 these are some of our concerns as
10 Mr. McKinnon mentioned, he's coming to talk
11 to the residents of the building on October
12 4th and I'm sure we'll get a chance to have
13 more of a discussion on some of our concerns.
14 But we just wanted to note some of these
15 concerns for the Board tonight.

16 Thank you.

17 HUGH RUSSELL: That's the end of
18 people who signed up to speak. Are there
19 others present who wish to speak?

20 Please come forward.

21 MARK VOLPE: My name is Mark Volpe.

1 I also live at the Regatta, 10 Museum Way.
2 And I just want to reiterate the comments
3 that my neighbors made about some concerns
4 that the residents at the Regatta have. I
5 agree with Shofali that the Zoning Laws are
6 here for a reason, and I believe they're here
7 to prevent development that's crowded into a
8 small parcel.

9 If you look at the map, this building
10 is being crammed in at a diagonal angle.
11 It's three and a half feet from the park.
12 The Zoning Laws are clear about setbacks from
13 open space, and this is an egregious
14 violation of that part of the Zoning Law.
15 And I just have real concerns about that as a
16 resident in that community.

17 I greatly admire the work done by EF,
18 and I just believe fundamentally that they
19 should be expected to abide by the Zoning
20 that exists in the land that they want to
21 build their new building.

1 Thank you.

2 HUGH RUSSELL: Thank you. Yes.

3 MAHENDRA PAREKH: My name is
4 Mahendra Parekh.

5 HUGH RUSSELL: Can you spell your
6 name, please?

7 MAHENDRA PAREKH: Mahendra Parekh,
8 M-a-h-e-n-d-r-a Parek, P-a-r-e-k-h. Got it,
9 everybody?

10 Appreciate the educational they have
11 given me today, and I am not as articulate as
12 they are because they are expert. I'm a
13 resident. I moved into Cambridge from North
14 Andover expecting that something about this
15 neighborhood which really attracted me.
16 Since I bought this property I really have
17 come in front, three times in front of you
18 for different reasons. Cambridge College had
19 petitioned to you to change a law. These
20 guys came in here to ask you to change the
21 Zoning Law. Now these guys come in to change

1 the Zoning Law. I'm thinking myself how many
2 time do I have to keep coming and giving
3 explanation to you guys that this is a
4 residential area. You want the development
5 and everything is good for the economy of the
6 city and everything, but you know, we feel
7 like how many time this commercial and this
8 property just surrounding us coming into
9 residential unit and asking you to change
10 this so many Zoning we have for some purpose?
11 If you guys give these guys 150 feet height,
12 what about the college which is Cambridge
13 College right there that building, what if
14 they come in and ask you hey, we need this
15 space now? What are you going to do then?
16 So where we going to stop this? There has to
17 be some limit. That's what I'm saying. That
18 this is my third time I'm coming in front of
19 Zoning Board of trying to protect ourselves in
20 this neighborhood for some different reason,
21 whatever reason may be. But I remember in

1 three years I'm in here, this is third time.

2 And I hope this stops.

3 Thank you very much.

4 HUGH RUSSELL: Okay. Thank you.

5 DEAN STRATOULY: For the record my
6 name is Dean Stratouly, Congress Group. I
7 live on Spruce Street in Boston.

8 HUGH RUSSELL: Would you spell your
9 name for the secretary?

10 DEAN STRATOULY: Stratouly,
11 S-t-r-a-t-o-u-l-y. And I've spent probably
12 about 20 years in and out of this building
13 starting with the Cortistan (phonetic)
14 building and finishing the last project we
15 did here was Museum Towers. And I'm always
16 somewhat fascinated by sort of the
17 retrospective look at what we've done over
18 the last 20 years. And I've stood not in
19 this room, but in the other room, when in
20 1987 we bought the Federal Distiller's
21 building with the City of Cambridge, and

1 three days later imposed a moratorium over
2 the entire 75 acres with North Point and
3 began a planning process with some of the
4 people on this Board, with the department and
5 many members of the department that are here.
6 And the objectives, you know, for North Point
7 were very clear which was to try to create in
8 North Point that in which we had worked on
9 diligently and what used to be called the
10 East Cambridge Triangle. It was a mixed use
11 project. And I dealt with a number of
12 neighbors for three or four years. And,
13 Hugh, maybe you remember how many years it
14 was. There was a long time. Where we fought
15 the bridge coming across the Charles River.
16 Scheme Z. And that was going to be the
17 horrific plight on everyone. More
18 importantly Museum Towers was extremely
19 controversial and I sat in this room and
20 I listened to Dottie Patrano (phonetic),
21 Richard Vozza (phonetic), George Fantini,

1 numbers of people, Art Cliffel d (phonetic)
2 who had done the project across the street.
3 All worried about the impact that Museum
4 Towers was going to have on them. It was
5 going to block their views. That it was
6 going to reduce their real estate values. It
7 was creating a hardship on them. And it is
8 interesting now to step back and see that the
9 product of our mutual efforts now is claiming
10 the same rights and concerns and they're
11 justified. But part of living in the city is
12 understanding that we're an organic system
13 and we grow and we change to adapt to
14 situations. And Zoning has goals, and it is
15 up to this body to interpret those goals.
16 And hopefully people like me, people like EF,
17 people who just bought the balance of the
18 land try to create good products within those
19 envelopes. And it takes adjustment. And
20 what was good 50 years ago is not necessarily
21 good today. Development is about change and

1 it's hard to accept change. But, you know,
2 it is somewhat disingenuous for me to sit
3 here and think that, you know, EF building,
4 150 foot building here with what was the
5 original configuration of that site being
6 140,000 square feet and through -- I'll give
7 her her due, Julia O'Brien's vision of that
8 park growing as she exacted more funds out of
9 the Central Artery. She created a great
10 park. And we -- our goal here is to create a
11 great building that complements the park, and
12 that is a benefit to everyone. I keep
13 calling it Museum Towers but including
14 Regatta. But the same issues that created
15 Regatta we face today we hope to address over
16 the next few weeks.

17 Thank you.

18 HUGH RUSSELL: Thank you.

19 Is there anyone else who wishes to
20 speak?

21 (No response).

1 HUGH RUSSELL: I see no one. So I
2 would propose we close the hearing to public
3 testimony, leave it open for written
4 testimony.

5 (All agreed).

6 HUGH RUSSELL: Susan, does the
7 Department want to give us a brief
8 presentation?

9 SUSAN GLAZER: We have a graphic
10 that I think would help with the -- put the
11 site in context, and Roger can walk you
12 through that.

13 ROGER BOOTH: This is a drawing that
14 covers a larger area, and I think it is
15 useful to try to think about this site. And
16 in terms of how it fits into the larger
17 context going all the way from the East
18 Cambridge riverfront to the North Point
19 development area along the bridge and the new
20 North Point Park. This is all part of the
21 new Charles River Basin that was developed as

1 part of mitigation for the Central Artery
2 ramps. This is the site in question here.
3 And for 12 years, 15 years Hugh and I have
4 been members of the New Charles River Basin
5 Advisory Committee that's looked at how all
6 these parklands can be developed, and trying
7 to think about connections to the context
8 such as Museum of Science. We long
9 envisioned a bridge that would connect here
10 bringing millions of people from the Museum
11 of Science over to this park. We have a big
12 concern about security in this area as some
13 of the residents have noted, and I'm very
14 convinced that the best way to have security
15 is to have people there. We really don't
16 want this to be an isolated kind of site.
17 It's true that the Zoning has a vision, a
18 lower scale housing project on this site.
19 But frankly, as someone who helped write that
20 Zoning, I'm not so sure that is the best
21 approach here given that we now have a lot of

1 realities that we didn't have when the Zoning
2 was put in place. We actually have the
3 reality of these ramps. We have a great
4 desire to see this skate park happen. And we
5 have lived with the presence of Museum Towers
6 and EF building here for some sometime now.
7 And the park is now starting to be known, and
8 there are more people going there, but it's
9 still a little bit isolated.

10 So, my vision is that a low scale
11 residential project might feel a little bit odd
12 here frankly. So I'm kind of welcoming the
13 idea that we can get some energy from an
14 established user here who's been a good
15 citizen, who wants to help animate the park.
16 That's my personal opinion as somebody who's
17 looked at this for probably 20 years. But
18 certainly the connections to the park that's
19 partway under construction over in the larger
20 North Point area are important, and we now
21 can actually get from that park under the

1 bridge. And this passageway is meant to be a
2 more important passageway, and eventually
3 this will connect up to the bikeways that go
4 all the way out to Somerville.

5 So, thinking about those kinds of
6 connections, looking at this site in the
7 larger context of a lot of change that's
8 still yet to happen here, I think it's not a
9 bad idea to have development there. Whether
10 the height limit is exactly right and so
11 forth, those are good things to discuss. But
12 I think the idea of animating this whole area
13 is something that I'm very concerned about
14 and I think that's -- whatever happens on
15 this site is going to be an important part of
16 that.

17 HUGH RUSSELL: Thank you.

18 So, I'm going ask for a break. We've
19 been sitting here for a couple of hours. So
20 let's come back at 9:30 and decide what we're
21 going to do and then we have another case to

1 be heard following that.

2 (A short recess was taken.)

3 HUGH RUSSELL: Okay, we're back in
4 session. I want to start off with a question
5 to the Department about what's the timeline?
6 When does the City Council have to act on
7 this?

8 LIZA PADEN: The 90 days for final
9 action on this is the -- from the Ordinance
10 Committee hearing which was the 14th, last
11 week.

12 HUGH RUSSELL: Mid-December?

13 LIZA PADEN: Yes.

14 HUGH RUSSELL: Okay. And the
15 Council cannot act for 30 days?

16 LIZA PADEN: 21 days.

17 HUGH RUSSELL: 21 days after tonight
18 because that's the way the law is written,
19 unless they have a report from us. It seems
20 to me there's an important meeting scheduled
21 in about two weeks between the Regatta

1 Ri verview Apartments and the proponent. I'd
2 like to know what the outcome of that is.
3 We've heard from four residents at 400
4 apartments, and so think it probably needs to
5 be some -- the meeting's important and if we
6 can find out what the Department's feel is a
7 collective is important. My inclination is
8 to put on the table tonight any questions
9 that we want the staff to work on. And in
10 the break Charles reminded me that we have in
11 the passed all walked sites together. And
12 this might be one time when you might go out.
13 So that's sort of a plan of action that I'm
14 sort of laying out. Maybe if you'd like to
15 react to that, we would not make a decision
16 tonight. We just raise issues and then
17 schedule a walk to take up at a subsequent
18 meeting.

19 PAMELA WINTERS: I agree with that.

20 HUGH RUSSELL: Are there specific
21 items people would like the Department to

1 look at more?

2 WILLIAM TIBBS: I have one. I just
3 want to say just as a -- just my initial
4 reaction is that if this were just a parcel
5 of land that was privately owned, kind of
6 sitting there, I think I'd have a slightly
7 different approach to all this. But I see
8 this as a somewhat unique opportunity where
9 the state is actually selling land and we
10 have an opportunity to -- the city and we
11 have -- the city has an opportunity to just
12 really play a part in influencing on how that
13 land is used and get a certain amount of
14 predictability. I know this isn't a project,
15 we're talking about Zoning, but it gives us
16 context by which to look at that. I guess
17 for me the big question that I have for the
18 -- and I think it's more for staff, is that
19 I'm very interested in if you look at these
20 particular Zoning changes, we obviously see
21 the effect of what a potential building like

1 the EF building is like, but what about the
2 other maybe unintended effects since it is
3 addressing other parcels. So I just wanted
4 to get a better sense of that to feel more
5 comfortable about just the specific changes
6 that they're making in the Zoning Ordinance.

7 ROGER BOOTH: Bill, can I clarify?
8 Are you saying what would be the effect on
9 the other sites and the district that's
10 effective?

11 WILLIAM TIBBS: Yes, obviously we
12 get a sense of what this building would be
13 like. But if we made the assumption that
14 this building went in, how are those Zoning
15 changes affecting everything else around it.

16 CHARLES STUDEN: I would add a
17 little more specifically, because I think the
18 question was asked earlier by Pam, and I had
19 the same question, the spot zoning issue.
20 I'm not sure I understand why it wouldn't be.
21 And I think maybe that analysis that Bill's

1 suggesting would help us all understand that
2 and what the impact would be.

3 PAMELA WINTERS: And also as an
4 addition to Bill's question I'd like to take
5 a look at the height and see if there are any
6 other options we have around that amount of
7 height, whether we can reconfigure the
8 building a certain way. So they get the same
9 amount of building but maybe just a lower,
10 lower height. There were so many people that
11 spoke about the height issue.

12 HUGH RUSSELL: Right. I mean I
13 think, you know, we don't have a building
14 before us.

15 PAMELA WINTERS: Right, we don't.

16 HUGH RUSSELL: We have an orange
17 blob. And so I'm -- that was my immediate
18 reaction, too, that how do you determine what
19 appropriate maximum height for the building
20 is? I'm not sure what I could ask the staff
21 to do on that question. So, I'm thinking

1 that maybe that's something we would probably
2 think a lot about. I mean, I have had -- did
3 an 11-story building in Natick, the town made
4 us put balloons up at the corners of the
5 building. It works if there isn't a lot of
6 wind. I'm not sure it would be very
7 effective on this site. But, Roger.

8 ROGER BOOTH: We can ask the
9 proponent to provide some sort of bigger
10 illustration of what that would look like in
11 context. You know, get an idea of views.
12 We've done that in other cases.

13 HUGH RUSSELL: I'm imagining going
14 out and standing at various vantage points
15 and saying okay, it's going to be two stories
16 taller than the existing EF building. And I
17 can kind of -- you know, I'm an architect, I
18 can kind of imagine that. But are there
19 things that can be done for people who don't
20 have that background or training?

21 RICHARD MCKINNON: Okay.

1 THOMAS ANNINGER: When we did what
2 everybody is calling big North Point, we had
3 a lot of massing studies that helped us do
4 that. I mean, you have all these wonderful
5 tools today where you can do these virtual
6 trips around a site, and it seems to me that
7 we have a pretty good opportunity. Roger was
8 going down that path, I think, to take a look
9 at what it would look like from different
10 angles. I would like to see the perspective
11 from the park, from the Regatta, from various
12 different angles so we can get a sense of
13 what it is. We don't have to design a
14 building. We can do that through just the
15 massing of what the Zoning would allow.

16 RICHARD MCKINNON: We'll get right
17 to work with Roger on that.

18 WILLIAM TIBBS: And I just want to
19 add to that as part of the unintended affects
20 would be also to get a sense of the
21 development opportunity on the -- if there is

1 any, on the other parcels to see not only
2 what's there now, but if they can -- because
3 of this they can now be high, then we can see
4 the massing of potential other things. Not
5 in a very specific building way but just in a
6 sense of height lines and stuff like that.

7 THOMAS ANNINGER: Sometimes we've
8 been able to even take a virtual walk around
9 the site with a mock building on it so that
10 we get a sense from every angle including
11 from a skate park and so on. And that would
12 help a lot. Exactly. So I think that's what
13 I was hoping we can take a look at.

14 CHARLES STUDEN: I also had an
15 additional concern, and I think it's probably
16 one of the most difficult given the way the
17 presentation unfolded tonight. I think we
18 heard from a number of members of the public
19 as a similar kind of concern, which is that
20 the original intent in North Point was of
21 course a mixed use development but with a

1 residential kind of focus. And this site
2 has, I think, been thought of as a
3 residential site typically. And that's what
4 the plan showed. Make part office and part
5 residential. I was out on the site and what
6 I was struck with when I was there, I spent
7 sometime there, is I look at that site and I
8 think, gee, it's a great place for housing.
9 It's on a beautiful park and it's on the
10 river. I looked across the river and saw
11 what the City of Boston did in putting the
12 Charles Street jail on a site that I looked
13 at and I thought, wow, why are you putting a
14 jail there, it should have been housing. I
15 don't want -- I guess what I'm saying is that
16 the City of Cambridge does the same thing.

17 Now, again I don't know how you address
18 this. Roger, I know you made a case for
19 considering a change. Maybe when we go out
20 together, if that in fact happens, I'm not
21 sure -- that's a suggestion. I think it

1 might help. That looking at that together
2 might be kind of interesting. I don't know
3 what it would result in. But I'm still --
4 I'll be honest, I'm uncomfortable with it.
5 So....

6 HUGH RUSSELL: Okay. Any other?
7 Steve.

8 STEVEN WINTER: One of the things
9 I'd like to talk to staff about is -- and I'm
10 going to need your help in formulating this.
11 What we do in Cambridge with our urban fabric
12 is that we have terrific edges. We know how
13 to do that. And we know how -- you can be in
14 one part of the city in one moment and around
15 the corner and you're in a totally different
16 part of the city. We're dancing -- we do
17 that very well. I'd like to think about how
18 this building forms an edge to the open space
19 and the water and what that means in the
20 context of having a building there that may
21 in fact be taller or have more mass than we

1 had thought about in the first place. I
2 thought that would be an interesting way to
3 think about that.

4 There was a lot of thoughtful comment
5 tonight. It was really terrific to hear
6 people. I would also like to take a look
7 back at whether or not the vision of North
8 Point, was it always mixed use? Is that
9 where we really were headed? Was it always
10 that it would be a mixed use? The mix is up
11 to us to figure out what that mix is. But I
12 would like to talk about what our value was
13 and what our vision was when we set out to
14 talk about that.

15 And Roger, is it premature to talk
16 about how the shadows would affect the
17 parkland or the planting or the water?

18 ROGER BOOTH: No, I certainly don't
19 think it's premature. Again, we won't have a
20 specific design. But I can come up with --
21 obviously we know where it is, the sun angles

1 and so forth. So we can certainly --

2 STEVEN WINTER: I think that's
3 important.

4 ROGER BOOTH: Yes.

5 STEVEN WINTER: And I also wanted to
6 just make a statement, which is this is a
7 very important transfer of land from the
8 public to the private sector. So that's
9 really, really critical. And I heard you say
10 this, we need to be very, very careful how we
11 do this. When we let public land out, it
12 only goes out once and then we never see it
13 again. So we have to be very, very careful
14 how we do that. And I think we're on the
15 right track. I think that we've got a sense
16 of that here, but I just, Hugh, wanted to
17 post that.

18 HUGH RUSSELL: Yes, I think one
19 thing that wasn't said tonight was that this
20 was a parcel, part of a parcel that was
21 taken. A small portion of the parcel has

1 highway ramps over it. The parcel went all
2 the way out to the river. So the river
3 frontage was used for the park. It was an
4 extremely expensive acquisition. There were
5 lots and lots of problems that almost, you
6 know, totaled the park pleasure. And a lot
7 of creativity was used to solve that problem.
8 So, it's only been in the public domain for
9 probably 10 years or something like that, 10
10 or 12 years. And then so it's a little
11 different in that sense. And when it was
12 taken, this plan of disposing of part of it
13 for development parcel was part of the plan
14 when the taking occurred. Nevertheless, I
15 don't disagree with the principle.

16 STEVEN WINTER: Thank you.

17 WILLIAM TIBBS: I just wanted to
18 follow up on something that Steve said a
19 little earlier, which is -- and you too,
20 Roger. And that is the vision. I was on the
21 Board and do remember when the first EF

1 building was there. And it looked like this
2 little new building in the wilderness over
3 there. And a lot has -- and I remember
4 Museum Towers actually coming before the
5 Board and it being built, and everything else
6 that's happened there. So I think it would
7 be a good idea to kind of talk about what the
8 vision was, but what the reality is and, you
9 know, just how that -- is that vision still
10 okay? And just have a discussion about that.
11 And whereas, is the reality that we have with
12 the ramps and all the other stuff, does that
13 vision change?

14 HUGH RUSSELL: I think I'd like to
15 put another location on the review from the
16 table which is on the Nashua Street Park
17 because I think that's an important, you
18 know, viewpoint, one of the many, but one we
19 might not think of because it's not on in our
20 city. Indeed, some of you perhaps don't know
21 that even part of the North Point Park is not

1 in Cambridge. The round island is mostly in
2 Boston because the line between the two
3 cities follows the line of the river. And
4 when they filled it in, they went over into
5 Boston.

6 Okay. Are we complete? Then let's go
7 on to the next public hearing.

8 ROGER BOOTH: Sorry, did you
9 definitely want us to think about scheduling
10 a tour?

11 HUGH RUSSELL: Yes, I'd like to do
12 it next Saturday if possible. Not three days
13 from now, but 10 days from now.

14 ROGER BOOTH: Maybe Liza can help us
15 all get focussed on whether that can help
16 out.

17 HUGH RUSSELL: I can actually do it
18 three days from now.

19 LIZA PADEN: If we're going to do it
20 that Saturday, I'll need to post it tomorrow.
21 I need 48 hours.

1 HUGH RUSSELL: Because it is a
2 public meeting and people tag along.

3 THOMAS ANNINGER: Can we do it the
4 next Saturday as you said?

5 HUGH RUSSELL: Yes, I think the next
6 Saturday would be my preference.

7 WILLIAM TIBBS: Not this one, but
8 the next one.

9 CHARLES STUDEN: A week from this
10 Saturday.

11 LIZA PADEN: How about if I send out
12 an e-mail in the morning so you can look for
13 it and then we'll get something coordinated?
14 Okay.

15 RICHARD MCKINNON: Thank you, all.
16 Appreciate it. Thank you.

17 (A short recess was taken.)

18 HUGH RUSSELL: The Petitioner for
19 Planning Board 230 could come forward --

20 LIZA PADEN: That should be 250.
21 I'm sorry.

1 HUGH RUSSELL: This is Planning
2 Board case No. 250, 169 Western Avenue. A
3 Special Permit to convert from
4 non-residential to three units of housing and
5 a bunch of other relief that goes along with
6 that.

7 ATTORNEY ISAAC MACHADO: Good
8 evening, Mr. Chairman. My name is Isaac
9 Machado. I'm an attorney in Somerville. My
10 address is 421 Highland Ave. in Somerville.
11 Good evening to the rest of the Board, also.
12 Thank you for taking our application tonight.

13 We are in front of you tonight asking
14 you to approve a Special Permit for the
15 conversion of a non-residential storage
16 facility into three residential units. I
17 first want to introduce some of the members
18 of the folks that I have with me tonight.
19 First is Antonio Gomes who is the architect.
20 William Beethuene who is Miss Walcott's
21 nephew and Miss Walcott herself. I'm not

1 sure if people on the Board or people in the
2 room know Miss Walcott. Lifelong community
3 resident. She does live in Somerville. So
4 as a Somerville resident, we also take claim
5 to her as well.

6 She was born in Cambridge, grew up in
7 Cambridge. Very active in her church, St.
8 Bartholomew's. She was a school teacher.
9 She was a guidance counselor in the high
10 school. To be honest with you she lives and
11 breathes Cambridge. And that the facility
12 that you see on 169, the four-family and the
13 facility behind it has been in her family for
14 an awful long time. She's owned it since
15 1989. And it's always been a dream of Miss
16 Walcott and her sister Ruth. We can't be
17 remiss tonight if I don't mention her late
18 sister Ruthie. Both of them kind of
19 spearheaded what we're here tonight, and it
20 is to develop that site from a
21 non-residential use that sits there as a

1 storage facility, into a use that provides
2 more housing for the neighborhood. It makes
3 this neighborhood a little bit more vibrant.
4 And, again, the architect will speak about
5 the specifics of the project, but I just
6 wanted to focus in on Miss Walcott and her
7 community ties and her ability to see this
8 project to where it is today. I do want to
9 introduce now Mr. Antonio Gomes who is the
10 architect who will take you through a brief
11 description of the project.

12 HUGH RUSSELL: Okay. And which of
13 you will be going through the sort of chapter
14 and verse of the various requests?

15 ATTORNEY ISAAC MACHADO: I will be.

16 HUGH RUSSELL: We should hear the
17 project and then you can come back. All set.

18 ANTONIO GOMES: Good evening. My
19 name is Antonio Gomes, and I'm the architect
20 for the project.

21 Basically what we're doing is -- I

1 start off with a site plan, and we have some
2 site improvements that we're doing now
3 including adding new areas of a new stamped
4 asphalt and also creating a few more open
5 space areas. We're increasing our open space
6 area from nine percent to 24 percent. Most
7 of -- if I could just go over and point out
8 what I'm referring to.

9 STEVEN WINTER: Take the microphone
10 with you.

11 ANTONIO GOMES: Okay, thank you.

12 So, the open space areas that we're
13 adding is currently this entire area
14 (indicating), is blacktop. And we're adding
15 some new grass shrubs, grass shrub areas here
16 (indicating), and increasing the permeable
17 open space areas here (indicating). And the
18 existing open space area is right along here
19 (indicating). And it stops in here
20 (indicating). What we're doing here, this is
21 also blacktop and we're creating some new

1 plantings around this area here (indicating).

2 And the existing --

3 WILLIAM TIBBS: Can you just orient
4 us on what the buildings are --

5 ANTONIO GOMES: Sure.

6 WILLIAM TIBBS: -- and what we're
7 looking at on the site plan.

8 ANTONIO GOMES: Sure.

9 This is an existing four-unit building.
10 And the renovation is going to be in here,
11 the residential conversion is this building
12 (indicating). Basically there's a four-unit
13 apartment building here (indicating). And
14 this is 179 Western Avenue. This building is
15 located on Western and the Jay Street.

16 HUGH RUSSELL: And the garage?

17 ANTONIO GOMES: The garage is an
18 area that is leased by the owner,
19 Miss Walcott.

20 What we're doing, most of the
21 construction is going to be within the

1 physical parameters of the existing building.
2 And so what we're doing currently there is a
3 -- this entire doorway is blocked. And so
4 what we're doing is we're opening that to
5 create a new stair that goes up to the first
6 level unit and down to a lower level unit.
7 And this area is going to be a new walkway.
8 Currently it just sits as blacktop or
9 asphalt. And we're creating new stamped,
10 stamped brick sort of pattern here
11 (indicating), and creating some new green
12 space, open space areas around it and
13 creating a new entrance as a second means of
14 egress from the apartment complex in here.
15 And we have also a means to go to a lower
16 level and also an upper level to the ground
17 floor and first floor level units.

18 This area back here is a new exterior
19 courtyard that we're creating (indicating).
20 It's about three stories tall. And we're
21 having some -- it's basically sort of an

1 exterior garden courtyard, and it has some
2 areas for planting and a walkway in here as
3 well.

4 The building -- I'm just going to
5 change the drawing here.

6 THOMAS ANNINGER: Before you do
7 that, I'm still doing what -- you handed out
8 this piece of paper and I'm trying to
9 understand from here what we've got there.
10 The existing building I guess is shaded in
11 that light grey, is that it?

12 ANTONIO GOMES: The existing -- this
13 is an existing apartment building, and then
14 this is the new renovation is back here.

15 THOMAS ANNINGER: What is there now?

16 ANTONIO GOMES: Right now it's a
17 storage facility and we're converting it to
18 three apartment units.

19 THOMAS ANNINGER: A storage facility
20 is what, one floor?

21 ANTONIO GOMES: Three floors.

1 THOMAS ANNINGER: Three floors.

2 ANTONIO GOMES: Yes. The existing
3 drawings might help you have cross sections
4 in the existing drawings, and it shows three
5 floors basically.

6 THOMAS ANNINGER: Okay. I'm
7 starting to get it. Thank you.

8 ANTONIO GOMES: The other thing that
9 we're doing is we're adding -- on the site
10 plan, we're adding additional -- we're adding
11 bike storage here. Currently there is no
12 bike storage, and we're adding four inverted
13 U-shaped bike racks. And so that can house
14 up to eight bicycles for the complex.

15 This is a view of the elevation looking
16 from the street. It's the south elevation.
17 And basically what we're doing is we're
18 creating -- we're creating a new entranceway
19 in here, sort of within -- it's within the
20 existing facade of the building. And
21 creating a new -- this is that stairway that

1 goes up to the ground, to the first floor
2 level and down to a lower level. And in the
3 center we have a green space so we can do
4 some planting of trees and things like that.

5 We have, this entrance is going to have
6 like just an open gate. And so, basically
7 the interior -- the exterior wall is going to
8 actually be inside of this brick exterior
9 brick facade. So we're creating some
10 exterior space within that, and we're leaving
11 the existing window openings open and the
12 actual exterior wall is within that. So, we
13 -- it's a really wonderful facade, and we're
14 sort of retaining that and we're retaining
15 basically all the existing window openings.
16 And the existing -- this is just, right now
17 it's an existing -- the entrance is right now
18 it's a basically a solid wall, and we're just
19 opening that up and creating a nice interior
20 space and that sort of welcomes you to the
21 entranceway to the space.

1 Some of the other things that we're
2 doing is right now this is, it's painted
3 brick. It's painted -- this facade is --
4 it's painted white. So the brick is painted
5 white, and we're sort of -- we want to strip
6 that out and get back to the real brick for
7 this renovation. So this would be the front
8 elevation or south side.

9 And this is the rear elevation. And
10 the rear elevation faces a garden area. And
11 basically what we're doing is this side is
12 where the three-story exterior garden is
13 that's basically set within this -- the
14 existing brick wall. And so basically we've
15 got some security grading here so it allows
16 light to filter through. And for that
17 interior courtyard and within that there's
18 exterior walls for the housing. And then we
19 have like a little, a kind of a deck out here
20 where there's some nice views out into the
21 garden. So everything we're trying to do is

1 keep everything within those existing
2 physical parameters of the existing shell.

3 WILLIAM TIBBS: The garden you
4 mentioned, is that, is that on someone else's
5 property?

6 ANTONIO GOMES: It is, yes.

7 WILLIAM TIBBS: So you're looking
8 into somebody else's yard?

9 ANTONIO GOMES: Yes.

10 WILLIAM TIBBS: Okay. I just wanted
11 to -- when you say garden, it's a difference
12 if we're looking at a neighbor's space at
13 least just in my mind.

14 ANTONIO GOMES: Yep. The only thing
15 we're adding up here is just a skylight that
16 lights the three-story courtyard.

17 CHARLES STUDEN: Who has access to
18 the garden and how do they get there?

19 ANTONIO GOMES: We don't really need
20 to have access to it.

21 CHARLES STUDEN: It's purely visual?

1 ANTONIO GOMES: It's purely visual.

2 HUGH RUSSELL: The tenant on the
3 ground floor can walk out into the garden,
4 right?

5 ANTONIO GOMES: No. Basically the
6 -- basically there's -- the wall is about
7 three foot high and so below --

8 HUGH RUSSELL: No, I mean your new
9 garden, I mean --

10 CHARLES STUDEN: The garden inside
11 the building.

12 ANTONIO GOMES: Yeah, the garden is
13 set inside of the building and looks out into
14 a garden on the opposite, on the adjacent
15 lot.

16 HUGH RUSSELL: So we're asking can
17 the tenants who live in your proposed
18 building, do they have access to the garden
19 space --

20 ANTONIO GOMES: No.

21 HUGH RUSSELL: -- within the

1 bui l di ng you' re creati ng?

2 ANTONIO GOMES: Oh, wi thi n the

3 bui l di ng? Yes.

4 CHARLES STUDEN: I' m sorry, I wasn' t

5 clear. I was aski ng about access to the

6 garden i n the bui l di ng, who has access and

7 how?

8 ANTONIO GOMES: That' s the lower

9 uni t woul d have access. The upper level

10 uni ts are just that, create an exteri or light

11 well and make a better envi ronment for the

12 interi or.

13 HUGH RUSSELL: And your second floor

14 plan seems to show a deck. Is that also --

15 is that correct?

16 ANTONIO GOMES: Yes, that' s right.

17 There woul d be a deck right from here to here

18 i nside of thi s wall (i ndi cati ng), that woul d

19 look down and down i nto the lower levels. It

20 woul d allow some natural light to filter i nto

21 the apartments.

1 HUGH RUSSELL: There would be access
2 for the second floor people?

3 ANTONIO GOMES: Yes, that's right.

4 This is it, side elevations. We're not
5 doing anything to the other side of the
6 elevation. It's just a solid brick wall and
7 we're just keeping that. We're not changing
8 anything on that.

9 HUGH RUSSELL: Will you be painting
10 the brick on that?

11 ANTONIO GOMES: Everything stays.
12 There is no changes on that. This is as it's
13 existing. We're not doing anything -- this
14 is existing brick wall. That's the existed.

15 CHARLES STUDEN: Unpainted?

16 ANTONIO GOMES: Yes, this side is
17 unpainted. The only side that's painted is
18 the one where the driveway is located.

19 HUGH RUSSELL: Okay, thank you.

20 WILLIAM TIBBS: And who sees that
21 wall?

1 ANTONIO GOMES: This wall?

2 WILLIAM TIBBS: Yes.

3 ANTONIO GOMES: Not many people.

4 WILLIAM TIBBS: I'm trying to
5 figure, you have a --

6 HUGH RUSSELL: In the packet we have
7 there's an aerial photograph that's probably
8 the easiest one --

9 WILLIAM TIBBS: Which side are we
10 looking at? There's one side that's going
11 towards --

12 ANTONIO GOMES: So basically --

13 WILLIAM TIBBS: -- Jay Street that
14 kind of goes towards --

15 ANTONIO GOMES: This is basically
16 the facade. If you're looking this way and
17 there's a house (indicating).

18 WILLIAM TIBBS: Okay.

19 ANTONIO GOMES: And then this would
20 be the other side, the opposite side of that.
21 This is a section --

1 WILLIAM TIBBS: That's on the Jay
2 Street side?

3 ANTONIO GOMES: Yes, that's right.
4 And basically that's the elevation of the
5 existing building. And this is the storage
6 facility that used. And basically we're not
7 changing anything here, we're just adding
8 some new windows and retaining everything --
9 everything is encased within the exterior
10 shell of the building.

11 HUGH RUSSELL: So those windows do
12 not presently exist?

13 ANTONIO GOMES: They do exist, we're
14 just replacing them. They're older type
15 windows.

16 HUGH RUSSELL: So the openings exist
17 you're just re-glazing the new sashing?

18 ANTONIO GOMES: Yes.

19 HUGH RUSSELL: Okay. That's an
20 important distinction from our point of view.

21 ANTONIO GOMES: Thank you very much.

1 HUGH RUSSELL: Okay. If you can run
2 through the relief that's required? Does
3 Miss Walcott want to speak?

4 ATTORNEY ISAAC MACHADO: She does
5 want to speak.

6 KATHLEEN WALCOTT: Yes, I think it's
7 important that this isn't just a whim. That
8 building that we're trying to renovate used
9 to be a stable and it has never been used
10 that way since. It's only for storage. And
11 there used to be eight horses in there. I
12 got this from the Cambridge Historical
13 Society because I work with them in different
14 projects and I got the history from them.
15 And that stable was built after the house was
16 built by the Hursome Brothers (phonetic) who
17 were expressmen here in Cambridge, something
18 like the Fed-Ex. Really. And that's why my
19 sister and I have -- when we learned about
20 that, we felt that, you know, somewhere along
21 the line we would try to renovate it. We

1 worked with the front building first. And
2 that's a work of art because it has a spiral
3 staircase going up the front. And the
4 brickwork is really an art of work -- a work
5 of art.

6 And also the front building and the
7 stable was part of the front building which
8 was the first house in Cambridge to get
9 electricity. And I feel that this is -- and
10 this isn't just what I'm saying. It came out
11 of the Historical Commission. And I feel
12 that the -- this would be significant to
13 restore and preserve this building because
14 we're losing so many of our historical sites
15 here in Cambridge. I lived on Windsor
16 Street, and went to school at the Robert
17 School, went to the high school and came back
18 and taught at the high school. I never
19 thought that would happen, but it did. And
20 although I lived in Cambridge and we moved
21 I like what Judge said back here because

1 Cambridge became unaffordable. And my mother
2 was getting older and my sister and I were in
3 grad school and so therefore we moved. But
4 my heart has always been in Cambridge, and it
5 always will be. And when people say what are
6 you? I say a Cantabrigian. And they say
7 what's that?

8 And I feel that the students here, the
9 people -- also the people here should know
10 about this building and other buildings.
11 Like one was destroyed a week ago on Harvey
12 Street. It was an old, old church. And they
13 tore it down and nobody knew about that. But
14 I just happen to go by there and see the, you
15 know, they were wrecking it. And I ran and I
16 asked the guy and asked Why are you doing
17 this? And he says, we're making housing
18 here. And I said, Do you know the history of
19 this building? And, no. Most of the people
20 that are living here now are new and they do
21 not understand Cambridge. All they think of

1 is that we're a political animal and that's
2 it. And they don't understand that we have a
3 history behind us here. So I really would
4 love to see it accomplished. And so that the
5 abutters and I have had no rebuttal from
6 them. They all feel that this is going to be
7 a good project. And I feel that it will
8 enhance the neighborhood and especially now
9 they're going to redo Western Avenue next
10 year. So, I already got a notice from the
11 city for that. And so, I feel this will help
12 enhance the area as well.

13 Well, thank you for listening to us.

14 HUGH RUSSELL: Thank you.

15 ATTORNEY ISAAC MACHADO: Miss
16 Walcott is quite shy. She doesn't like to --
17 no, just kidding.

18 So, again, our application tonight and
19 as we submitted about a month or so ago, is
20 regarding a conversion of a non-residential
21 use into a residential use, and we're looking

1 at Section 5.28.2. We also cited Section
2 6.35 for parking relief. 10.43 which is the
3 criteria for granting the Special Permit, we
4 feel that that criteria is met. Any traffic
5 that would be generated, any access to the
6 project does not cause substantial change to
7 the neighborhood. The project actually sits
8 on a bus stop. You actually leave your
9 driveway and you actually are on that bus
10 stop. It's -- No. 70, No. 70-A bus. It
11 stops every seven minutes in the morning. It
12 stops every eight minutes at night. It's
13 located within walking distance to a Central
14 Square business shopping district. Obviously
15 walking distance to the Red Line.

16 Again, the residents in that area are
17 residents in that building, future residents
18 in this proposal would be able to not only
19 walk outside their door to a bus stop, walk
20 down the street to do their shopping, to take
21 a Red Line into Boston, and to do pretty much

1 all you need to do in Central Square. So we
2 don't think that's a major issue. It's a
3 major street. Parking does not seem to be
4 that much of an issue.

5 I did, if the Board would like, I did
6 go there last night around seven o'clock just
7 to make sure that when people got home, there
8 were some ample spots out in front of the
9 project. I have some photos of that if the
10 Board would like.

11 And the other thing that's important to
12 note is that historically, that building,
13 that four-family has been a building of
14 students. And there are a lot of students in
15 there now. And there were some family
16 members. And it's interesting it's four
17 families, but there's only one car that is
18 utilized. So that just tells you, Miss
19 Walcott's philosophy of keeping it within the
20 community. Keeping those folks that live
21 there, that work there, that play there, that

1 are living there. So it's not something that
2 has been a big congestion as far as cars are
3 concerned.

4 Again, we don't believe that any
5 adverse impacts to the adjacent areas. We
6 don't think there would be a nuisance or any
7 hazard that would be created. Again, we're
8 taking a non-residential storage area,
9 creating more housing for, again, whether
10 it's students, whether it's residents in the
11 neighborhood. We're also going to enhance
12 the integrity of that district.

13 As Mr. Gomes pointed out, we're going
14 to remove the asphalt that I think is an eye
15 sore, whether it's in that driveway or
16 whether it's getting into the project itself.
17 And we're going to replace it with some green
18 space.

19 We're going to add eight new bicycle
20 spots so the residents will have the ability
21 to place their bikes there. And it's very

1 consistent with the urban design objectives
2 of the city. Again, we're going to create
3 green space. We're going to provide housing
4 for folks in a city that really needs it.
5 And we're going to make it a -- more of a
6 vibrant neighborhood when again, when you can
7 walk outside and take a bus, walk down to
8 Central Square and do your business. We feel
9 that it's a great fit for the neighborhood.
10 And we ask that the Special Permit be granted
11 on that basis.

12 HUGH RUSSELL: Okay. Thank you.

13 Questions at this time by the Board or
14 should we get into the public hearing?

15 THOMAS ANNINGER: Public hearing.

16 HUGH RUSSELL: Okay. So first
17 person on the list is George McCrea.

18 GEORGE MCCREA: I'd like to speak
19 but first if there are any abutters I'd
20 rather they speak and I'll speak last.

21 HUGH RUSSELL: Okay. Is Elena

1 James.

2 ELENA JAMES: Hello, my name is
3 Elena James. I'm at 24 Jay Street in
4 Cambridge. And I want to say that I like the
5 fact that the building is going to be
6 renovated. And I think that as I think about
7 what is -- the changes that are going to
8 happen, I really, really would prefer two
9 family than a three family. And I wish there
10 was more for parking spaces. I wish there
11 was a way that could be created. I disagree
12 about the fact that when you go at seven
13 o'clock, you find a place to park. I really
14 disagree. Some years when students come and
15 maybe they're bikers or walkers, you find a
16 space. But this year -- last year and this
17 year, it was near impossible especially if
18 you come home, nine, nine-thirty or ten like
19 we going to be going home tonight, there is
20 no parking on Jay Street, because a lot of
21 people from Western Ave. would come on Jay

1 Street and they would park.

2 Parking for me is a major issue. I
3 like the fact that it's going to be housing
4 and I wish it was housing for families,
5 because not too many families get a place if
6 they have three kids, you know? You might
7 find a two bedroom. You might -- that's what
8 my preference would be. So, I applaud the
9 fact that the building is going to be used.
10 It's going to be used for housing. I would
11 prefer a much smaller unit. I mean, instead
12 of three, two. And the major concern is
13 parking because I'll tell you a lot of
14 families you have two adults, you have two
15 cars. I've seen it. And I'm sure I might
16 even do my own survey and count it.

17 Thank you for listening.

18 HUGH RUSSELL: Thank you. Jason
19 Slavi k (phonetic).

20 JASON SLAVIK: Good evening. Hi.
21 My name is Jason Slavi k. I live at 26 Jay

1 Street. So I live in the building that abuts
2 the back, the back of the building.

3 I wanted to say I agree, I appreciate
4 Miss Walcott's commitment to Cambridge. I'm
5 much more recent to Cambridge. I've only
6 been here for about 11 or 12 years. But I
7 also really adore Cambridge, and I think it's
8 -- and for the same reasons, the -- I love
9 that it's a neighborhood place and I love the
10 community. I love meeting all my neighbors
11 and getting to know all the people around me.
12 And I think it's all great. And I think it's
13 a nice plan. The architects did a great job.
14 I'm a little amused at the description of
15 green space that I keep hearing because I
16 live there and I walk by the building
17 everyday so I know what they're talking
18 about. It kind of reminds me of Woody Allen
19 in Love and Death where he talks about his
20 father has a small plot of land. It's about
21 this big (indicating) as green space goes.

1 But not -- I agree, I think the architecture
2 is great and I'm glad it's residential. I
3 think the parking situation is entirely
4 misrepresented. I also think it's actually a
5 really tight parking there. It's very
6 challenging and that's -- that is my only
7 concern with this project. It's very
8 challenging parking.

9 We have -- there was a new four-unit
10 very large building that went in two doors
11 down from me recently, and in spite of the
12 fact that they added garage parking, it still
13 has clobbered the parking on the street. Up
14 at the top of Jay Street another four units
15 were renovated and that has also impacted
16 parking on Jay Street. Woe to you if you
17 were looking for parking on street cleaning
18 days. And God forbid you do not get a
19 parking space really early in a snowstorm
20 because then you are in big trouble.

21 I am also a teacher and I teach very

1 Late at night, and when I come back at ten or
2 eleven o'clock at night, I'm lucky when I get
3 parking at that hour. And if you're going to
4 build three units that are two bedroom and
5 three bedroom units, those are -- that's
6 easily two cars per unit. So you're easily
7 talking an additional six cars easily. And
8 yes, I agree, all the description of walking
9 up to Central Square is excellent. That's
10 all very true. Nevertheless, a two-bedroom
11 unit, you're looking at people coming in with
12 two cars. And to provide one parking space
13 is for six cars, to me is not considerate of
14 the neighborhood of the people who live on
15 Jay Street and is irresponsible. There needs
16 to be more parking. I can't answer how
17 because I've looked at the plan and I know
18 what it looks like.

19 And thank you very much for your time.
20 I appreciate it.

21 HUGH RUSSELL: An Guyen.

1 AN GUYEN: Hi. My name is An Guyen.
2 I'm the owner of the 26 Jay Street. And I
3 live there since 1978. And I'm very
4 appreciate that they're going to fix that
5 building, and especially it's an historical
6 building, because that would be then, you
7 know, all the classes is coming into my yard.
8 And the fan's actually like two feet, you
9 know, to the wall of the historical building.
10 Yeah, Jason and Elena already said what
11 I wanted to say. But I just wanted to
12 mention that since I lived there since 1978,
13 I have seen so many condos going up, like
14 four condo -- four apartments, you know,
15 right up to my fence in the back. And now
16 three more on the side. So, I'm kind of
17 concerned if we try to squeeze, you know, a
18 lot of people into a small places and
19 pretending that we providing parking and open
20 space, which you know, like, I've seen on Jay
21 Street, a lot of garage that were built but

1 people never park in the daytime and even in
2 the nighttime. That's why, you know, people
3 we do have, you know, parking. I think
4 parking is a very major concern for us.

5 Thank you very much.

6 HUGH RUSSELL: Thank you.

7 Cynthia Greaves (phonetic).

8 CYNTHIA GREAVES: Hello. Good
9 evening my name is Cynthia Greaves and I live
10 at 24 Jay Street. And like my neighbors
11 Jason, Elena and An talk about parking. I'm
12 also here to talk about parking. I have a
13 child who is in school. I do go to meetings
14 at night coming back at home at night. It's
15 very difficult to find parking. Sometimes we
16 have to park further than where we live and
17 then we have to walk. I do day care. It's a
18 problem for me when I go out at night to do
19 my meetings and come back. There is no
20 parking. Yes, the guy pass and he said he
21 saw parking at seven o'clock in the night.

1 I'm not saying no. But come home at eight,
2 nine o'clock at night, there is no parking.
3 You move your car on weekends, you come back
4 and there is no parking. Somebody else come
5 and park there. So that's my biggest concern
6 for parking.

7 He talked about the bicycle space,
8 eight bikes, yes, I like riding bike. I'm up
9 for that, but are you going to get tenants to
10 use that bicycle space or are they going to
11 have cars to find parking for their cars? So
12 that's my biggest question.

13 Thank you.

14 HUGH RUSSELL: Thank you.

15 George, do you want to speak now?

16 GEORGE MCCREA: I do. I do. My
17 name is George McCrea from North Cambridge.
18 I know many of you Board members. I have
19 appeared before you many times in the distant
20 past, not the recent future. I as you know,
21 now that I live in North Cambridge, I sat on

1 many boards in Cambridge. I am the former
2 chair of the North Cambridge Degradation
3 Committee. The founding member of the North
4 Cambridge Crime Task Force. I've been
5 employed by the City Manager through the
6 Porter Square redevelopment. I've been
7 appointed by the City Manager to the Trolley
8 Square Housing Development so I've heard it
9 all over the years.

10 The reason I'm here today, it's a
11 personal reason, and also a reason as a very
12 involved citizen of North Cambridge. I've
13 been in Cambridge since '68. I've been
14 involved hands on in North Cambridge since
15 roughly 1970. I argue many times, of course,
16 people will debate it, that I've been in
17 involved in Cambridge as much as City
18 Councilors, even more. Because I live in
19 North Cambridge, I own a business in North
20 Cambridge. I've owned my home in North
21 Cambridge since 1980. And even more I know

1 Mrs. Walcott. I knew her sister before her.
2 I knew her brothers. These, the Walcotts are
3 special in the sense that unlike many
4 citizens in general, but specifically in
5 Cambridge, they put their work out in a way
6 that a lot of people say we're going to do it
7 X, Y and Z. They do it, X, Y and Z. I call
8 her Kathleen. As Kathy Walcott has said she
9 was a teacher in North Cambridge. She didn't
10 say that she formed the Black Freedom Trail
11 with Mayor Kenneth Reeves. She has done many
12 other civic things in North Cambridge.

13 She's the only woman of color I've seen
14 in 40 years that have come before this
15 committee seeking to develop property owned.
16 She has been approached many times to sell
17 this property by developers because they see
18 the potential here. I am personally shocked
19 that given the FAR there that they're only
20 seeking three units. I know there's an issue
21 of parking, etcetera, etcetera. But I would

1 argue that any developer who had that unit,
2 that facility, and I've stored in that
3 facility for the last 15 or more years, so I
4 know the size of it, that they would put more
5 units there. Parking would be an issue, yes.
6 But they would come up before you with a
7 lawyer and argue their right to do that.
8 Their right to do that. This is a woman who
9 has devoted all her life to North Cambridge.
10 She's seeking to maintain a contact and a
11 connection with North Cambridge. She has
12 provided some public housing. I had a one --
13 not 96 Western Avenue -- she has provided
14 Section 8 housing in there. But it's not
15 mentioned, for a number of years. For the
16 first time she's seeking to develop this unit
17 as a residential owner, a woman mind you, I
18 wouldn't say she was a person of color
19 because you can see that. And I think
20 seeking a Special Permit to do that, I think
21 is a worthwhile venture. She has a history

1 and a record that is a very good one.

2 Parking is an issue. The neighbors
3 have spoken about that, but I think it's an
4 issue that can be addressed before this
5 committee.

6 I thank you very much.

7 HUGH RUSSELL: Thank you.

8 Does anyone else wish to speak?

9 (No response).

10 HUGH RUSSELL: Okay. So I would
11 propose we would close the hearing for oral
12 testimony and leave it open for written
13 testimony.

14 (All agreed).

15 HUGH RUSSELL: So, we have to make
16 some findings to grant the three permits and
17 there aren't very many.

18 So, in terms of the 5.28 finding about
19 impact upon residential neighbors affecting
20 the privacy, windows, screening elements, I
21 think all the testimony we've heard is that

1 we can make that finding.

2 Paragraph two, we have to -- the impact
3 of increased numbers of dwelling units that
4 are normally permitted in the district, and
5 on street parking, particularly in neighbors
6 where street parking is limited. So,
7 that's --

8 PAMELA WINTERS: That's an issue.

9 HUGH RUSSELL: -- that's the one
10 we've got to get passed.

11 And then there is a waiver of open
12 space requirements, and the criterion there
13 is that if we can't reasonably expect
14 creation of more open space, then I would
15 suggest that they're doing everything that
16 they possibly can including eating away at
17 the building to create some open space. I
18 think that's an easy finding for us.

19 So that seems to be the context. Have
20 I missed anything else?

21 CHARLES STUDEN: I'm sorry, Hugh,

1 what did you say?

2 HUGH RUSSELL: Have I missed
3 anything else that we have to take into
4 account?

5 Susan.

6 SUSAN GLAZER: Hugh, Li za got an
7 e-mail came in yesterday from an abutter on
8 Kinna rd Street indicating his concern for
9 anything on the roof, including roof access
10 and rooftop equipment. So that's something
11 that the Petitioner should address what they
12 want to do.

13 ANTONIO GOMES: If I can address
14 that. There's basically nothing on the roof
15 on our proposal. Basically are the skylights
16 that we're adding. There's no deck or
17 anything.

18 WILLIAM TIBBS: No access.

19 HUGH RUSSELL: Mechanical equipment
20 on the roof?

21 ANTONIO GOMES: No. All the

1 mechanical equipment is going to be located
2 in each of the units. We're going to have a
3 separate space for all the mechanical. Any
4 mechanical equipment may also be located in
5 -- with greenery at the ground floor but
6 nothing up on the roof.

7 HUGH RUSSELL: Okay. Thank you.

8 STEVEN WINTER: Is there access, did
9 we determine that?

10 ANTONIO GOMES: The only access from
11 the other building there's a door that leads
12 out to the roof to take out the drainage, you
13 know, leaves. Take out leaves and stuff like
14 that.

15 WILLIAM TIBBS: Just for
16 maintenance?

17 HUGH RUSSELL: Yes.

18 PAMELA WINTERS: So, I guess I'm
19 really happy about the project. I'm happy
20 that it got a stamp of approval from the
21 Historical Commission. I'm really happy that

1 you' re repl aci ng asphal t wi th a
2 semi -permeabl e servi ce. I thi nk that' s
3 great. And I' m happy about the housi ng. The
4 only thi ng I' m not happy about is the
5 parki ng. That' s the one i ssue that doesn' t
6 thri ll me. But I al so thi nk that you shoul d
7 move back to Cambri dge.

8 ATTORNEY ISAAC MACHADO: We do l i ke
9 her i n Somervi l l e.

10 PAMELA WINTERS: I don' t know how
11 we' re goi ng to address the parki ng i ssue.
12 And I don' t know i f other Board members feel
13 that' s an i ssue.

14 CHARLES STUDEN: Go ahead.

15 WILLIAM TIBBS: I was goi ng to say I
16 don' t l i ve far from thi s nei ghborhood and
17 parki ng is j ust -- i t' s a probl em i n the
18 whol e area. And I guess I l ook at i t as i s
19 thi s proj ect goi ng to -- i s i t l i ke a t i ppi ng
20 poi nt, the one that overburdens i t? I f i t
21 was a much l arger bui l di ng wi th many more

1 units, I would be a little concerned. But I
2 think that yes, it's going to have some
3 adverse affects, not even adverse. It's
4 going to have some affects right in the
5 immediate area, but I think it's not going to
6 be -- I think this addition is not going to
7 make -- isn't cause for me to feel that the
8 -- it's going to be detrimental enough to
9 cause the benefit for what we're getting to
10 have happen.

11 STEVEN WINTER: Can I follow up?

12 HUGH RUSSELL: Go ahead.

13 STEVEN WINTER: In fact the tipping
14 point is not such a serious tipping point
15 that we can't say there's no more in when
16 others have come in prior.

17 CHARLES STUDEN: Yes. I was also
18 going to comment that the proximity of the
19 project to Central Square of course with the
20 Red Line. And also the fact that there's a
21 bus that comes right in front of the property

1 is also very persuasive to me.

2 WILLIAM TIBBS: And I would say I
3 agree with the neighbors. I mean, I've done
4 that shuffle just like you talked about. I
5 do it almost every day, so -- but I think
6 it's not -- to me it's not so bad that I
7 would say that this shouldn't happen.

8 HUGH RUSSELL: Tom.

9 THOMAS ANNINGER: I agree with all
10 that. I don't think the alternative, you
11 know, the alternatives are not great.
12 Leaving it as it is is far worse. What are
13 you going to do with it? Either we have
14 residential or we have storage? Is that what
15 it comes down to? And as far as residential,
16 there's two or three units, I think, that's
17 really a decision you make based on the space
18 you've got. I'm not convinced that you're
19 going to have six cars there. I think it's
20 going to be a lot less than that. I happen
21 to think that the trends are in our favor.

1 Not that long ago we had a strong Zip Car
2 proposal and we got the feeling that a lot of
3 people were starting to rethink whether they
4 really needed a car all the time. So I think
5 there are all sorts of things. Bicycle lanes
6 are amazing in Cambridge. You have to really
7 be careful when you drive through town now.
8 So I am very positive about you're doing
9 something like this. I can't see any reason
10 why we wouldn't approve it.

11 STEVEN WINTER: Can we move forward?

12 CHARLES STUDEN: Yes.

13 HUGH RUSSELL: Does someone want to
14 make a Motion, we can move forward.

15 THOMAS ANNINGER: I think you've
16 gone through the items on the list, the
17 findings, so it's fairly easy. Let me just
18 make sure I understand it.

19 This first one is the one, the impact
20 on residential neighbors and so on. That's
21 the conversion, that's the heart of the

1 conversi on --

2 HUGH RUSSELL: Ri ght.

3 THOMAS ANNINGER: -- part.

4 And what we have in front of us doesn't
5 real ly have the whol e Ordi nance in front of
6 us, but thi s is the one that wai ves parki ng
7 setback and I don' t know what el se, and
8 enabl es peopl e to do thi ngs that they
9 coul dn' t otherwi se do. What is it that we' re
10 wai vi ng here?

11 HUGH RUSSELL: It' s set-up to say
12 that you can change the use of the bui l di ng
13 from non-resi denti al to resi denti al provi ded
14 these cri teri a are met. And i rrespecti ve --
15 I thi nk there' s a -- there' s one provi si on
16 whi ch doesn' t get tri ggered here. If you --
17 you can -- i sn' t there a provi si on that a
18 mi ni mum si ze of the uni ts?

19 LIZA PADEN: 900 square feet.

20 WILLIAM TIBBS: 900 -- i t' s actual ly
21 on the back of thi s sheet. It says the FAR

1 was within the limits of the existing
2 structure. The height is within the limited
3 structure. The open space portion -- yes, I
4 mean I think this pretty much, this project
5 obviously applies.

6 HUGH RUSSELL: I mean the actual
7 area per floor is much greater than 900
8 square feet I don't know exactly what it is.

9 ANTONIO GOMES: It's between 1,000
10 and 1500 square feet. Each floor is --
11 they're flat essentially. So we didn't add
12 more.

13 HUGH RUSSELL: Right.

14 THOMAS ANNINGER: I don't think we
15 need to complicate the Motion very much.

16 WILLIAM TIBBS: I agree.

17 THOMAS ANNINGER: I think Hugh has
18 gone through the findings which seem to
19 satisfy us all. And, therefore, I move that
20 we grant the relief requested based on the
21 outline of the findings, the satisfaction of

1 the findings that we've heard before us and.
2 Therefore, I'd like to make a Motion that we
3 grant the Special Permit for the relief
4 requested.

5 WILLIAM TIBBS: Second.

6 HUGH RUSSELL: Okay.

7 Any discussion on the Motion?

8 All those in favor?

9 (Show of hands.)

10 HUGH RUSSELL: All members voting in
11 favor.

12 (A short recess was taken.)

13 ATTORNEY JAMES RAFFERTY: Good
14 evening, Mr. Chairman and members of the
15 Board. For the record, James Rafferty on
16 behalf of the applicants the New Boston Fund.

17 This is the Special Permit that you
18 recall out on Fawcett Street that authorized
19 the construction of 260 residential units.
20 It's getting close to the point where the two
21 year mark on this permit is October 15th.

1 There's been there legislation called the
2 Permit Extension Act, and it seems like it
3 would cover this and, therefore, I wouldn't
4 need to keep you here very long or be here at
5 all, but lawyers being lawyers, and then
6 there's all this talk about well, yeah, it
7 does cover it but what if it doesn't? And so
8 if you ask the Law Department, they say yeah,
9 we think it does, but you'll have to decide,
10 because if the Building Department were to
11 decide it didn't, we'd have to defend that
12 position. So, the safer course of conduct in
13 belt and suspenders is to ask here for what
14 probably is permitted under the state
15 statute, the recent statute, and that is for
16 a one year extension of the project. Not to
17 interrupt the Chair, but I know the typical
18 inquiry about what's happening and all that.
19 So I just wanted to update you that this
20 project, the good news is that I think is
21 very close to happening. In fact, there are

1 -- it may not be by this proponent, but there
2 is a due diligence period now that's engaged
3 in looking at -- it will be a slightly
4 modified, but same scale, same approach, and
5 I believe you could be seeing us as soon as a
6 month or two from now coming in with a
7 definitive plan and eagerness to go forward.

8 But for a variety of reasons, it's
9 critical to keep this permit alive. So this
10 is an attempt to ensure that to the extent
11 that the same statute is not doing an
12 adequate job of that, this Board would make
13 an affirmative finding to allow for an
14 extension.

15 STEVEN WINTER: Mr. Chair?

16 HUGH RUSSELL: Yes.

17 STEVEN WINTER: If I may,
18 Mr. Rafferty, the legislation actually was a
19 little controversial in that many
20 municipalities felt that they could make
21 these decisions just fine on their own. And

1 could in fact encourage development and be
2 supportive of economic development as this
3 Board always is. So I greatly respect your
4 making the effort to come to the Board and
5 say even though the legislation allows this,
6 I think it's a very respectful gesture to
7 indicate to the Planning Board that you'd
8 still like us to signoff on a concurrence and
9 to show you our support which I'm willing to
10 do.

11 HUGH RUSSELL: Okay. Is this
12 something we normally do and thus we believe
13 the circumstances in the area have changed
14 very significantly. I don't believe that's
15 the case.

16 ATTORNEY JAMES RAFFERTY: I'm not
17 aware of any changes.

18 WILLIAM TIBBS: I think you've got
19 about seven more years before I begin to get
20 concerned. It's always about a ten year
21 period.

1 THOMAS ANNINGER: It's a corner of
2 Fawcett Street that's crying out for
3 something to happen.

4 ATTORNEY JAMES RAFFERTY: Yes, it
5 was the first project that came right on the
6 heels of the Alewife Rezoning. It's very
7 much -- hopefully it could be the beginning
8 of something. And this would -- there was
9 some genuine enthusiasm. And the exciting
10 part of this is I actually think that it will
11 be coming soon.

12 THOMAS ANNINGER: Disappointing for
13 me anyway is that it sounds like the young
14 Vickery (phonetic) will not be a part of it.

15 ATTORNEY JAMES RAFFERTY: That is
16 true. He will not. He's in two ways -- he's
17 no longer with New Boston. And it appears
18 that they're going to be selling the project.
19 But we'll find someone as engaging and
20 appealing I assure you when the time comes.
21 And there will always be me.

1 WILLIAM TIBBS: I was going to say
2 you'll still be here.

3 CHARLES STUDEN: Thank goodness.

4 ATTORNEY JAMES RAFFERTY: To cover
5 the deficiencies in that area.

6 HUGH RUSSELL: So would someone like
7 to move that we extend this permit for a
8 period of one year?

9 CHARLES STUDEN: So moved.

10 PAMELA WINTERS: So moved.

11 WILLIAM TIBBS: So moved.

12 HUGH RUSSELL: We'll go to Bill as
13 the mover and Pam as the seconder.

14 PAM WINTERS: Okay, that's great.

15 HUGH RUSSELL: All those in favor.

16 (Show of hands.)

17 HUGH RUSSELL: It's unanimous.

18 ATTORNEY JAMES RAFFERTY: Thank you
19 very much. Look forward to seeing you
20 shortly.

21 (At 10:40 p.m., the meeting adjourned.)

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

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

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

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 12th day of October 2010.

Catherine L. Zelinski
Notary Public
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.