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PLANNING BOARD FOR THE CITY OF CAMBRIDGE
GENERAL HEARING

Tuesday, September 6, 2011

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
- H. Theodore Cohen, Member
- Charles Studen, Associate Member

Community Development Staff:
 Brian Murphy, Assistant City Manager
 Susan Glazer
 Liza Paden
 Roger Boothe
 Stuart Dash
 Jeff Roberts
 Taha Jennings

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I N D E X

GENERAL BUSINESSPAGE

- | | | |
|---|---|---|
| | 1. Board of Zoning Appeal Cases | 3 |
| 5 | 2. Update, Brian Murphy,
Assistant City Manager
for Community Development | |
| 7 | 3. Adoption of the Meeting Transcript(s) | |

PUBLIC HEARING

PB#258, 119 -- 136 Harvey Street, Special Permit (Section 11.10) to construct 29 units of housing and 29 parking spaces, with requested relief for Open Space Dimensions (Section 11.15.5.1) and Multi-family Use (Section 17.23.1)

PB#262, Industrial Park Drive and North Point Boulevard Extension

Chestnut Hill Realty Zoning Petition to create a new section in the Cambridge Zoning Ordinance to allow the creation of basement rental apartments

P R O C E E D I N G S

(Sitting Members: Hugh Russell, Thomas Anninger, Pamela Winters, H. Theodore Cohen, Charles Studen.)

HUGH RUSSELL: Good evening. This is the meeting of the Cambridge Planning Board. The first item on our agenda is the view of the Zoning Board of Appeals cases for September 8th.

CHARLES STUDEN: I had a question about case No. 10147, the first one on the list. The proposal to create a food truck pod. Can you describe that? I mean, it sounds like a very good idea rather than having a proliferation of these trucks in various locations. The idea that they would be located, co-located in a single place with an outdoor deck and seating area.

LIZA PADEN: Right. So there is a vacant lot on First Street that the proposal is to have services; water and gas, in this

1 lot and the various food trucks would be able
2 to be parked there. The advantage is they're
3 not on the public street. They're not taking
4 up parking spaces. And so there's a
5 gentleman, who actually has a food truck, and
6 he's looking to put in this location, the use
7 in this location and then he would offset
8 some of the costs by leasing some of the
9 spaces to other people.

10 CHARLES STUDEN: Do we know of any
11 other prototypes for this? Are there any
12 other -- certainly not --

13 LIZA PADEN: On private property?

14 CHARLES STUDEN: In Cambridge or in
15 adjacent communities? It seems like such a
16 simple idea.

17 LIZA PADEN: I think it's a simple
18 idea, but I think what happens is the value
19 of the land to be used is for food trucks for
20 a certain number of hours, Monday through
21 Friday not maybe year round. There are some

1 properties at Harvard and MIT where they have
2 some of the food trucks on the private
3 property, but for the most part they're on
4 the public street.

5 CHARLES STUDEN: Thank you.

6 HUGH RUSSELL: Did you see any
7 cases?

8 LIZA PADEN: No, I didn't.

9 H. THEODORE COHEN: I just have a
10 question about 10150, the 535 Cambridge
11 Street.

12 LIZA PADEN: Yes.

13 H. THEODORE COHEN: What is that
14 currently?

15 LIZA PADEN: That is the first floor
16 of the two-story building. The Planning
17 Board granted a Special Permit to convert the
18 second floor to residential units. And right
19 now -- it's been a furniture store. It's
20 been a futon store. Right now it's vacant.

21 H. THEODORE COHEN: So it's been a

1 retail?

2 LIZA PADEN: Oh, it's always been
3 retail, yes. This section of Cambridge
4 Street has always been retail.

5 H. THEODORE COHEN: And they need a
6 Special Permit because that particular use?

7 LIZA PADEN: All pet care services
8 require a Special Permit from the Board of
9 Zoning Appeal.

10 HUGH RUSSELL: Okay. So we have no
11 comments.

12 LIZA PADEN: Okay.

13 * * * * *

14 HUGH RUSSELL: Next item is Brian's
15 update.

16 BRIAN MURPHY: Good evening. And
17 update is mostly this preview coming
18 attractions. On the Ordinance Committee
19 they've got four hearings on September 7th
20 for four of the notifications before you on
21 the Zoning petitions that will be coming

1 before you on the 20th I believe? Two weeks.

2 HUGH RUSSELL: 13th.

3 BRIAN MURPHY: 13th, I'm sorry. I'm
4 getting ahead of myself.

5 And then on the 14th they've got two
6 other Zoning petitions as well.

7 And then on October 4th -- October 5th,
8 I'm sorry, the Ordinance Committee has a
9 public hearing on the MIT Zoning the night
10 after we get MIT coming here on October 4th.

11 That's the preview of coming
12 attractions as the calendar turns to
13 post-Labor Day activity, we should have an
14 action-packed fall.

15 HUGH RUSSELL: Thank you.

16 * * * * *

17 HUGH RUSSELL: Li za, have you
18 reviewed any additional transcripts?

19 LIZA PADEN: I'm sorry to say that
20 during vacation I didn't read any
21 transcripts. I'll get right back on it.

1 H. THEODORE COHEN: No rainy days?

2 LIZA PADEN: I didn't have any rainy
3 days.

4 HUGH RUSSELL: Next item on our
5 agenda is a public hearing advertised for
6 7:20. So we're going to I think spend most
7 of the next ten minutes reading the things
8 that have come to us today for us to review.

9 (A short recess was taken.)

10 (Sitting Members: Hugh Russell, Thomas
11 Anninger, William Tibbs, Pamela Winters,
12 Steven Winter, H. Theodore Cohen, Charles
13 Studen.)

14 HUGH RUSSELL: It is 7:20, so we
15 will be discussing case No. 258, 119-136
16 Harvey Street. And it's my understanding
17 there have been significant changes in the
18 plans, and also we did not close the hearing
19 so this is advertised as a public hearing.
20 And after the Petitioner explains what's new,
21 the Board has an opportunity to ask

1 questions. We'll be asking for public
2 testimony. We've also received a great deal
3 of written testimony. And so if you've sent
4 in written testimony, you might just want to
5 call up and say I'm the person who sent this
6 in and I haven't changed my mind or something
7 like that.

8 Anyway, let's go forward with the
9 Petitioner.

10 ATTORNEY TERRENCE MORRIS: Thank
11 you, Mr. Chairman, members of the board, for
12 the record, my name is Terrence P. Morris.
13 I'm an attorney representing the Petitioner,
14 Mr. Peter Lee of Young Investments, LLC, with
15 offices in Cambridge, 477 Concord Avenue in
16 Cambridge.

17 As the Chairman alluded to, I am quite
18 pleased to be here before you this evening
19 continuing the public hearing that we started
20 some four months ago, and to share with you
21 the significant changes to the project scope,

1 starting with the site plan and ranging on
2 down to the number of units, the parking
3 arrangements and of the landscape treatment.

4 Probably the most significant thing
5 right off the bat is to say the products been
6 reduced from 29 units down to 20. Initially
7 we had asked for floor area ratio of 44,800
8 square feet. We're now seeking 34,313 square
9 feet which is a reduction of almost 10,500
10 square feet in gross floor area. A
11 significant reduction by any standard. Just
12 to put it in context. Initially we were
13 dealing with an SD-2 District that has an
14 underlying 0.5 FAR that stems from the base
15 district of Residence B. The SD-2 does allow
16 people to start with the basic 0.65. And
17 from there on to ask for another 30 percent
18 in compliance with the Affordable Housing
19 Inclusionary Housing Provision, a bonus
20 situation. Under this scenario we're
21 starting with an FAR. We've come up with a

1 floor area of 26,547 square feet which is the
2 0.5 FAR. We -- so we're well below the FAR
3 for the SD that's allowable under the SD-2
4 Zone.

5 Just by way of context, we understand
6 that the zoning member that you're going to
7 be hearing next week that would lower the
8 dimensional standards, and we would say that
9 notwithstanding whether that Petitioner is
10 successful or not, that this Petition would
11 meet those standards.

12 So, with a -- we are providing two
13 affordable units. And with that density
14 bonus it would bring our total square footage
15 to 34,313. Probably most significant element
16 or change to the site plan is the fact that
17 with the reduction in units we're able to
18 achieve a number of objectives, address a
19 number of concerns that have been articulated
20 both by concerned citizens, but also by
21 members of the Board itself.

1 The most notable situation is
2 previously under the former plan we had 10
3 units located along Harvey Street. And then
4 we had another 19 units across the back.
5 Those, the building modules for that earlier
6 project had two, three-unit buildings along
7 here and a four-unit building along there.
8 And along the back we had six-unit row and a
9 seven-unit row. This led to a number of
10 criticisms of the site plan as it was earlier
11 conceived. One of the things I think -- a
12 phrase that was coined by one of our
13 abutters, was that looking down between the
14 buildings along the back side, he felt that
15 it would -- we were -- it resulted in a
16 canyon effect created by the long continuous
17 row of six and then seven units across the
18 back, coupled with a three or four modules on
19 the front. There was some validity to that
20 concern. So the first thing we did was to
21 break up the two module -- and break up all

1 of the modules so that now you will see that
2 there are ten buildings on the site and no
3 module is bigger than three units. And those
4 are located on the back.

5 Across the front of the site, where we
6 previously had ten units, we now have seven
7 units. And the most significant feature here
8 is the mix in units starts with a -- is
9 comprised of three, single-family houses and
10 two duplexes.

11 Immediately to our left at 137 Harvey
12 Street, we have a single-family house owned
13 by John -- Nathan Rains and John Grant. And
14 here we have No. 115 Harvey Street, a
15 three-unit building owned by Amelia Westmark
16 and Harold Jensen.

17 There was much concern at the earlier
18 hearing that these properties were impacted
19 by the siting of our buildings and the scope
20 of the project. We've worked very hard over
21 the last four months to reduce the impact to

1 the point where we're pleased to say that the
2 owners of both those properties are
3 supportive of this project.

4 In achieving the reduction in density
5 we basically, in -- we've sited a
6 single-family house here next to the
7 Grant/Rain's single-family home. We then
8 have the driveway going into the back of the
9 site. We have a duplex here, and then we
10 have another single-family here adjacent to
11 115 Harvey Street. On the other side of
12 that, we have another single-family home and
13 then a duplex home here.

14 In the back side, I believe our nearest
15 neighbor at 95 Harvey Street, Mr. Michael
16 O'Shea was concerned about the proximity, and
17 indeed that was one of criticisms I think
18 that was shared with us by certain members of
19 the Board, and we were pleased to have
20 received that feedback. The first thing we
21 did was basically to eliminate that unit

1 right there which increased the setback from
2 8 feet to more than 22 feet.

3 One other point of concern, and I
4 believe it was the Chairman that articulated
5 it, there's a house here at 119 Harvey Street
6 that is part of the project site. It is also
7 owned by the Lumber company. It was the
8 subject of a petition application that we
9 made before the Historic Commission to
10 demolish the building. By any testimony of
11 neighbors and anyone who's been in the
12 building, it is beyond salvageable. We, did
13 however, appear before the Historic
14 Commission and they found certain reasons
15 that the property was preferably preserved
16 and imposed a six-month delay. However, they
17 did invite us to submit additional
18 information, which we are preparing to do
19 regarding the structural integrity of the
20 building. And they've also asked for, and we
21 have granted permission for them to access

1 the site for personal inspection. So we
2 anticipate that once all of the evidence is
3 in, that they will see that the, that the
4 building is beyond repair in salvation.
5 Notwithstanding that fact, we are mindful of
6 the fact that one of the key elements in the
7 constructive criticism that we received from
8 members of the Board was this streetscape
9 here. There are a number of properties
10 referred to as cottages that are further to
11 the west of 135 going this way. We've
12 attempted to break up the buildings. And our
13 architect Mr. Jai Singh Khalsa will go into
14 more detail, the architectural detail. I
15 don't want to steal his thunder. Being an
16 architect -- I mean an attorney I know my
17 limitations. I've probably exceeded them
18 already.

19 But this building here, even though we
20 are seeking to demolish the building, are
21 sensitive to the fact of what it did

1 contribute to the streetscape. We are
2 replacing it with another single-family
3 building of a similar vintage and style and
4 design in the hopes that that will contribute
5 to the sense of streetscape that we hope has
6 evolved over the last several months.

7 Those are the buildings have been
8 broken up. There are some -- people walking
9 down the street can see that there are some
10 views through to the park at various
11 locations here and here and here and here.
12 With respect to the number of parking spaces,
13 of course the density that was -- of which we
14 were criticized earlier on were the number of
15 parking spaces that would need to be supplied
16 in order to service this project. Originally
17 we had the number somewhere in the
18 neighborhood of 29 spaces. We are pleased to
19 report that with the reduction to 20 units,
20 we are providing 31 spaces on the site. Many
21 of those spaces are located in tandem fashion

1 in the driveways that are in front of the
2 units along the back. This building here,
3 which at some point gone from four to six to
4 eight units, when the project was a larger
5 dimension has been reduced to three units
6 which in -- we are pleased to report that we
7 do have all of the those units are capable of
8 being fitted for handicap accessibility. We
9 are indeed going to build out one of the
10 units, I believe it's unit 19 here, and make
11 it handicap accessible.

12 Some of the other features -- the lot
13 area per unit requirement of course has
14 greatly -- what we're allocating has greatly
15 increased from something under 2,000 to over
16 2651 square feet. The percentage of open
17 space is at 53 percent. And the usable mark
18 is well above the minimum standard required.

19 Oh, one of the other important features
20 here along the street, we have literally
21 working up to the eleventh hour and we had

1 two neighborhood meetings last Tuesday and
2 Wednesday evening to share the plans and
3 solicit additional input. As a result --
4 just prior to one of those meetings I
5 received a call from an abutter across the
6 street, someone who is very active in the
7 North Cambridge Stabilization Committee,
8 asking if we could take a look at how we were
9 treating the streetscape in terms of the
10 landscaping effort. It doesn't show there,
11 but the original landscaping effort had a
12 number of flowering trees in each of the
13 individual front yards. And the critique was
14 well, really, those aren't really benefiting
15 the neighborhood as such. They're really
16 there for decorative purposes to accentuate
17 the project. And she mentioned the fact of
18 the lack of trees on Harvey Street. And if
19 you walk down Harvey Street, almost its north
20 length, the entire length on the north side
21 you won't find a single street tree. So, we

1 said well, great, we'll remove the trees from
2 the front yards. We'll take away the
3 flowering aspect of them, and we will provide
4 for -- we did go on-line to identify that the
5 Public Works Department has a tree planting
6 program which owners can participate upon the
7 payment of \$140 fee they'll open up a tree
8 well on the sidewalk. So we got all excited
9 of the possibility of participating in that
10 program and opening up ten tree wells on the
11 sidewalk and planting street trees. Only
12 come to find out that once our engineer had
13 pitched in and chimed in on this latest
14 change of the plans, said well, there's a
15 significant reason why you can't do that.
16 There's a 12-inch water main under the
17 sidewalk.

18 So undaunted and still with an eye
19 towards addressing those concerns, we said
20 well, we'll take all those tree wells that we
21 had originally shown on the sidewalk, we'll

1 move them back on to our property, but just
2 inside the back of the sidewalk far enough to
3 allow a root well to germinate and we will
4 still plant street trees, street trees, in
5 order to create that same kind of canopy
6 effect that was hoped for when we had wanted
7 to put them on the sidewalk.

8 I cite this as just one of many
9 examples in which we've tried with particular
10 effort over the last several months, but more
11 particularly over the last several weeks, to
12 address concerns as they've been brought to
13 our attention even within the past week or
14 so.

15 So, with that, I think I will gladly
16 turn the microphone over to those people who
17 know more about the actual details and
18 aesthetics of the project, and that is
19 Mr. Jai Singh Khalsa the project architect.

20 Thank you very much.

21 HUGH RUSSELL: Thank you.

1 Mr. Morris, I need to ask you one
2 question. Although there are seven people on
3 this Board, Mr. Studen was not at the
4 original hearing. So there are only six
5 voting members. If we were to take a vote
6 tonight, we would have to -- and we were to
7 vote to grant this Special Permit, we would
8 need a vote of five members.

9 ATTORNEY TERRENCE MORRIS: We
10 understand that, sir. I appreciate that,
11 Mr. Russell, thank you. At this point I
12 think we're prepared to go forward.

13 HUGH RUSSELL: Thank you.

14 ATTORNEY TERRENCE MORRIS: I should
15 have -- I was somewhat neglectful in not
16 mentioning this at the outset when I talked
17 about the reduction in the number of units.
18 We were able to do so, and we do owe a debt
19 of gratitude to the owner Mr. Leonard Kates
20 who worked with us in order to achieve that
21 goal.

1 Thank you.

2 JAI SINGH KHALSA: Good evening.
3 I'm Jai Singh Khalsa. I'm the architect on
4 the project. Terry went over most of the
5 Zoning information. I want to pipe in on
6 just a little bit more of the Zoning to start
7 with.

8 This is a diagram of the Zoning. That
9 heavier hatched area is your usable open
10 space. And the generally hatched area is
11 additional open space. And I just want to
12 point out that there is 52.3 percent open
13 space and 38 percent plus usable open space
14 where the threshold is 40 percent total open
15 space and 20 percent usable open space.

16 The -- some of the things that we
17 achieved on the site, the streetscape now is
18 broken up into a series of small homes. You
19 have a single-family home here which opens up
20 the front yard to visually be shared by the
21 house next-door. You have a duplex, which is

1 internal to our project. And then you have
2 two single-family homes here. And, again,
3 oriented so that the open space could be
4 open, the open space could be perceived as
5 being shared with the existing home that's at
6 this location, which is Amelia and TJ's
7 house. And then we go to another duplex here
8 and then we have our driveway here and open
9 space through.

10 Terry talked about some visual
11 corridors through the site. You have a view
12 through the site, here at the Linean Park. A
13 view through the site here. On either side
14 of the home here. And a view through the
15 site here. And then another suggestion that
16 was brought up to us by a board member was to
17 orient the entrance of this building so you
18 can see it down the street from this area
19 here. Which we've done. So visually you can
20 see it. Although there is a parking
21 arrangement with this abutter to be able to

1 use part of this area in here for him to be
2 able to park. So, I think we achieved both
3 of those things at the same time. We do have
4 the visual corridor here, we have the ability
5 to walk here to get the entranceway. We also
6 have internal circulation to get there as
7 well. And all three units in this building
8 are flats. And there is -- will be a lula
9 (phonetic) provided in the building so that
10 all the flats will be fully accessible.

11 Additionally we have garage parking
12 here. Every unit over here, and the
13 single-family homes, have garage parking.
14 And then along the units Nos. 9 through 17 we
15 have an arrangement where the depth of the
16 front yard space is increased, essentially
17 the internal space, and we have an ability to
18 do a tandem 16-foot compliant parking space
19 there.

20 I also want to note that we've
21 internalized the location of the dumpsters to

1 here and here. We have a transformer
2 location here and another transformer
3 location here. And we have 20 bicycle spaces
4 exterior throughout the site as well as
5 interior to the garage here. We have two
6 interior and then additionally, I believe
7 this is 12 here, six here and another six
8 here, bicycle spaces. It might be eight here
9 and eight here. No, it would be 12, 6 and 6.
10 So it's a little over 20 spaces total.

11 The site is fully accessible. The
12 walks are fully accessible. The pathway back
13 to the -- our green space here is fully
14 accessible. And we have a route here which
15 is shared with Mr. O'Shea where he has access
16 into his building here and then we continue
17 an access through the back of our site along
18 that, along that corridor there.

19 We have maintained a low roof profile
20 in a two-story building in this location here
21 as we had earlier honoring the intent and

1 wishes of the cornerstone group here. We did
2 open up all the side yards here to about 22
3 to just under 30 feet along the side yard
4 here. Opened up the space around all the
5 existing homes, and substantially reduced the
6 scale adding a lot of light and air into the
7 whole project throughout.

8 The image here is a little bit washed
9 out. You'll see this again later when Blair
10 Hines addresses you regarding the landscape.
11 But we've done some delineation of the
12 pavement areas here to reinforce what is
13 walkable circulation areas. And we've also,
14 on the duplexes and the triplexes back here,
15 for the most part, we've reoriented their
16 front entrances to the sides here coming in
17 at these locations rather than being directly
18 off the parking part to reduce some of the
19 circulation that may occur there.

20 One other thing that I should mention
21 is the folks at TJ and Amelia, at the house

1 here on Harvey Street are before the Zoning
2 Board to be doing substantial renovations to
3 their home which would be making it into a
4 three-story, three-family.

5 One of the things that they have is
6 they're proposing to have a two-car garage
7 underneath here. And we're in discussion
8 about providing them possibly an access way
9 through our parking lot into that garage,
10 potential garage, if they get their project
11 approved.

12 You can see here an aerial view of the
13 site which is basically from here to here,
14 coming around here. And you can get a good
15 sense of the scale of the buildings. How
16 they fit well into the scale of the buildings
17 on this side of the street. The buildings
18 are substantially shorter than a lot of the
19 triple deckers across the street. Some of
20 the other buildings in the neighborhood such
21 as the apartment style here.

1 This is your streetscape. So what
2 we've done is we've done very traditional
3 looking homes. This one here even to the
4 extent of having the appearance of a front
5 porch that might have been enclosed at some
6 time. Each -- these -- basically the three,
7 single-family homes are the same floor plate
8 slightly varying roof design and different
9 ornamentation treatment. So the idea would
10 be that they might have been a builder's home
11 at one point. That they might have been
12 intervened in little by little and changed
13 over time. And we have a two-family here and
14 a two-family here. This one somewhat
15 traditional in its appearance. This one a
16 little less traditional in its appearance.
17 This one here ties more into what's going on
18 back along the bike path in terms of the
19 look.

20 This view here is from standing on this
21 end of Harvey Street looking back. And you

1 ask see here's the single-family home. It's
2 a two-story home with garage under. And
3 there you have an enclosed bay as if it was a
4 porch and a very simple entrance porch in
5 this location. You then have a two-family
6 here with central entrance, a shed roof, two
7 dormers. And as you go down, another
8 single-family, another single-family and a
9 two. You look at it from this direction
10 here, you've got two-family, traditional
11 single-family, and then, you know, very
12 traditional looks as we go down the street.
13 And the idea was to use a very traditional
14 pallet on these in terms of the, in terms of
15 the color selections. To go with a Benjamin
16 Moore type historic pallet on the homes.

17 This one you don't really get a sense
18 of the colors, but you get a sense of the
19 massing and the views. This is the view from
20 eastern end of Harvey Street looking west.
21 This is a driveway coming down adjacent to

1 the O' Shea property. One of the duplex
2 homes, a single-family, and then the row of
3 trees that Terry was talking about. They
4 don't exactly look like shade trees, but they
5 expect to be shade trees.

6 This end, this is looking from the
7 other end of the site back up. You get a
8 sense, again, this is the single-family home.
9 A duplex, a single, the existing home and
10 down the row.

11 And this is a view from inside the
12 landscape court. The driveway going up and
13 out here. You can get a sense of the
14 plantings and the different pavement
15 delineation areas for circular, pedestrian
16 circulation. And we worked hard to break up
17 the massing in that area.

18 We've got a lot of views here. This is
19 perhaps a better view of the site, the aerial
20 view, this is the driveway in. You have the
21 two triplexes here, the duplexes. The

1 contextual homes along the street, and then
2 the three accessible units back here.

3 This is a view down the driveway.
4 Unfortunately the abutter's home was left out
5 of this image here, but that's the two-story
6 accessible building. You have a duplex here,
7 a single-family home here.

8 You've seen this view down Harvey.

9 This is another view looking down
10 Harvey where this is Amelia and TJ's current
11 house configuration. And the single-family
12 homes on either side. And you can see how it
13 opens up the potential, the landscaped areas
14 quite a bit.

15 This is a center view looking down
16 towards the flats, down towards corner stone.
17 The landscaping is not indicated in this.
18 But you can see here is the two-story
19 building and your two duplexes here.

20 A view from the bike path here, the
21 edge of one of the duplexes, the accessible

1 units, and the corner stone building here.

2 Again, from along the bike path, more
3 of a flat view of the flats. It would be
4 one, two, three flats, and then this is
5 indoor parking here. And you can see the
6 triplexes along this area here. And this is
7 a shot looking back through the site. This
8 is actually the back of one of the
9 single-family homes up on the street here.
10 Amelia and TJ's house which has a great view
11 to our park back here. And then the duplexes
12 along this side, and then Mr. O'Shea's
13 buildings over there.

14 Shadow-wise we weren't casting
15 substantial shadows before in terms of
16 impact, and they're less substantial now in
17 that there's less density on the site.

18 You got a pretty good sense of what's
19 going on here in terms of the figure ground
20 of the neighborhood. How small the homes
21 really are and how well they fit into the

1 texture of the neighborhood here. And so you
2 got a streetscape elevation along here seeing
3 how the density fits in as well.

4 I don't think we need to look at the
5 site photos. You're familiar with the site.

6 And this is just -- the next slides are
7 really just detail shots of the homes and the
8 different buildings. This is one of your
9 single-family homes. This would be next to
10 Mr. Grant's house. A traditional kind of
11 entrance with the flat roofed detail here
12 with -- it had a good bit of trim on it.
13 Heavy casings around the windows. Large
14 corner boards. The appearance of a screened
15 in porch it was in-filled here. And in
16 compliance with the 45-degree requirement
17 line here, the roof is set back at an angle
18 here which gives more of the porch appearance
19 with the front there.

20 Utilitarian type of window patterns on
21 the sides as required. And then here you can

1 see where you have your garage under on the
2 back. They're decent size homes. They're
3 about 2200 square feet, in that range, for
4 single families.

5 This is one of the duplex homes.
6 You've got a central entrance with a shed
7 roof. A couple of short columns engaged in
8 the peers. Very simplified dormers up on the
9 -- bays on this and some little gable
10 dormers. Eyebrow gable determines up top.
11 Again, you've got the grey change. You have
12 a side door coming around here where we can
13 put the side door in. And then in the rear
14 you've got a couple of garage doors. And on
15 this one it didn't work in particular on this
16 one to bring the door around the side because
17 the adjacency to the abutter.

18 Two of the other single-family homes,
19 and you just get a sense on the variation on
20 the theme of the detailing of it, where some
21 of the bays are engaged. Some of the bays

1 have gables. And different treatments on the
2 front porches where you have a gable front
3 porch and you have a front porch with a flat
4 roof.

5 And, again, more of the -- another
6 style of a duplex here. More contemporary
7 style duplex.

8 And this is one of the triplexes back
9 along the bike path. This is actually your
10 elevation along the bike path here. So it's
11 kind of interesting. You've got three bays.
12 You've got some large window areas. You have
13 a couple of entrance doors for the side units
14 there. So there's a good bit of detail and
15 interest going on in there, but I don't think
16 it's overblown.

17 And then when you get to the side
18 facing towards the parking court, you have
19 little Juliet balconies interspersed with the
20 bay windows, and there's some very simple
21 shed dormers up top up into the bedroom level

1 up there.

2 Another variation on a duplex towards
3 the rear of the property. And the pallet is
4 going to be clapboard probably hardy panel.
5 Azec panel on the flat surfaces, and an
6 asphalt shingle roof. And I think it would
7 be a three tab type of shingle. I don't
8 think we're going to an architectural
9 shingle.

10 And then this is your three-unit
11 apartment building with parking under. This
12 is your garage door with spaces into the
13 site. We kept the bays on the corners and
14 the roofs on them, and did a general
15 treatment of a hipped roof on the building.
16 And this is kind of, you'll get a vignette
17 view of this area here which is your -- I'm
18 sorry. This area here which is your front
19 entrance which you'll see looking down from
20 the street adjacent to Mr. Grant's house
21 where there's that 16-foot path that comes

1 back into the property.

2 And I'll turn it over to Blair Hynes
3 unless you have some questions.

4 HUGH RUSSELL: Thank you.

5 BLAIR HYNES: Hello. My name is
6 Blair Hynes. I'm a landscape architect, and
7 I will be going over summary of the landscape
8 plan. Some of the elements that will be
9 reiterating with what Mr. Khalsa just stated.

10 So in general just to pick up on our
11 overall approach. As Jai mentioned, the
12 whole interior of the site is depressed about
13 three feet from the street edge. So the idea
14 that we need to provide accessible, that's
15 less than five percent, five percent or less
16 access both down the driveways as well as on
17 the two walkways into the site. So the site,
18 we wanted the site to be entirely accessible.

19 Secondly, we were very concerned on
20 kind of building on what Jai was talking
21 about in terms of, in terms of the street

1 edge by providing a linear planting of street
2 trees, that you'll see here, as well as the
3 kind of a typical shrub tree that you find on
4 both single-family homes and duplexes. And
5 the different colors just indicating
6 different masses of similar plants with
7 shrubs, perennials and ornamental grass. So
8 we try to create a fairly, you know,
9 interesting pallet of plant materials so that
10 this street edge as people were walking along
11 would be very interested to know.

12 In addition, all the front walks with
13 the brick coming off the common concrete
14 sidewalk into the site. We were actually not
15 disappointed to hear that we could not put
16 the trees in the tree wells just because they
17 tend not to do as well as they would when
18 they have more of an open access. It did
19 become a little bit of a challenge in terms
20 of the type of the tree that's specified
21 there because we are a bit tight up against

1 the buildings. So we are picking something
2 with a little more of a columnar
3 characteristic. It was a columnar corn beam,
4 but, you know, there's enough other trees
5 that can be used and we are certainly open to
6 suggestions in that regard.

7 The next thing that we really wanted to
8 try to build on the plan. There are two
9 really other opportunities:

10 One, was to try to create some type of
11 a gathering area for the people who would be
12 in this community.

13 And, secondly, we were very interested
14 in the Linear Park as I know a number of
15 people who are here a lot. We thought it was
16 very nice. We thought with the removal of
17 the buildings and there's more of an
18 industrial site, that we think that the
19 landscaping that we're proposing will be, I
20 think, enhancing of the experience of people
21 who would be bicycling and walking through

1 the park. It looks fairly richly planted in
2 here which is what we wanted to but not to
3 make it a wall of plantings. So we have a
4 series of three different types of evergreen
5 trees, some evergreen shrubs, some flowering
6 shrubs. But the idea would be it would have
7 probably a mix of somewhere around two-thirds
8 kind of a screening, but at least a third
9 open so it didn't feel like you were
10 completely shutting this off either from
11 people walking this way being able to see
12 through as well as people on this side being
13 able to see in. So there was some sense of
14 both privacy, but also engaging the spaces to
15 what we believe both advantages.

16 In this particular case we created, and
17 unfortunately it's not coming through on the
18 projector here, kind of a paved common patio
19 area for all of the units as well as
20 surrounding plants. As Jai mentioned
21 earlier, we have bicycle parking in four

1 different locations on the site. So wherever
2 you might be on the site, there's plenty of
3 room to park the bicycle.

4 The other thing that -- and one of the
5 biggest challenges we had was to try to make
6 this corridor in here feel less like a big
7 parking area. And from the very beginning, I
8 think even on the earlier plans, there was a
9 patterning of different types of some type of
10 concrete inner paver that might be similar to
11 either bricks or cobblestones. But we wanted
12 to kind of break it up, create a sense of
13 individual spaces in front of all the duplex
14 units as well as kind of highlight with
15 different colors the entrances into the units
16 themselves. So the idea was to try and make
17 this a much more rich space, to have a lot of
18 plantings to fine tune the garage base and,
19 again, as you saw some of the illustrations
20 that the design group did, the idea is to
21 have some shade trees down in this area.

1 We' ve had some feedback from the
2 abutter in through here in terms of changing
3 some of the speci fi c shrubs and trees, and we
4 were perfectly -- we pi cked up on thei r last
5 suggesti ons and are very much open to other
6 suggesti ons in order to make the planti ng
7 that we' re doi ng feel comfortabl e and
8 responsi ve to the abutters on the vari ous --
9 on the four di fferent sides of the
10 devel opment.

11 I thi nk there have been -- al so, we
12 understand some concerns about the gradi ng.
13 And thi s pl an i s signi fi cantl y di fferent than
14 the -- di fferi ng from the former pl an.
15 Previ ousl y we had some wal ls that were all
16 along thi s here. I thi nk it was about three
17 feet hi gh. That' s been el i mi nated here. We
18 tri ed to el i mi nate the wal l all the way
19 across the parkl and, but in order to have
20 thi s whol e area up here, the usabl e outdoor
21 space, we do need to have a wal l , and there' s

1 only a few inches high over here to about two
2 feet to about three feet down in this area to
3 at grade and then back up to about two to
4 three feet in different areas depending on
5 the grade of the parkland.

6 HUGH RUSSELL: So the park is higher
7 than your lane?

8 BLAIR HYNES: Well, the park is
9 higher in the center, but this is a
10 retaining --

11 HUGH RUSSELL: Yes.

12 ATTORNEY TERRENCE MORRIS: Yes, it
13 is higher.

14 BLAIR HYNES: We have a little pit
15 in here and I guess I'm -- okay, so, if
16 anyone -- maybe Terry, will address this
17 later in terms of the existing conditions out
18 there. Just to very briefly say this,
19 there's an existing retaining wall which we
20 believe was probably put in by the lumber
21 yard at some point in the past. In fact,

1 this wall is on the public land. And then
2 there's a drop, a drop down about three feet.
3 And so we have to kind of pick up the
4 retaining at our property line, not at the
5 existing wall. So that counts for some of
6 the walled condition of the site plan.

7 HUGH RUSSELL: And what happens
8 between those two walls?

9 ATTORNEY TERRENCE MORRIS: Five
10 feet.

11 HUGH RUSSELL: Right. And what's
12 the vertical relationship? Is it --

13 BLAIR HYNES: It drops down.

14 ATTORNEY TERRENCE MORRIS: I can
15 explain that after this.

16 BLAIR HYNES: Yeah, I think there
17 was some discussion, which I'll let Terry
18 pick up on a little bit later in terms of the
19 interface between the development and the
20 parkland out there. If you have any
21 questions, I'd be more than happy to answer

1 them.

2 HUGH RUSSELL: Pam.

3 PAMELA WINTERS: I just wanted to
4 say I really like your choice of the -- or
5 perhaps you can show me again where the
6 vegetated hornbeams were going to go.

7 BLAIR HYNES: Right. We were
8 showing them across the front.

9 PAMELA WINTERS: Okay. They're a
10 nice tree.

11 BLAIR HYNES: Yes, they're very
12 nice. And they -- over time they can in fact
13 get rather (inaudible).

14 PAMELA WINTERS: Right. And if that
15 doesn't work, I might suggest something like
16 a vegetated beech tree, too, because they're
17 also --

18 BLAIR HYNES: They're very nice.

19 PAMELA WINTERS: They're nice, too.

20 BLAIR HYNES: There's also a very
21 narrow growing pin oak which might be

1 qui te --

2 PAMELA WINTERS: Which I have in my
3 garden as well, which is really nice.

4 BLAIR HYNES: Yeah. Which might be
5 more suitable and less fussy than the beeches
6 can be.

7 PAMELA WINTERS: Right, right.
8 Thank you.

9 HUGH RUSSELL: Okay.

10 ATTORNEY TERRENCE MORRIS: I think
11 it's probably appropriate at this juncture to
12 share with you some communication that was
13 received by certain people in the
14 neighborhood who had professed an interest in
15 the landscaping. So I wanted to state for
16 the public record that we had made statements
17 at the neighborhood meetings, I don't want to
18 repeat them here this evening, that we are --
19 and I think Blair Hynes had stated the same
20 sense as well. That the landscaping along
21 the perimeter is very much -- we're prepared

1 to work with each of our abutters to more
2 fine tune, finely tune the landscaping that
3 forms our common boundary.

4 One of the suggestions was made, and I
5 don't know whether you've done this before,
6 because I'm not that familiar with the
7 conditions that you impose on these kind of
8 permits, but one suggestion was that there be
9 a subcommittee of neighbors to include, to
10 review the types of tree and shrubs and
11 plantings and so forth as part as giving
12 input into landscape plan. We're happy to do
13 that. Some people may feel they have more
14 standing if it's in the permit. If you want
15 to condition it that way, we certainly have
16 no objection to that. So I did want to put
17 that out there.

18 One important thing about the existing
19 conditions, because I have had considerable
20 communication in the last 24 hours, believe
21 it or not, with a woman who lives, not in the

1 immediate neighborhood, but is a frequent
2 user of the park so it gives us that vantage
3 point, and was very concerned about the
4 transition between the back of our site and
5 the park itself. Blair pointed out that the
6 -- there is a retaining wall on the so-called
7 -- we'll call it the park wall, that is
8 located five feet on city-owned land and has
9 a fence on it, the eight-foot fence that
10 delineates the parkway from private land.
11 The net effect of that net runs for
12 approximately 200 feet. That thousand square
13 feet of land is effectively walled off from
14 public benefit by nature of the current land
15 use condition. With the introduction and
16 implementation of this project, it does allow
17 the opportunity to recapture that, that space
18 of land for public use. It does create an
19 unusual situation in terms of transitioning.
20 It -- we're very much married to the city now
21 in transitioning from the back of our lot to

1 the Linear Park. And that's because as you
2 all know, this was formerly a railroad right
3 of way. And historically when rail beds were
4 created, they were elevated, and with a sharp
5 drop off on either side to create -- so that
6 the tracks wouldn't be flooded out in storm
7 conditions. And we still have the net effect
8 of that here on our side of the bikeway. So
9 that that accounts for the steep grading.

10 Mr. Anninger, you had asked the
11 question, one of you had asked the
12 question -- sorry, Mr. Chairman, had asked
13 the question about the height of the Linear
14 Park. We estimate that the elevation of the
15 bike path itself, the bikeway, is actually
16 two feet higher than the retaining wall, the
17 park wall, which is located there. That is
18 the wall right there. It runs for about
19 considerable length, almost 200 feet, and it
20 captures about a thousand square feet of
21 space in here in a trough area that is three

1 foot lower. And what we hope to do, our
2 intent -- oh, across the back of our site, I
3 think Blair had mentioned that we start here
4 at elevation 27, and we -- from this point
5 forward we have a uniform elevation of 29.
6 We -- the -- and what happens is along the
7 back here, we have spot grades on this plan
8 that show that the land on the Linear Park --
9 actually, as you go from west, rises. You
10 have a 26/4 elevation here, 26/6 there, 26/9
11 there, culminating in a 27/7 elevation at
12 that point. So the land does rise. It is
13 our intent to try to establish the rear of
14 our lot line at an elevation that is at or
15 within 12 inches of the bikeway. And we are
16 open and offer to work with the City to
17 basically create that kind of transition and
18 overcome the effects of this historic walled
19 effect that now exists. So I did want to say
20 that, because ultimately we would like to
21 work towards having no walls, or at best

1 minimal walls along the back of that site and
2 we're committed to do that. So I thought
3 that was worth clarification.

4 Thank you.

5 HUGH RUSSELL: Okay. And is that
6 the end of your presentation?

7 ATTORNEY TERRENCE MORRIS: We have
8 our -- excuse me. We do have our -- the
9 engineer here who will speak to the
10 particulars of the grading plan particularly,
11 the infiltration system that we're capturing
12 storm water and recharging into the ground,
13 which we think is an important feature of
14 this development.

15 HUGH RUSSELL: Has that changed
16 since the earlier proposal?

17 JAI SINGH KHALSA: It has not
18 substantially changed, no.

19 HUGH RUSSELL: Then I think we
20 probably don't need to hear that.

21 ATTORNEY TERRENCE MORRIS: Jai

1 doesn't care if he doesn't have a speaking
2 part.

3 HUGH RUSSELL: Basically the water,
4 all of the water that falls on the site gets
5 collected and gets recharged underground and
6 they have -- according to the written record
7 before us, they've tested and the ground can
8 take that water. And that's kind of a best
9 practice for municipal water that you can do
10 today.

11 PAMELA WINTERS: And we have a memo
12 from the city engineer stating that, too.

13 HUGH RUSSELL: Stating that he's in
14 agreement, that this is a good solution.

15 ATTORNEY TERRENCE MORRIS: There are
16 a number of others -- other comments made in
17 this communication from neighbors. I
18 mentioned one of them with respect to the
19 landscaping, there are other suggestions with
20 respect to the color pallet. Mr. Khalsa has
21 addressed that. And changing in the

1 treatment of the hardscape to basically
2 create a more paved area -- pavement areas to
3 delineate, and I thought this was a concern
4 that you articulated to allow pedestrian
5 passageway, a clear pedestrian passageway
6 from the street to the back of the site. And
7 I think Mr. Khalsa had meant to mention that,
8 in fact, we are changing the -- we are
9 creating a paved walkway of different
10 materials to identify that for safe passage.

11 HUGH RUSSELL: Okay, thank you.

12 JAI SINGH KHALSA: I'll add some
13 more things to it since we're here and then
14 I'll sit down. I think it's important to
15 note that the site is 100 percent impervious,
16 and we now have over 50 percent open space
17 which will -- is pervious. And additionally,
18 I think it's important to note that the
19 building coverage of the existing building is
20 actually a little bit in excess of what we're
21 proposing. So the actual building coverage

1 now is a little bit less than what the
2 existing coverage of the facility is.

3 Thank you.

4 HUGH RUSSELL: Okay. Are there
5 questions on this presentation by members of
6 the Board?

7 (No Response.)

8 HUGH RUSSELL: Okay. Then, we will
9 go to public testimony. There's probably a
10 sign-up sheet over there. I saw Councilor
11 Kelley a minute ago. And would he like to
12 speak first?

13 COUNCILLOR KELLEY: I'm all set.
14 Thank you very much.

15 HUGH RUSSELL: Sure.

16 SUSAN TISSUE: I know I was the
17 first one to sign.

18 HUGH RUSSELL: Great, that will
19 speed things along.

20 I'm not quite sure what the sign-up
21 sheet status is because the sheet has only

1 one name on it.

2 UNIDENTIFIED MALE: No, there's
3 another sheet going around.

4 HUGH RUSSELL: Can somebody get that
5 to me?

6 Why don't you give your name and
7 address.

8 SUSAN TISSUE: Sure.

9 HUGH RUSSELL: As you probably
10 remember, the rules of the Board are that you
11 can speak for three minutes if you'd like to.
12 Given the number of people who signed up, we
13 appreciate people who speak for less than
14 three minutes.

15 SUSAN TESHU: I won't even come
16 close. My name is Susan Teshu. I live at 86
17 Harvey Street, and I just wanted to note that
18 this project here today was presented as a
19 project in isolation, and I would just like
20 to give a bit more context to it. In the 15
21 years that I've lived on Harvey Street, I've

1 just seen a continuous increase of density on
2 the street. It's not a very long street. It
3 runs for five blocks, and there just have
4 been continually more and more projects.
5 There's the co-housing project, which I'm
6 sure you're aware of. And on my block
7 there's a new development with four new
8 buildings as well. And so, I just, I just
9 want to set a bit of that picture for people.

10 I appreciate that the developers have
11 seemed to be responsive to many of the
12 concerns that community people have raised.
13 I hope that will continue to be the case.
14 And I will end there and let my neighbors who
15 have worked on this a lot more speak.

16 HUGH RUSSELL: Okay, thank you.

17 Next speaker is Charles Marquardt.

18 CHARLES MARQUARDT: Thank you, hi,
19 Charlie Marquardt, 10 Rogers Street. A
20 couple quick things.

21 First, I'm going to start with

1 commending Mr. Morris and his team. They've
2 done a good job responding to the
3 neighborhood concerns, and you can see it in
4 this project. Also, your concerns from the
5 Board. I mean, downsizing by a third, that's
6 a pretty big change. So that's important.

7 I'm just going to list off some
8 questions that were out there before, but I
9 didn't see them, how they were answered or
10 hear.

11 I mentioned to Mr. Morris last time
12 recycling scares me a little bit. Because
13 you go 20 units, three feet of per recycling
14 bin, that's 60 feet of recycling bins every
15 week out on the street. It's either on the
16 sidewalk or in the street. And Harvey Street
17 is pretty busy. And so what's the process to
18 get them back? And if we continue to do
19 really well with our recycling, we go to more
20 than one each. That's one and half to 90
21 feet. So that's a pretty good stretch of

1 street there. I also hit me today, and I'm
2 sorry I didn't mention this to you earlier,
3 Mr. Morris, as they dig up the street, there
4 could be the potential to work with the city
5 to put in a traffic calming measure there.
6 That street's a pretty fast thoroughfare. It
7 might benefit from one of those little bumps.
8 Those little bump-ups that slow everything
9 down. And if they're already digging up the
10 street, you never know, it could be a really
11 good idea there. And I was looking at the
12 pictures and it's a great southern exposure,
13 so I don't know what the options are for solar
14 on those buildings, but it seems to be an
15 ideal place if that is a true southern
16 exposure to get some really good solar.

17 When we talk about traffic and parking,
18 I think it's important to draw a big circle
19 around the entire neighborhood because right
20 across the street, I think it was on his
21 picture AL-1, you saw the Fawcett property

1 whi ch i s 104 uni ts pl anned for i t. So i f you
2 don' t factor i n traffi c and parki ng, we
3 al ready know from East Cambri dge that peopl e
4 park three, si x, ei ght bl ocks away on the
5 street rather than pay for parki ng. So what
6 does that do to the traffi c and parki ng on
7 both si des of Li near Park?

8 And the l ast thi ng i s j ust the park.
9 We tal k about the abutter and al l the
10 nei ghbors that are comi ng out. And
11 Mr. Morri s menti oned a concerned nei ghbor who
12 uses the park frequentl y. There' s a l ot of
13 peopl e that do, but we want to make sure that
14 someone' s there speaki ng for the park. I
15 thi nk that' s the ci ty, but I want to see what
16 the ci ty has to say about the park and what' s
17 the i mpact on the proj ects on both si des to
18 the park. And I haven' t seen anythi ng
19 from -- I don' t know i f i t' s the Recreati on
20 Department, the DPW Department, Communi ty
21 Devel opment, but I' d l i ke to see them wei gh

1 in so we don't lose the park. And I think
2 I'm done.

3 Thanks.

4 HUGH RUSSELL: Thank you.

5 Next speaker is Charles Teague.

6 CHARLES TEAGUE: Hi, I'm Charles
7 Teague, 23 Edmunds Street. I'll try to be
8 really quick.

9 Again, I have to say that I love the
10 accessible areas. I love all the work with
11 the abutters. I really love their
12 production. I love the Harvey Street facade.
13 Of course, there's always a but. I'm not
14 sure that this is actually compliant with two
15 of the Zoning petitions that are coming out,
16 which is -- one is the Andrews and the other
17 is the Bishop, in terms of the height. So my
18 thing is protecting the park. I get the
19 graffiti off the park. I work with the DPW.
20 I'm the only person who can find someone --
21 catch someone cutting down a tree in the

1 park. I was there with Maggie Buck who wrote
2 the letter you referred to. And she
3 expressed concerns about trees. And I was
4 going to give you a picture. The bottom tree
5 is on their property. And because they're
6 going to change the grade, that tree is going
7 to go away, and that's the 18-inch diameter
8 elm. And she expressed concern about that
9 tree in particular. The other is that all
10 those other trees on the park are really
11 close to the wall they're planning to
12 preserve, but that wall looks -- doesn't look
13 like it's gonna be able to be preserved.
14 But, you know, so we're very concerned about
15 the effect of the trees, the living trees on
16 the park. And as you know, the trees take a
17 while to die once you do the damage. The --
18 we're going to the grade. I'm going to give
19 you a bunch of handouts. There's pictures
20 and then there's -- so, from the pictures you
21 can see what Terry Morris was attempting to

1 describe what Maggie Buck called a mote
2 there, which is about three feet deep below
3 grade but the wall extends up. The wall on
4 the park extends up about two feet. But my
5 reading of the plans shows their wall as
6 being five feet up. So in other words, a
7 net, a net rise of two to three feet more or
8 less. And so -- and that all -- when you
9 look at the site plan, if you look at the
10 circled blue numbers on the bottom, you can
11 see that in one area, and this is the worst
12 case, is that -- let me see. The whole point
13 is that they drive down to the parking court,
14 and then they want to come out on the first
15 floor. So they fill the whole back of the
16 site at that point is about seven feet. You
17 know, I'm not a rocket scientist, but 31
18 minus 24, it looks like 7 to me. So I would,
19 you know, I would really like him to come up
20 with a plan that actually matches the grade
21 of the park and gets rid of all these walls

1 and saves the trees. That's what I'd like to
2 see in the plan. I think the Harvey Street
3 work has done a tremendously amount of work.
4 It's the park that I'm concerned about.

5 Thank you.

6 HUGH RUSSELL: Thank you.

7 Next name is perhaps Maria Doucette.

8 MARIA DOUCETTE: Doucette.

9 HUGH RUSSELL: Doucette.

10 MARIA DOUCETTE: I wasn't sure if I
11 wanted to speak or not, but I just have a few
12 things to say.

13 HUGH RUSSELL: Good.

14 MARIA DOUCETTE: I'm Maria Doucette,
15 41 Madison Avenue, Cambridge, and I speak for
16 myself and my mom who has lived in North
17 Cambridge for 88 years. You know, it needs
18 to be maintained as a residence. It's not,
19 everybody's -- yes, we've had some industrial
20 sections, but I hope the city is really
21 looking up to maintain the integrity of

1 a problem, of course, and everything else.

2 HUGH RUSSELL: Next person that wishes
3 to speak is Amelia Westmark.

4 AMELIA WESTMARK: Hi. Thank you.
5 My name is Amelia Westmark and I live at 115
6 Harvey Street.

7 If you recall back in May, I got up
8 here and spoke about this project because our
9 house lies right in the middle of it. We're
10 surrounded actually on all three sides of
11 this development. Back then I was very
12 opposed to this project, but I can now stand
13 before you tonight and say that I am all for
14 this project. And there are many reasons
15 why, but I'll just tell you a few.

16 First, the development team has been
17 bent over literally backwards to meet us on
18 numerous occasions to listen to our concerns
19 and to act on a requests and our
20 recommendations. We were very nervous with
21 many things, and now we feel comfortable that

1 the development fits with our house and we
2 don't feel taken over like we had once --

3 HUGH RUSSELL: Excuse me, one
4 second.

5 CHARLES STUDEN: Excuse me, there
6 apparently is a Jeep blocking the driveway
7 here so that cars can't enter and exit.

8 UNIDENTIFIED MALE: It's just one
9 car, black Jeep car.

10 HUGH RUSSELL: Sorry. Proceed.

11 CHARLES STUDEN: Sorry.

12 HUGH RUSSELL: I think, Charles, did
13 you inadvertently turn off the light by
14 leaning against the wall? Thank you.

15 AMELIA WESTMARK: Okay. So, like I
16 said, the development team has really worked
17 with us.

18 Second, they've reduced the project to
19 20 units. This meets both of our concerns of
20 density and parking. My partner can't be
21 here tonight, he's travelling for business,

1 but both him and I believe that this number
2 is more realistic and more desirable for us.

3 Third, the streetscape is now very
4 sensitive to the surrounding houses and
5 character of the neighborhood, specifically
6 our house. No longer will our house stick
7 out, but instead due to the mix of
8 single-family houses, two-family homes,
9 varying designs and colors, the fact that
10 they've increased the setback so there are
11 fewer houses on either side of us and also
12 have lowered the height, definitely helps our
13 house blend in with the development and the
14 development blends in with our house
15 ultimately creating more of a unified
16 streetscape.

17 And finally, we're very happy with the
18 landscaping plans. They have agreed to
19 landscape our front yard again so our house
20 looks at one with their development and their
21 development blends in with our home.

1 So in conclusion, we're very excited to
2 see the improvements that the development
3 team has made. We look forward to this
4 business property actually turning into
5 residential houses and not being surrounded
6 on all three sides by business. And we fully
7 support this project.

8 Thank you.

9 HUGH RUSSELL: Thank you.

10 Next on the list is John Grant.

11 JOHN GRANT: Hello. My name is John
12 Grant. I live at 137 Harvey Street with my
13 partner and we own the home. And our home is
14 almost fully surrounded by the development.

15 HUGH RUSSELL: Excuse me, John,
16 could you raise the podium? There's a lever
17 underneath on your right and that will bring
18 the microphone up.

19 JOHN GRANT: Is that better?

20 HUGH RUSSELL: See if you can get
21 closer to the microphone.

1 JOHN GRANT: Is that better? I'm
2 not much of a public speaker anyway.

3 HUGH RUSSELL: Press the green
4 button.

5 JOHN GRANT: Thank you. Sorry.

6 Again, my name is John Grant. My
7 partner Nathan Raines and I live at 137
8 Harvey Street and we are abutters to the
9 development.

10 At first we had our concerns, and I
11 have come here in full support of the
12 project. The developers have been amazing
13 with answering to all our concerns and
14 helping us with our own home, to help
15 maintain our own landscaping and blend our
16 landscaping in with the landscaping of the
17 development. They've been very responsive to
18 relieve the concerns that we have had from
19 being shielded from the project during
20 building. And when we came to find out that
21 the units had been brought down to 20 units,

1 we didn't even really expect that. And we
2 think it's a beautiful design. So we are
3 very much in support of the development, and
4 we think it would be a welcome addition to
5 the neighborhood.

6 HUGH RUSSELL: Okay, thank you very
7 much.

8 Jean-Paul Despres. Do you wish to
9 speak?

10 JEAN-PAUL DESPRES: No, actually.

11 HUGH RUSSELL: Okay.

12 It's very hard to read the next name.
13 Anderia Breshack (phonetic), One George
14 Street.

15 PAMELA WINTERS: He's in the Jeep.

16 HUGH RUSSELL: Carolyn, do you wish
17 to speak? Carolyn Meith.

18 CAROLYN MIETH: No.

19 HUGH RUSSELL: Okay. Richard Clary
20 is next.

21 CAROLYN MIETH: I guess I just have

1 one brief thing. I do like to compliment the
2 architect and his staff and the planners for
3 listening to members of the neighborhood and
4 their concern. And they did attempt and did
5 very well with trying to meet their concerns.
6 And for that I congratulate them.

7 RICHARD CLARY: My name is Richard
8 Clary, Brookford Street, Chairman of the
9 North Cambridge Stabilization Committee. We
10 had submitted a letter to the Board in a very
11 tardy manner and so I'd like to give another
12 copy just in case the letter we did submit
13 went away.

14 THOMAS ANNINGER: We got it.

15 HUGH RUSSELL: Thank you.

16 RICHARD CLARY: And it recites our
17 support of the Historical Commission's
18 decision that the house at 119 Harvey was
19 significant. And also our committee's vote
20 in favor of this project with a note that
21 there are just a few details that were

1 unresolved at our last meeting, which
2 principally have to do with snow removal,
3 recycling and trash removal. And simply to
4 comment that it was an unusually pleasant
5 experience to work with Mr. Morris and his
6 team who were so attentive and so responsive
7 to this Board's recommendations back in the
8 May hearing and to the neighbor's comments in
9 several hearings. There were at least four
10 major meetings of large groups of concerned
11 citizens at which Mr. Morris and his team
12 appeared with various iterations in response
13 to what the neighbors wanted, and it was an
14 entirely pleasant experience.

15 Thank you.

16 HUGH RUSSELL: Thank you.

17 The next person who is on the list to
18 speak is Michael O'Shea.

19 MICHAEL O'SHEA: Hi. Michael
20 O'Shea. I own the building at 95 Harvey
21 Street, a direct abutter to the project. My

1 compani on Li nda McJannet (phoneti c) has
2 authori zed me to speak on her behal f and we
3 say, yea.

4 JEAN-PAUL DESPRES: May I speak? Do
5 I need to come up to the mi crophone?

6 HUGH RUSSELL: Yes, you do.

7 JEAN-PAUL DESPRES: Okay.

8 HUGH RUSSELL: Your name and
9 address.

10 JEAN-PAUL DESPRES: Jean-Paul
11 Despres. I 'm the owner of 143 Harvey Street,
12 the, I guess, other abutter to the property.
13 I would like to say that it does seem to be a
14 very attractive devel opment. I 'm just sorry
15 that thi s is the first time that I 'm hearing
16 about it. I did find out from John that thi s
17 was the hearing -- the hearing was goi ng to
18 be here toni ght. And I got something i n the
19 mai l from the ci ty. But I have not heard
20 from the devel opers regardi ng thi s. And I
21 can' t real ly come down yea or nay right at

1 this moment, but I'm hoping to go on the
2 record so that should the resolve of the
3 developers to work with abutters kind of go
4 away after this development is voted, you
5 know, in favor of tonight, I would just hope
6 that their resolve to be flexible remains
7 post an affirming broach that happened
8 tonight.

9 HUGH RUSSELL: Okay, thank you.

10 Next person on the list is Jeffrey
11 Myers.

12 JEFFREY MYERS: Hello. My name is
13 Jeff Myers. I reside at 196 Harvey Street
14 and I would like to speak in support of this
15 project. I feel that the massing of the
16 project, as well as the context in which it's
17 going to fit into our neighborhood, does
18 indeed work. Our neighborhood has a variety
19 of different single-family duplexes,
20 three-family, multi-family, houses behind
21 houses, houses on alleys, and it seems to fit

1 in context. And also in terms of thinking
2 globally and acting locally, this is one of
3 those things where we're close to the Alewife
4 Train Station, and you talk about
5 transient-oriented development, and not
6 really because everything is already built
7 up. This is an opportunity to increase the
8 ability of people to live near trains, work
9 in areas near Alewife or coming into town in
10 Cambridge and even into Boston. And also in
11 terms of more people in the neighborhood
12 means more business opportunities along Mass.
13 Ave., and I think that's something that the
14 offices and retailers along Mass. Ave. would
15 agree with.

16 And then also the last thing is just in
17 terms of affordability, I think projects like
18 this, even though it would be out of my
19 particular price range, it incrementally
20 helps to create that supply/demand balance.
21 And eventually what you would like to see is

1 so that people, when we're thinking like me
2 and my wife are, thinking about having kids
3 and buying, don't think about moving to
4 Arlington or moving back to Atlanta. The
5 will be able to stay in Cambridge. So once
6 again we would like to, me and my wife
7 support this project.

8 HUGH RUSSELL: Thank you.

9 And next speaker is Bob Hunter.

10 BOB HUNTER: Good afternoon.
11 Harrington Road, Cambridge, Mass. And I
12 would just like to thank the developer,
13 Mr. Morris, and I'd like to thank the
14 Planning Board; male, females, ladies,
15 gentlemen, for having the patience to listen
16 to us. And I think they've done a good job,
17 and I know you can't please everybody.

18 Thank you.

19 HUGH RUSSELL: Thank you. We should
20 have that emblazoned. But we try, we try.

21 Wafik Farag.

1 WAFIK FARAG: I am Wafik Farag, 2456
2 Mass. Ave.

3 Thank you for the opportunity. The
4 only thing I think, of course, beside the
5 parking and snow, is the internet. I've been
6 living there since '95 and the performance
7 and the bandwidth has been going down with
8 the Comcast. And DSL -- we're at the end of
9 the line with the DSL. I tried to get the
10 higher bandwidth on the DSL. Verizon said
11 there isn't. And they told me the city does
12 not allow them to dig into fiber. So I see
13 there are a lot of new residences. That
14 means more people. And I don't know, you
15 know, I'm just mentioning this for people. I
16 don't know what's happening internet-wise.

17 Thank you.

18 HUGH RUSSELL: Thank you.

19 Next is John Walker.

20 JOHN WALKER: Hi. I'm John Walker,
21 150 Whittemore Ave., North Cambridge, Mass.

1 I'd like to speak very much in favor of this
2 proposal. I'm addressed with a couple of
3 things. One is the addressing the density
4 problem that we have in the North Cambridge
5 neighborhood and the reduction of that. Then
6 also the integration of the project into the
7 neighborhood, which is a fantastic job. The
8 problems that I'm concerned with myself is
9 the relationship with the bike path. The
10 bike path, as developers begin to wall
11 themselves off from the bike path itself, it
12 becomes a creepy place to travel on. And the
13 little ditch that's left by the retaining
14 wall should be eliminated. It's an
15 encroachment on the city property, and have
16 the developers rip it up or bring it down to
17 below grade and create a swale to deal with
18 the water. That would be beneficial. It's
19 just another place for somebody to conceal
20 themselves or whatever.

21 Also the screening. I think the

1 Landscape architect mentioned that he has 60
2 percent coverage and 30 percent open. It
3 would be nice if it was of 60 percent open
4 and 30 percent coverage. Other than that
5 it's a great project.

6 Thank you.

7 HUGH RUSSELL: Okay, thank you.

8 Linda Hertwig.

9 LINDA HERTWIG: Hi. I'm Linda
10 Hertwig and I'm at 120 Montgomery Street.

11 HUGH RUSSELL: Would you spell your
12 name?

13 LINDA HERTWIG: Sure, sorry.
14 H-e-r-t-w-i-g. Linda at 120 Montgomery. And
15 this is in relation to the house that's the
16 historic property, and I don't know if it is
17 or isn't. I mean, it is, but I'm not sure
18 what's going to happen to it if it's going to
19 be torn down or left up. If it is historic
20 property, I'm wondering about the trees that
21 are on that property. Do they get saved?

1 There are two -- one for sure, and I think
2 there were two huge beautiful spruce trees.
3 So I don't understand why they have to come
4 down. Maybe there's something in the way
5 that it's going to be built. But if it's to
6 be preserved the way it is, I mean, my
7 thought is those trees should stay. So, I
8 don't know, maybe the landscaper might have
9 to address that.

10 THOMAS ANNINGER: Are those in front
11 or the back?

12 LINDA HERTWIG: One is in front to
13 the side, and the other is in back. And
14 they're humongous and they're beautiful. So,
15 yes, that's all.

16 HUGH RUSSELL: Okay, thank you.

17 Li sa Goul d.

18 LI SA GOULD: My name is Li sa Goul d.
19 I live at 102 Harvey Street and I want to
20 start out by thanking the Planning Board
21 because I have no illusions that this

1 woul dn' t be di fferent i f i t weren' t for the
2 Pl anni ng Board' s efforts. And I j ust cannot
3 tell you, i t real ly i s remarkabl e that I fel t
4 -- that we al l fel t that the Pl anni ng Board
5 real ly li stened to the nei ghbors. And there
6 were so many obj ecti ons i n the begi nni ng.
7 And I know you al l kept at i t. Some of you,
8 parti cul arly the l eadershi p, but some of you
9 more so than others, but j ust real ly kept at
10 the devel opers, worki ng wi th the team to
11 amel iorate some of these di ffi cul ti es. So,
12 you know, I' m a di rect abutter. I l i ve
13 across the street. And thi s proj ect wi ll be
14 l ooki ng di rectly i nto my house. Wel l ,
15 actual ly, sort of -- I wi ll l ook down a
16 dri veway, okay? And some of my concerns,
17 personal concerns, are that I don' t
18 parti cul arly want to l ook at asphal t,
19 concrete, and somethi ng that' s goi ng to be a
20 heat soak. And woul d prefer i f some ki nd of
21 sustai nabl e materi al woul d be empl oyed

1 instead. Something light colored perhaps or
2 something to increase the solar reflectance,
3 you know, and reduce some of the wasted
4 energy there. And I'm also concerned about
5 another issue that hasn't been addressed,
6 which is the high water table. I think it's
7 been addressed indirectly in a number of
8 ways, but in terms of the porous nature of
9 asphalt, there is one particular type of
10 asphalt that is porous, and if that could be
11 used, that would enhance.

12 So, what we're asking about here are
13 these extra things. It's really nice to not
14 be talking about the fact that it's too big,
15 it's too ugly, it doesn't fit in. So I can
16 say that the reason that we are addressing
17 these extra issues is that, you know, a lot
18 of the concerns have already been dealt with.
19 However, I did -- did you get that list of
20 things that I --

21 HUGH RUSSELL: We did.

1 LISA GOULD: Okay, thank you.

2 So when I came in, Terry Morris was
3 speaking about different aspects of the
4 project. I did not hear any of -- one of the
5 particular issues on the current landscaping
6 plan. I did not hear that that was going to
7 be addressed in the manner that I think was
8 going to really integrate an assurance that
9 the changes -- I don't do this every day.
10 That what we would like is a subcommittee of
11 neighbors, and I heard that the developers
12 said that they would work with us on that,
13 but we would also like to have a set of, a
14 certain amount of money set in escrow because
15 everyone knows that trees, sometimes, they
16 just, they don't live. And we would like
17 assurance that those trees that are planted,
18 will actually live. And if they are not,
19 that they will be replaced. And we'd also
20 like to have something put in the condo
21 association, if at all possible, to fund the

1 replacement of those trees. Along the Linear
2 Path there is a series, there is a boundary,
3 and in 1985 about 20 or so trees were planted
4 in a row. They were very closely put
5 together, placed one after another.
6 Actually, if you go in the fall, you'll see
7 the color. I mean, it's spectacular red
8 color. And we're very concerned that the --
9 when they build the fill, the fill-in on the
10 other side of the park, that the roots which
11 reach about 25 to 30 feet, if you can tell by
12 the canopy, it's, it will go into the depth
13 of that project, and we're nervous about how
14 that's going to be handled; whether or not it
15 will be possible to have included in that
16 escrow account something to replace those
17 trees that are going to die on the park side.
18 So there are about 25 to 30 trees -- I'm
19 sorry, about 20 trees along that border that
20 are also in danger and should be looked at
21 very seriously. They are city trees.

1 I also wanted to mention that we would
2 kind of like to have some plantings around
3 the transformers. This is the kind of thing
4 that actually protects the view of the
5 passers by of the Linear Park. We're
6 interested in that aesthetics.

7 PAMELA WINTERS: Lisa, if you could
8 wind down, your time is up. I'm sorry.

9 LISA GOULD: All right.

10 I do think that we appreciate that
11 there's a whole-hearted effort to work with
12 the developer and -- between the developer
13 and the Planning Board, and the neighbors and
14 we hope that you'll enforce that with an
15 escrow account.

16 Thank you.

17 HUGH RUSSELL: Okay, thank you.

18 James Williamson.

19 JAMES WILLIAMSON: Thanks. My name
20 is James Williamson. I live at 1000 Jackson
21 Place where I was recently elected

1 co-President of the Jefferson Park Tenant
2 Council. It happens that Jefferson Park is
3 in a district that includes -- they're a
4 portfolio of asset management portfolios, the
5 way the Housing Authority organizes these
6 districts these days, and the Jefferson Park
7 development is in the same portfolio with an
8 address on Whittmore Ave. it turns out. I
9 would be interested in this anyway. I was
10 trying to play catch-up here having arrived
11 later than I wished I had. I was favorably
12 impressed when I heard through the grapevine
13 that the number of units had been reduced
14 from 29 to 20 some weeks ago, a week or so
15 ago. What I would like to say is that as I
16 observe some of the things that are happening
17 in this neighborhood, I'm concerned about the
18 overall impact of what's happening. I would
19 hope that you're going to be looking at this
20 and other projects in the light of not just
21 the particular project, but I think as you've

1 done in the past. For example, in the East
2 Cambridge and Kendall Square, the aggregate.
3 The Historical Commission have items on their
4 agenda this coming Thursday. New
5 construction on Dudley Street. Proposed
6 demolition on Clifton. Missed -- Kevin Emory
7 is active in the neighborhood buying
8 properties and putting up townhouses. There
9 is this project. There is another
10 significant project at the Fawcett Oil site
11 across Linear Park. So it's as if a lot of
12 people are focusing on this area. And so
13 please be watched, you know, be watchful of
14 the intensity and the scale of what is
15 coming. I will say that the Linear Park to
16 me is an extremely important resource that I
17 hope you'll all be mindful of in terms of the
18 sensitivity of the projects, especially those
19 that are proposed to be adjacent to the park.

20 And my last comment is just looking at
21 the plans for the reduced proposal, there's a

1 lot of parking. I think the reason why
2 people are buying in this area is because you
3 can walk right across Russell Field and get
4 to the Alewife T Station. That may not be
5 the only reason, but it's certainly one of
6 the reasons. Somebody mentioned
7 transient-oriented development earlier. So,
8 if part of the reason for the acceleration of
9 the value of the homes in this area does have
10 to do with the proximity to the Alewife T
11 Station, then I hope you'll also be careful
12 when you look at the parking that's included
13 in major projects. I mean, if the idea is
14 that you can walk to the T and go anywhere in
15 Cambridge or get to work in Boston or
16 wherever it is that you need to go, then I
17 hope that will be reflected in the way you
18 look at the parking issues for any
19 significant developments.

20 Thank you.

21 HUGH RUSSELL: Thank you. Michael

1 Brandon.

2 MICHAEL BRANDON: Thank you. I'm
3 Michael Brandon, B-r-a-n-d-o-n. I live at 27
4 Seven Pines Avenue. I was unable to attend
5 the original hearing on this project, but I
6 also wanted to join others in thanking the
7 Planning Board for basically rejecting the
8 concept that was before you at that time and
9 convincing the developers to scale back the
10 project significantly. Mr. Morris mentioned
11 that it's the eleventh hour, that we've been
12 having meetings, and I think as a result of
13 that, this project is still not quite ready
14 for prime time. I think what you kind of
15 have here is a reverse bait and switch.
16 Usually in a bait and switch you get a really
17 good sounding deal, and then when you go to
18 actually accomplish it, it turns in -- you're
19 baited into a new deal that is not as good.
20 I think what happened here is you were given
21 a terrible original presentation and now

1 you've come before you a much better, a good
2 deal, but it's not quite as good as it can
3 be. As you -- I hope the Board will continue
4 its rigorous examination of this, not make a
5 decision tonight, and allow time for some of
6 the many good ideas that were expressed here
7 tonight. And I've seen some of them for the
8 first time in the correspondence that's
9 before you can be incorporated into the
10 project. As I said to Mr. Morris the other
11 night, very much appreciate the efforts that
12 he and his team showed in addressing issues,
13 and I hope that will continue. But I think
14 there are just too many loose ends, including
15 things that were brought up tonight. I also
16 believe that the application was, when it was
17 originally presented or submitted, was
18 incomplete. And I think, in fact, even with
19 supplements that have been provided is still
20 incomplete. One item that was mentioned
21 tonight was the ownership of the house at 119

1 and the ownership of the main project. I
2 haven't been able to find, certainly on-line
3 or in anything that Mr. Morris has sent me,
4 the ownership certificate that's usually
5 required. I think, although the same
6 principal's involved with the current owners,
7 in fact, there are two owners officially in
8 lots aren't merged. A big concern of mine is
9 that the Historical Commission's
10 recommendations be heeded. They, at this
11 point anyway, have found the house at 119
12 historically significant and preferably
13 preserved. So until that changes, I think
14 the proposal to replace it with the house
15 that may not even -- or as I understand it,
16 won't replicate the existing house in the way
17 that the Historical Commission normally would
18 like. That, you would hold off in approving
19 any kind of a permit until that's resolved.

20 There was also a mention of 31 parking
21 spaces. There have been plans flying around

1 the last couple of weeks, but the latest
2 thing I could see -- I didn't see 31 spaces
3 marked on the site plan, so perhaps that
4 could be clarified. I thought -- I was
5 distracted. I thought I heard something
6 about an underground garage regarding a
7 different project. Did I mishear that?

8 HUGH RUSSELL: The building next to
9 Cornerstone has an interior garage with three
10 cars in it. It's at the basic level of the
11 back area, but there is housing over it. So
12 -- it's on grade spaces enclosed garage.

13 MICHAEL BRANDON: That's what's,
14 that's part of the proposal you mean?

15 HUGH RUSSELL: Yes.

16 MICHAEL BRANDON: Okay, I thought he
17 was talking about different project.

18 PAMELA WINTERS: Your time is about
19 up.

20 MICHAEL BRANDON: Pardon me?

21 PAMELA WINTERS: Your time is about

1 up.

2 MICHAEL BRANDON: Okay. I have a
3 lot more details which I hope you will keep
4 the record open if you do close the oral
5 portion of the hearing. Can I just scan and
6 see if there's anything really important?

7 HUGH RUSSELL: Okay.

8 MICHAEL BRANDON: I'll wrap it up.
9 Thank you very much for your time.

10 HUGH RUSSELL: Okay, thank you.

11 Those are all the names on the list.
12 Does anyone else wish to be heard?

13 (No Response.)

14 HUGH RUSSELL: Okay, I see no one.
15 So shall we close the hearing for public
16 testimony?

17 (All Board Members in Agreement.)

18 HUGH RUSSELL: Everyone is nodding
19 in affirmation.

20 This is a happy circumstance here that
21 we have a project which has been improved so

1 that many affected people come to us and said
2 they support it. There seem to be a few
3 details left, but those details seem to be in
4 a matter of some final landscaping. What do
5 we do exactly with the wall that's on the
6 city --

7 SUSAN TESHU: Can you lower the
8 podium so we can see you while you're
9 talking?

10 HUGH RUSSELL: And those are what we
11 vote. And the normal procedure is for us to
12 ask that the final landscape plans be
13 approved by staff. I would suggest that we
14 don't deviate from that, but we add an
15 understanding that the developers meet with
16 neighbors, that there's sort of a committee
17 that's sort of informed to advise on these
18 matters, and it seems to me that that process
19 should continue and would be helpful to them,
20 you know, I think it makes the staff's job
21 pretty simple. And in terms of just making

1 sure that the I's are dotted and the T's are
2 crossed; a level of responsiveness to
3 people's comments and the level of detail I
4 think is somewhat unusual and goes beyond the
5 requirements of the Ordinance. It's not a
6 bad thing. It's a good thing. And so in
7 that context it seems to be we are in a
8 position that we could act on this tonight
9 and still have a way for the unresolved minor
10 issues, details to be discussed and fully
11 vetted and resolved.

12 PAMELA WINTERS: Hugh, in terms of
13 the residents' concerns about the greenery
14 and the plantings and the level of the grade
15 to the park and so forth, the City has an
16 excellent person who does the pocket parks
17 and does the parks. I forget his name.

18 Susan, what's his name?

19 SUSAN GLAZER: (Inaudible.)

20 PAMELA WINTERS: Yes. He's
21 excellent and he would be an excellent person

1 to come in and consult on this project.

2 That's just my own personal --

3 HUGH RUSSELL: Particularly since
4 part of the problem is on the public right of
5 way.

6 PAMELA WINTERS: Right, exactly.

7 I did have a couple questions.

8 HUGH RUSSELL: Sure.

9 PAMELA WINTERS: I did have some
10 questions about the trash concern, if you can
11 answer that, where the recycling bins --
12 where they are going to be taken in and taken
13 out? A resident had that concern. Perhaps
14 you could address that.

15 JAI SINGH KHALSA: Sure.

16 The areas where, there are areas
17 located in each residential court which are
18 fairly substantial and fenced in, and that
19 will be both for trash and recycling. And it
20 will be private recycling and trash on the
21 site.

1 PAMELA WINTERS: Okay, thank you.

2 And one more question: The color of
3 the homes, are you consulting with the
4 Historical Commission by any chance in terms
5 of colors?

6 JAI SINGH KHALSA: We haven't, but
7 we're certainly happy to.

8 PAMELA WINTERS: It's just a thought
9 because they do have a color expert there.

10 JAI SINGH KHALSA: No, we'll take
11 advantage of their expertise to do that.

12 PAMELA WINTERS: Great.

13 And what about the spruce trees?
14 Somebody had mentioned, are they going to
15 be --

16 JAI SINGH KHALSA: I'll let Blair
17 discuss the trees. I'm not going to pretend
18 I know about trees.

19 PAMELA WINTERS: Oh, that's okay.

20 And the watering system, is there going
21 to be a watering system?

1 JAI SINGH KHALSA: Actually, what we
2 plan to do is to utilize, as much as we can,
3 the ground water recharge to then take some
4 of that to use it for irrigation on the
5 property.

6 PAMELA WINTERS: Okay, good. Good
7 to know. Thank you.

8 JAI SINGH KHALSA: Thank you.

9 HUGH RUSSELL: Blair, can you tell
10 us about the spruce trees?

11 BLAIR HYNES: Yes. Currently
12 they're proposed to be removed.

13 PAMELA WINTERS: They're proposed to
14 be -- I'm sorry?

15 BLAIR HYNES: To be removed.

16 MEMBER FROM THE AUDIENCE: Why?
17 That was my question.

18 BLAIR HYNES: Because of the layout
19 of the buildings, the demolition. I think
20 that's the building historic or not --

21 SUSAN GLAZER: Can you use the mic,

1 please.

2 BLAIR HYNES: I think it had to do
3 with the layout of the buildings along Harvey
4 Street.

5 PAMELA WINTERS: Could you turn the
6 mic on, please?

7 BLAIR HYNES: It is on. I just
8 don't like to break the bad news.

9 No, it had to do with the layout. We
10 did look at a way to try to save them, but
11 with grading and other things like that, it
12 was not possible. I don't in any way mean to
13 minimize. They're nice trees. I don't think
14 they're exceptional in terms of if you look
15 at a larger slice of Cambridge, and you said
16 how many evergreen trees of this size are
17 there, they would not be unusual in that
18 context.

19 PAMELA WINTERS: And do you think
20 there's going to be enough water in terms of
21 keeping --

1 BLAIR HYNES: Yes. We're proposing
2 that all the landscaping be watered, and the
3 possibility of having some type of utilizing
4 the storm water runoff is certainly something
5 we'd like to see happen.

6 PAMELA WINTERS: Okay, good.

7 ATTORNEY TERRENCE MORRIS: If I
8 might, I'd like to just supplement that
9 response for the spruce trees because someone
10 did pose that same question to me, and I did
11 give a slightly augmented response at that
12 time. The benefit of those two spruce trees,
13 and they are nice trees, is the visual impact
14 around the street frontage. In removing
15 those trees, it's not as if we're simply
16 removing those trees and not providing some
17 other amelioration of that tree frontage. I
18 did allude to that fact. In fact, I didn't
19 allude, I did state it outright, we're going
20 to have ten street trees to create that look.
21 In addition, there are five western red

1 cedars being planted on that little park
2 immediately behind that are highly visible
3 from both the bikeway and the street. So
4 there are also evergreens, they're not blue
5 spruces, they are western red cedars, all
6 five of them, and so we've made an effort to
7 basically compensate for the removal of those
8 trees.

9 MICHAEL BRANDON: Mr. Chairman? Has
10 the Board seen the tree survey and visual
11 mitigation plan that was prepared by the
12 proponents?

13 ATTORNEY TERRENCE MORRIS: It's our
14 understanding that on March 31st, I believe,
15 that the tree survey was submitted as part of
16 the application process. We did receive a
17 response from the city arborist on April 6th
18 by e-mail. So I do know that the city
19 arborist has fully read the tree study and
20 tree survey.

21 HUGH RUSSELL: I'm not sure it was

1 in our package, though.

2 MICHAEL BRANDON: Mr. Chairman, I
3 don't think it was part of the submission.
4 It wasn't certified by --

5 HUGH RUSSELL: Michael, we're in a
6 discussion period now.

7 MICHAEL BRANDON: Sorry.

8 HUGH RUSSELL: Bill.

9 WILLIAM TIBBS: Could you explain
10 how the, I don't know if this is working, but
11 could you explain how the use of the tandem
12 parking which are anticipated of how those
13 cars are going to be in the garage and on the
14 lot? Are they by individual owners or is it
15 visitors or what's your thoughts on that?

16 JAI SING KHALSA: I'm going to lift
17 this up a little bit. The tandem spots go
18 with the units that they're adjacent to. So,
19 it's anticipated that they will be for the
20 use of those units. There are three -- is it
21 three spaces, Terry, or two spaces?

1 ATTORNEY TERRENCE MORRIS: Two
2 spaces between units.

3 JAI SINGH KHALSA: There are two
4 spaces between -- units 18 and 8 which are
5 visitor spaces, general visitor spaces.

6 WILLIAM TIBBS: Thanks.

7 THOMAS ANNINGER: Can I follow-up on
8 Bill's question on parking because that was
9 one of the things I had?

10 You have 20 units, 31 spaces, how are
11 those 11 allocated? To which units? Is
12 there a logic that the size of the unit goes
13 with the tandem parking?

14 JAI SINGH KHALSA: Well, two of
15 those 11 are visitors and then there's nine
16 spots which are tandem. And the nine spots
17 go with units that are facing along the bike
18 path in the rear. Somewhat it had to do
19 with -- all the units are pretty good size
20 units. It had to do with the geometry of the
21 site and trying to reinforce traffic flow in

1 the site, and the best place into the
2 landscape as well in terms of the best visual
3 impact when you're in the parking court.

4 THOMAS ANNINGER: What is the -- if
5 I can sort of follow-up on that. What is the
6 mix of units? Because that is one of the
7 criteria for townhouse development.

8 JAI SINGH KHALSA: Well, most of the
9 units are three bedrooms or two bedrooms plus
10 study.

11 THOMAS ANNINGER: I see.

12 JAI SINGH KHALSA: And that's one of
13 the suggestions under the SD-2 Overlay
14 District that you have three bedrooms.

15 THOMAS ANNINGER: Exactly. I have
16 one more.

17 HUGH RUSSELL: Go ahead.

18 THOMAS ANNINGER: Historical
19 Commission wrote a piece for us, five or six
20 pages of interesting historical analysis, and
21 at the end they conclude that when building

1 Harvey Street, 119 is significant. But I
2 didn't see the words preferably preserved.
3 Did they do that orally? Where have they
4 gone to the next step of calling that
5 preferably preserved? I don't think those
6 are quite the same thing.

7 JAI SINGH KHALSA: I think they
8 found the whole site significant.

9 THOMAS ANNINGER: That's right.

10 JAI SINGH KHALSA: They did find the
11 house preferably preserved. We are having a
12 structural engineer's report put together on
13 the house. And as Mr. O'Shea characterized
14 in a recent meeting that we had and discussed
15 the house, he said, you know, he's one of the
16 last people that was in there, and you can
17 kind of stand against the walls, although you
18 wouldn't want to touch the walls because of
19 the condition of them, and you definitely
20 would not want to walk into the middle of the
21 room or you would go through the floor. So

1 the Hi stori c Commi ssi on di d l eave i t open
2 that we coul d provi de them wi th suppl emental
3 i nformati on, i n parti cul ar the engi neer' s
4 report, whi ch i s i n the process of bei ng
5 prepared. And then they di d i ndi cate that
6 they had some fl exi bi l i ty of backi ng off on
7 thei r ti me peri od requi rement on the
8 demol i ti on del ay.

9 HUGH RUSSELL: Thank you.

10 Bi l l , were you through wi th your
11 questi ons?

12 WI LLI AM TI BBS: Yes.

13 HUGH RUSSELL: Okay. Wel l , I thi nk
14 my own comments basi cal l y mi rror what we' ve
15 heard from the other si de of the tabl e, and
16 thi s i s a vastl y i mproved project. That i t' s
17 wi th the nei ghborhood. And I thi nk i t does
18 meet the requi rements that woul d j usti fy us
19 granti ng a Speci al Permi t.

20 Now, I spent a few hours some months
21 ago l ooki ng very careful l y at al l of the

1 requirements, so I can understand the
2 regulatory framework.

3 So we're issuing a townhouse
4 development Special Permit. Are there other
5 Special Permits that you're requesting?

6 ATTORNEY TERRENCE MORRIS: No.
7 Initially we were asking for three forms of
8 relief. The first was under Section 1112.1,
9 townhouse use.

10 The second was under 1723.1,
11 multi-family use. Because as you know,
12 multi-family use in an SD-2 Zone requires a
13 Special Permit. So we are looking for that.

14 The third was the -- and we weren't
15 sure of it at the time, but we wanted to make
16 sure that we filed for it and noticed it, was
17 on the -- some relief from the minimum usual
18 parking -- open space park requirement, but
19 we satisfied that. So we're looking for two
20 forms of relief: Section 1112.1 on the
21 townhouse use, and Section 1723.1 for

1 mul ti -fami ly use.

2 HUGH RUSSELL: And that's enti rely
3 relating to the three-uni t bui lding in the
4 back l eft si de?

5 ATTORNEY TERRENCE MORRIS: Yes.

6 HUGH RUSSELL: In Speci al Di stri ct 2
7 you need a permi t to do a bui lding that has
8 more than two uni ts or is a townhouse si nce
9 the uni t in the back as two uni ts on -- wel l,
10 i t's three uni ts in one bui lding that aren't
11 townhouses. I t's a mul ti -fami ly bui lding.
12 I t's the smal l est, I guess, possi ble
13 mul ti -fami ly you can have havi ng maybe three
14 uni ts. Okay.

15 So the general 10.437 Speci al Permi t
16 cri teria are A, meeti ng the requi rements of
17 the Ordi nance. We can fi nd that that wi ll
18 happen i f we grant thi s.

19 And we woul d certai nly fi nd the traffi c
20 does not cause congesti on, hazard or
21 substanti al change in the nei ghborhood

1 character.

2 The continuing third thing is
3 continuing up bridge abutter, uses for the
4 abutters who would not be adversely affected.
5 We have heard testimony from the direct
6 abutters on that saying that's the case.

7 Fourth is that there's no nuisance or
8 hazard created to the detriment of health,
9 safety or welfare of the occupants and
10 citizens. That relates to the health and
11 welfare clause of the Constitution and Zoning
12 was created under. So it's a very ancient
13 requirement, but it's the basic requirement
14 of Zoning.

15 Or derogating from the intent or
16 purpose of the Ordinance. And I think we, in
17 this case, the intent of the Ordinance is
18 that these properties in Special District 2
19 that are commercial or industrial, get
20 converted to housing. And the redevelopment
21 of the series of parcels on Harvey Street, in

1 fact, are a result of one by one many of the
2 commercial, industrial properties being
3 redeveloped. And we have seen recently two
4 of them on Harvey Street and others have seen
5 others over the years.

6 We also have to find the construction
7 is consistent with the urban design criteria.
8 And I think we can do that.

9 Under the site plan review one of the
10 criteria is minimizing tree removal. I think
11 we would say that there's -- although there
12 is some tree removal, there is compensating
13 new trees provided under the tree ordinance.

14 STEVEN WINTER: Yes.

15 HUGH RUSSELL: Buildings are related
16 sensitively to the built environments and
17 avoid overwhelming the buildings in the
18 vicinity. That's now achieved. And the open
19 space provides visual benefits to the
20 abutters and the passerby, which we recited
21 lot by lot how that happens along the street.

1 And then the large amount of open space that
2 is visible from the Linear Park. At least
3 partially visible from Linear Park. I must
4 say I commented partially visible is ideal.
5 And if it's wide open, then you don't really
6 get the benefits of the open space for the
7 people who are living there. If it's
8 completely closed, you don't get the
9 oversight. So this partial openness means
10 that people do -- can see what's going on,
11 but their privacy is not sort of overwhelmed
12 by the lot of people that are on that Linear
13 Park. Apparently there are a lot of people
14 every time I ride my bicycle down there.

15 Parking, landscaping should minimize
16 the intrusion so it doesn't detract from the
17 use and enjoyment of neighboring properties.
18 I think the decision to put 20 parking spaces
19 under cover is a big deal. I myself am
20 hoping that some of the people in the back
21 won't have two cars, and there won't be a

1 line of cars in the back there. There are
2 places for people to have visitors. And then
3 the landscaping is, too.

4 And then convenient and unobtrusive
5 trash collection and utility boxes. And I
6 think they addressed that in their most
7 recent site plan.

8 Those are the criteria that have been
9 met. Would somebody like to make a motion?

10 JEAN-PAUL DESPRES: Actually, sir,
11 sorry to interrupt. But just to correct your
12 assessment, we don't have testimony from all
13 of the abutters that would be directly
14 adversely affected by the development. I am
15 one and I have not --

16 HUGH RUSSELL: Okay, please --

17 JEAN-PAUL DESPRES: I'm happy to
18 have a discussion, but I just need it noted
19 that that discussion has not taken place.

20 HUGH RUSSELL: Thank you.

21 Tom.

1 THOMAS ANNINGER: Let me give it a
2 try.

3 I think I'd like to make a motion, and
4 since you've gone through in your list, the
5 criteria, that makes it a little bit easier.

6 First of all, this is in Special
7 District 2 so I think we have to satisfy
8 those requirements, and I believe that they
9 do because the residential units are of
10 various sizes with particular attention to
11 three-bedroom units as is mentioned in
12 Special District 2. And Special District 2
13 permits multi-family and thereby incorporates
14 by reference the townhouse development
15 requirements which are lengthy and detailed.
16 And Hugh went through them and, therefore, I
17 don't see any need to go through them again.

18 In general the project is sensitive to
19 the existing streetscape. There is the
20 Historical Commission issue that will have to
21 be dealt with, but I think we can go forward

1 and let the Historical Commission deal with
2 119 on its own. I don't think that whatever
3 we do tonight will get in the way of another
4 agency's decision on that.

5 The parking is adequate. It's at least
6 one parking per unit. Those are some of the
7 essential townhouse development requirements.

8 The Special Permit criteria Hugh just
9 went through, they are general ones and I
10 didn't see any -- I don't think there are any
11 issues there.

12 In terms of conditions, the only one
13 that I recall, and I wish you would say it
14 again, Hugh, is the one you suggested to try
15 to sweep into the process some of the issues
16 that were brought up tonight, and in the
17 written testimony, mostly having to do with
18 landscaping that ought to be handled
19 subsequent to any decision we make tonight.

20 Was that through a committee? How did
21 you propose that?

1 HUGH RUSSELL: I proposed that the
2 develop or empower or form a committee of
3 interested residents, meet with them as they
4 continue to develop the site and the
5 landscape plans. And when that process is
6 complete, that that be viewed by the
7 Community Development Department so that it's
8 consistent with our decision.

9 THOMAS ANNINGER: Were there any
10 other conditions mentioned or that ought to
11 be added?

12 HUGH RUSSELL: I don't think so. I
13 mean, obviously we'll condition them to the
14 plans that have been most recently submitted.

15 THOMAS ANNINGER: Therefore, I move
16 that given the satisfaction of Special
17 District 2 Townhouse Development and the
18 Special Permit criteria that we grant the
19 relief requested and that we grant the
20 Special Permit for this project.

21 WILLIAM TIBBS: I second.

1 HUGH RUSSELL: Okay. And that
2 includes the multi-family permit?

3 THOMAS ANNINGER: Yes, that includes
4 the multi-family permit.

5 HUGH RUSSELL: Bill has seconded it.
6 Is there any more discussion on the
7 motion?

8 (No Response.)

9 HUGH RUSSELL: On the motion, all
10 those in favor?

11 (Show of hands.)

12 HUGH RUSSELL: And six members.

13 (Russell, Anninger, Tibbs, Winters,
14 Cohen, Studen.)

15 (A short recess was taken.)

16 HUGH RUSSELL: Okay, I think we're
17 reassembled. The next item on our agenda is
18 case 262, Industrial Park Drive.

19 I just announced your case.

20 RICHARD MCKINNON: Well, here I am,
21 Mr. Chairman. My name is Rich McKinnon and I

1 I live at One Leighton Street at North Point,
2 apartment 1905 in East Cambridge. Excuse me,
3 Charlie, if you're still here. He always
4 corrects me.

5 We want to thank you for putting us on
6 the agenda, and we're gonna to try and go
7 through this as quickly as we possibly can
8 with the understanding that our lawyers,
9 Martha from EF, Dean on the construction and
10 development side of it, Scott from traffic.
11 Everyone will be here after public testimony
12 to take any questions. But I'm going to take
13 all of their pieces and just move through
14 them quickly myself.

15 When it's going to make it simpler,
16 Mr. Chairman, I'm also going to just refer to
17 several documents rather than read ten pages
18 of dense wonderful DLA Piper text. And I
19 have already given them to Cathy the
20 stenographer so she can reference them as
21 well.

1 Just quickly to tell you a little bit
2 about EF. EF was founded by Bertil Hult.
3 Bertil had terrible dyslexia as a child. And
4 when he decided to form a company, he decided
5 to form it really with one core philosophy.
6 That the company would find ways to break
7 down barriers; barriers of language, barriers
8 of culture, and barriers of geography. And
9 it's such an education-based company that it
10 has found all different types of ways with
11 all different types of programs to do that.

12 Just quickly, Mr. Chairman, Martha
13 partnered with one of our public schools, the
14 Fletcher-Maynard Academy, and we sent a big
15 large group of kids with their teachers over
16 to China, having had already had made contact
17 with students over there. And that single
18 event really accomplishes all three of the
19 core missions. It breaks down barriers of
20 language, culture, and geography. And from
21 what we understand, it was really a

1 Life-changing event for the kids that went
2 over there as it has been for others that
3 Martha sent in the past.

4 In Cambridge EF started in 1987 at
5 Dean's building, One Memorial Drive. 60
6 employees. They outgrew that, and they
7 became the first new development over at
8 North Point. We've now grown to 650
9 employees over there. And as I'll explain in
10 a moment, we're busting at the seams.

11 This building completes the private
12 development of North Point east of the
13 bridge. This was the old surplus site. It's
14 done. And then the only other development
15 left over there is the skate park and the
16 maintenance facility for the MDC. But this
17 squares all of the private development around
18 the park with the Regatta, with EF1 and EF2.
19 And it also integrates -- the building's been
20 designed to integrate with North Point Park,
21 the pedestrian bridge, and the city's plan of

1 objectives. And, you know, it's really going
2 to be a striking intersection, Mr. Chairman.
3 You've got this iconic building front right
4 on the park with the river beside it and the
5 pedestrian bridge right to our rear going
6 over tying Cambridge finally into the North
7 End without people having to go all the way
8 around. It jumps the railroad tracks. So
9 it's going to be a huge difference. And it's
10 our hope that this building really, it will
11 bring people into the park and let more
12 people know it and appreciate it.

13 The project -- we hear a lot about
14 jobs, Mr. Chairman. Especially this week,
15 Labor Day week. I think Governor Romney
16 (sic) had a giant announcement today. We
17 know the President's going to be speaking
18 Thursday night. This is a very intense jobs
19 project. We will hire 450 union construction
20 workers, and maybe it will go as high as 500
21 depending on schedule and weather. They'll

1 all be union labor. And as you know, that
2 industry has been especially hard hit. As
3 soon as the building is available, Martha
4 will immediately hire another 400 full-time
5 employees. And then once things settle down
6 and both buildings find a way to work
7 together in synergy, we'll probably have
8 closer to 1200 or 1300 employees out there at
9 North Point. It's really been a tremendous
10 job all the way along. But we are absolutely
11 in need of getting the building built because
12 that job need is there right now.

13 We've been lucky to have really some
14 wonderful letters of support. A letter from
15 Mayor David Maher to DOT. Another resolution
16 passed unanimously by the Cambridge City
17 Council urging DOT to work with EF as they
18 turned out to be the high bidder and the
19 competitive bidder who got the land.

20 And then we've got a terrific letter
21 from the East Cambridge Planning Team who

1 really loved the design, really loved the
2 concept, and just four square behind the
3 plan.

4 Governor Patrick recently signed
5 legislation, EF legislation that he endorsed
6 all the way along. It was adopted by a
7 unanimous roll call vote of the Senate and
8 the House of Representatives except for one.
9 That one was the Senator from Milton. But it
10 was signed into law in July by Governor
11 Patrick. We just missed having it done last
12 year, but we got it tied to that wonderful
13 gambling legislation and it all crashed and
14 burned and everything attached to it
15 happened. So, we're in a hurry. But it's
16 obviously not the Planning Board. It's --
17 things worked better on one side of the river
18 than the other in my experience, and I'll
19 just leave it at that.

20 But I think that that legislation with
21 its wide support and the support of the

1 governor is really in itself a letter of
2 support for the project.

3 The zoning has been complete. DOT has
4 done all of what it needs to convey the land.
5 I think the actual conveyance, Martha, is due
6 at the end of the month. But we've had the
7 public hearing. The votes have been taken by
8 DOT. The legal branding have been made.

9 One of the things, one of the real
10 reasons that we needed this legislation done
11 was to clarify the land exchanges out there.
12 It's very complicated. It involves central
13 artery, DCR. Things have just, you know,
14 it's not the simplest place in the world to
15 do a conveyance. But the second is this will
16 be the first time in the history of the
17 Commonwealth, since these laws came into
18 effect, that we'll be able to do Chapter 91
19 and MEPA simultaneously. Typically you have
20 to do MEPA first before you do Chapter 91.
21 This is a test case that will allow us to go

1 through both at the same time. The reason
2 for that obviously is the governor is very
3 anxious, as are our local legislators to get
4 these jobs filled as soon as possible. So,
5 those are the interesting parts of the build.
6 We're ready to file for Chapter 91 and MEPA
7 at the end of the month.

8 There's tremendous pressure on EF,
9 Mr. Chairman, to expand right now. And we're
10 not only unhappy because of the tie up of the
11 legislation, and the legislation had to get
12 in place before we can proceed, especially
13 for the land conveyance component of it. EF
14 has already outgrown its existing building.
15 And, you know, between flex time, you know,
16 various shifts, they're still, the building
17 is just totally maxed out. EF is out in the
18 marketplace now and unfortunately they're
19 going to have to lease 80,000 square feet of
20 space to be able to continue doing their
21 functions for a period of, you know, two to

1 three years, whatever it takes for us to
2 build the building.

3 So, it's an inconvenience. It's an
4 expense. It requires a lot of planning, and
5 it's all going to have to be undone when we
6 build the building and brought back. But
7 there is really very real pressure on us to
8 move forward and deliver a building to them
9 so they can deliver it coherently rather than
10 lease it out there and rather than coming
11 back in.

12 The request that we're making of the
13 Planning Board, three specific ones, but I'll
14 get to later, but basically tonight we're
15 asking the Board to approve our PUD
16 development proposal Article 13.70 and send
17 us off to the second round.

18 We're also asking you to approve our
19 Article 19.20 large project review Special
20 Permit, and I think the traffic is dealt with
21 very, very well in terms of 19.20. And the

1 Letter that you received to the Planning
2 Board from Sue Clippinger, I've given that to
3 Cathy so we can submit it as part of the
4 record.

5 And in our application we have Article
6 2, Chapter 2 and Chapter 3 which, you know,
7 12 pages of this. And so, it's been very
8 carefully done, the various ways we comply.
9 In Chapter 3 it goes into more detail about
10 Article 19.20. But, again, I've given the
11 book to Cathy, and to speed things up,
12 Mr. Chairman, rather than read all of the
13 various compliances, I'd like to ask the
14 Board to allow us to make that part of the
15 public record. Bearing in mind that our
16 lawyers are here later if you want to ask
17 questions.

18 And then, in a grander way, we also
19 wanted to state that we're looking to -- the
20 compliance deals with our compliance for
21 Article 10, 12 and 19.20.

1 There are three requests for specific
2 findings, Mr. Chairman, and these findings
3 really are part of our public notice. And
4 I'm going to take just a brief moment to give
5 a reason why these particular findings are
6 appropriate and are in order.

7 That they've been advertised for relief
8 we're seeking from the Board, and I think it
9 would be inappropriate to pass these over
10 without a word.

11 The first one is in 13.70 to allow 100
12 percent of this development to be
13 non-residential. As you recall prior to the
14 recent amendments, 35 percent of the
15 development had to be residential. But if
16 you think back, Mr. Chairman, when this was
17 -- the Zoning Ordinance was adopted, we
18 really thought we had only two sites out
19 there on this side of the bridge: The large
20 Gilford site, (inaudible) at the time and
21 Archstone. Archstone had three sites.

1 Gilford had 22. And at the time they
2 asserted that they had Maytag 22 Water
3 Street. The McLaughlin family came up and
4 made it clear to all of us that the
5 (inaudible) did not own their client's land.
6 But I think none of us really intended this
7 to apply to a single building, where within a
8 single building you had an office building
9 within a third of it set aside for
10 residential.

11 And as it turns out, Mr. Chairman,
12 rather than having 35 percent of North Point
13 being residential, we're closer to 90
14 percent. These are the developments that are
15 out there or that are about to go under
16 construction within the next 12 months.
17 We've got a total of 2,025 units. Our office
18 building calls for about a 260,000 square
19 feet of office space. So 260 versus close to
20 two and a half million square feet of
21 residential rather than 35, Mr. Chairman,

1 we're at 90. So, I think that the allowances
2 is in place.

3 The second finding we'd like you to
4 make is that we can have a restaurant of
5 approximately 14,000 square feet. And by the
6 way, I meant to add -- it was 440 seats
7 including outside plaza at ground level with
8 the Mezzanine.

9 The restaurant is in purple up there.
10 And as you can see, first of all, we're going
11 to have a very public lobby. It's going to
12 be a great public space. And it's required
13 of us by Chapter 91. But certainly the staff
14 (inaudible) that we proceed that way. It
15 meets a lot of the city's goals. It animates
16 the front edge. It brings real life to the
17 park. It's a big restaurant -- remember the
18 Cheesecake Factory at the Galleria, which is
19 a very substantial restaurant, is only 10,800
20 square feet. This is 14,000. It really has
21 the opportunity to be a destination, and also

1 to be subdivided for functions and things
2 like that. Our hope is that it really helps
3 bring more people into the park. And if you
4 look at Sue Clippinger's letter, I think
5 you'll see that she feels this project will
6 be able to do that.

7 So, again, in our notice we ask and
8 we'd ask that the Board make a separate
9 finding that we could have a 14,000 square
10 foot restaurant at the ground level with the
11 Mezzanine and 440 seats.

12 The final specific request, and it's
13 actually its own Special Permit, is that we
14 be allowed to reduce our parking count below
15 the required number, the minimum number. And
16 Article 6.35.1 of the parking code allows us
17 to do that if we do that as part of the
18 Special Permit, if it's a Special Permit
19 process. As you know, Article 10.45 grants
20 for the Planning Board the authority to grant
21 such a request when it is not a Variance. So

1 we don't have to go to the BZA. Very clearly
2 the Planning Board has the authority under
3 10.45 to make the request. And as to making
4 it, several things. And, you know, again
5 Cathy has been given the letter from Sue
6 Clippinger dated today, a very positive
7 letter about our project. And I would ask
8 that her letter, which is two pages plus
9 another four pages of charts and graphs --
10 Liza, the Board has it?

11 LIZA PADEN: I believe so, yes.

12 RICHARD MCKINNON: But in any event,
13 Cathy has it and we'll ask that could be part
14 of the public record. Pages 1 and 2 in
15 particular, and you have these in the
16 PowerPoint we handed out. You know, the
17 general comments are quite positive about our
18 parking situation.

19 In the traffic study encapsulated in
20 this letter, just a few things that I should
21 mention. One reason that we can do with less

1 parking, is that EF has a tremendous track
2 record of having a very low SOB count. It's
3 at 28 percent for the existing building which
4 is a great, great figure. So we assume we'll
5 be able to do that again.

6 Second reason is that we sit sandwiched
7 between three T stations; the Science Museum
8 Station and Lechmere Station on the Green
9 Line and Bunker Hill Station on the Orange
10 Line. They have their own shuttle bus, but
11 we're part of a shuttle bus network down
12 there. We're one of the stops that connects
13 to the Red Line and also to North Station.
14 And the pedestrian bridge, in fact, will make
15 it much easier for a lot of their employees.
16 A lot of their employees live within a mile
17 or two, and a lot of them live in Lower
18 Charlestown, North End on the Boston
19 waterfront. So that bridge is going to help
20 a lot of people walk or bike to get to work.
21 It's a very bike-intensive company. So for

1 those reasons, plus the fact that we've got a
2 pretty substantial TDM package. And
3 underlying all of this going back to when we
4 had the parking freeze, Members, it's been
5 the City's policy to try and reduce parking
6 as much as is possible. The City's theory is
7 that if you don't have a parking space, you
8 can't bring a car to it. And if you can't
9 bring a car to it, there is less polluted air
10 and less congestion in the city. So aside
11 from I think being the specific reasons that
12 allow us to make the request, I think it
13 really is in keeping with the city's
14 underlying philosophy.

15 So that concludes all of mine. I
16 replaced Martha. I've replaced our lawyers,
17 our traffic consultant, all of whom are here
18 if you want to ask questions afterwards. I'm
19 going to take just a minute to introduce
20 again to many of you who met him at the
21 conference Tom for the first time, our design

1 architect. We -- when it became clear to us
2 that we actually had the zoning and that DOT,
3 after we won the competitive bid and they put
4 the property up for bid, that we actually
5 were going to be able to control this site of
6 the difficult challenges, we said let's stop
7 or a minute. This is really an amazing site.
8 It says, you know, right there on North Point
9 Park, the Charles River, the Zakim Bridge
10 behind it, and it really calls for a very
11 special building so we had a design
12 competition. And the winner of the design
13 competition was Gert Wingardh from Sweden, a
14 company named after him of course. And also
15 we took a look at their portfolio and it was
16 clear to us that one of the things we thought
17 that needed to be done at this site, they had
18 tremendous (inaudible). That's a picture of
19 Gert taken in April. I guess it goes to show
20 that it really does take a toll on people who
21 have to work with Cambridge.

1 Anyway.

2 UNI DENTIFIED MALE: It was April
3 last year.

4 RICHARD MCKINNON: Yeah, yeah, yeah.

5 We like their philosophy. They're
6 really committed to trying to find the
7 artistic and the poetic dimensions of
8 architecture. And in a phrase that I'm going
9 to steal, I love it so much, they try and
10 transcend the ordinaries of the brief. I've
11 never heard it put that way. They try to go
12 beyond what they're asked to do. But clearly
13 in talking to Gert and looking at his
14 portfolio we felt that these really were
15 things that they could do.

16 And I'm just going to look at a couple
17 of portfolio selections before I bring Gert
18 up fresh off a plane as usual.

19 We wanted somebody that could give us
20 something very dramatic because we thought
21 the location really called for a building

1 that stood out, a building that brought
2 attention to North Point Park which is
3 tremendously underused and really brought
4 some vitality to that whole part of the river
5 and the riverfront. We also wanted somebody
6 that could work very skillfully with glass.
7 We wanted somebody that could really do
8 wonderful open public spaces, public lobbies,
9 because ours was just not going to be a
10 lobby, it was very much going to be a public
11 space as well, you know, as part of our
12 Chapter 91. People are going to be able to
13 come in and out of that lobby are going to be
14 able to go into the restaurant. We're going
15 to have a winter garden inside our lobby. So
16 we wanted someone that could really bring a
17 sense of energy and beauty to the lobby. And
18 then we wanted somebody that could find a way
19 to do all of that and yet seem to fit
20 properly in a park setting and on a river.
21 And we wanted someone to show the ability to

1 do all of those things.

2 First film I'm going to show you is
3 SMOt, is a concert and theatre in Sweden.
4 And, you know, it just shows a real
5 interesting way of handling glass and also of
6 bringing some real energy and sense of poetry
7 to a wonderful building.

8 And, again, these are some of the
9 interior spaces, and they really capture some
10 of the things that we were looking to do.

11 Second building from Sweden is Gina
12 Tri cot. It's an office building. And this
13 really caught our attention. It's just a
14 breathtaking way of dealing with glass. And
15 also we were caught by the fact that the
16 building seemed to have been pulled from a
17 square into a diamond. Again, very beautiful
18 way of dealing with the exteriors.

19 And then two buildings over stateside.
20 One is the Swedish Embassy in Washington, DC,
21 and the other is Astra Zeneca

1 Pharmaceuticals. Again, really just very
2 interesting way of dealing with light and the
3 external materials and lighting, all in a way
4 that just came together in a way that we
5 thought was very lovely.

6 And you can swear that was the Charles
7 River, but it's very much the scene that we
8 have down at North Point. There's a public
9 park. There's river. And there are canoes
10 and scullers on the river. And they clearly
11 showed the ability to deal with all of those
12 elements.

13 Astra Zeneca up in Waltham, big
14 headquarters, they employ 600 people up
15 there. And very modern, very contemporary
16 building, but just seems to settle right into
17 the woods there and on the river as well.
18 Again, beautiful, beautiful interior spaces.
19 But what we really liked about that and what
20 Gert has found a way to accomplish over here
21 in our building on the north side, which is

1 considered a weak side usually facing the
2 Zakim Bridge, is we found a way to bring the
3 outside in. To bring the public inside the
4 building to get a glimpse into it, to not
5 have the building locked off away from the
6 public and to get a sense of what's going on
7 in there. And we wanted that done on our
8 building. I think we found a successful way
9 to do it. Again, really very open, very
10 high, very inviting interior spaces. If the
11 public's going to be in there, we want it to
12 be a great experience for them.

13 So, that is my whole presentation.
14 Again, all of our consultants are here
15 afterwards to answer any questions you have.
16 I hope that was as quick and thorough as
17 possible. I'm going to ask Gert to come up
18 for what he's designed for us.

19 GERT WINGARDH: Okay, thank you.

20 Nice to get such an introduction. I
21 was wearing this red scarf the last time

1 around so I thought I would put it on again
2 so you could recognize me. And we'll see
3 about putting the right now.

4 So I visit here for the first time in
5 February, and I was so very impressed that
6 the site was as nice as the Swedish Embassy
7 on the Potomac. There we really lured people
8 into the entrance level by sliding doors.
9 And have a lot of foreigners visiting our
10 site which is great.

11 And so the pretty much it's given I
12 think on the site that you, we have this
13 street pattern which really made us make a
14 building into a diamond plan. And we also
15 saw first, we thought this might be the right
16 side to do a feature on because of the
17 Charles River. But once we visited the site,
18 we immediately understood that the proper
19 direction to face the building is towards the
20 museum and to the museum bridge and towards
21 Cambridge proper. So we made a key feature

1 on this elevation, and it's spreads around
2 the corners. You can also observe that it
3 sits very tightly on this leading up to the
4 bridge. And was there a hundred million
5 people travelling on this bridge. It's ten
6 times the population of Sweden.

7 RICHARD MCKINNON: Finally, Gert, I
8 finally have hearing aids so I can hear the
9 things you're mumbling now.

10 GERT WINGARDH: I'm mumbling too
11 much, sorry. Sorry, sorry.

12 Okay, so this is the site and very
13 close up and very close to the park. And we
14 also have great landscaping by Zen Architects
15 outside of the building. And the feature
16 which we call the waterfall, spills all over
17 on side two, facing south and houses the
18 restaurant. And of course we hope for
19 restaurant tables on the outside. And sort
20 of luring the public into the building.

21 We've done some shadow studies. And

1 it's very fortunate, both the diamond shape
2 and the siting of the building being along
3 the southern part of the site means that the
4 shadows really fall away, not onto the public
5 spaces or the park itself. And as you can
6 see at three o'clock, it falls basically on
7 the ramp.

8 And this is close-up of the entrance
9 level where you can see greater detail. The
10 restaurant. And you can feel the shape of
11 the diamond building. And you have this cut
12 into it where you have the waterfall glass
13 which is most obviously on the mall itself.
14 And we have the landscaping expansion by Zen,
15 and we think this will be a nice path for the
16 public to touch the building. And there's
17 also Mezzanine level that will also be open
18 to the public.

19 And this is the way it would look. We
20 have taken up the white from the modern
21 looking bridge, and we have made it quite

1 abstract, horizontal with the different
2 sizing of the parking and the meeting rooms.
3 And then we have this glass waterfall that
4 starts as a cut on the top levels, and then
5 proceeds to go outside of the envelope and
6 creating this winter garden as mentioned, and
7 the restaurant. And hopefully we can find a
8 yellowish tint to the glass so it will have a
9 nice sort of warm Swedish color, a bit
10 reminiscent of the House of Sweden project.

11 And then we also thought that it's
12 always appropriate to have a base of a
13 building, a middle, and a top. And so this
14 is really a perimeter fence going around,
15 also being yellowish and also connect the
16 base and the top. And also on the top behind
17 it, as you can see on the mold very clearly,
18 are the technical services of course. And so
19 this will be treated and it's an
20 architectural feature.

21 And of course this picture tells a lot

1 about the prominence of the site. South
2 facing, west facing and the Charles and the
3 park. And so I mean it's truly an excellent
4 site.

5 And this is a rendering of the main
6 elevation facing towards the science bridge
7 and the Science Museum with this overhang in
8 the corner where you have some bicycle
9 parking. There are a lot of people who are
10 bicycling to and from this building.

11 RICHARD MCKINNON: Flags.

12 GERT WINGARDH: Flags, flags? Sure.
13 This is the Swedish flag if nobody noticed
14 before. And that way -- this is a very
15 multicultural institution bringing a lot of
16 people into this context of America. And I
17 think that this is feature of the waterfall,
18 as we like to call it, it's very obvious in
19 this picture as it is in the model. And what
20 is tricky to get in just the two-dimensional
21 pictures is the opening angle and the diamond

1 shape of the building. But I think if you
2 look at the model, it catches some of the
3 dynamics of it. And of course when you
4 approach it like this, it's quite like an
5 edge of a spear or arrow. And I think the
6 final picture shows the feature that we
7 mention here. That on to the ramp leading up
8 to the bridge, you will have this auditorium
9 letting glimpse of what's occurring inside,
10 and also being sort of a telling of this of a
11 school functioning building, but it's an
12 educational building.

13 And, yeah, that pretty much concludes
14 what I thought I would say. And I'm here for
15 your questions later on.

16 HUGH RUSSELL: Thank you.

17 RICHARD MCKINNON: Thank you.

18 HUGH RUSSELL: Pam, do you have a
19 question right now?

20 PAMELA WINTERS: I do.

21 RICHARD MCKINNON: Can I just wrap

1 up, Mr. Chairman?

2 PAMELA WINTERS: Can I ask a
3 question of the architect?

4 RICHARD MCKINNON: Yes, of course.

5 PAMELA WINTERS: Very quickly I just
6 wanted to know, curiosity, what is the
7 material of the waterfall? What kind of
8 material is that made out of?

9 GERT WINGARDH: Yeah, it's glass.
10 The material is glass. And most likely it
11 will be in a double pane glass. And the
12 outer glass would most likely be laminated
13 glass and there will be a folio in between
14 the glass which will carry the color.

15 PAMELA WINTERS: The color?

16 GERT WINGARDH: Yeah.

17 PAMELA WINTERS: It's really
18 interesting. Who came up with that idea?
19 I'm just curious.

20 UNIDENTIFIED MALE: I did. It's
21 very cost-effective it just stands up by

1 i tsel f.

2 UNI DENTI FI ED FEMALE: And he' s not
3 payi ng for i t.

4 GERT WI NGARDH: The most
5 cost-effecti ve way to deal wi th thi s.

6 No, but we worked wi th di fferent
7 bui ldi ngs and sort of done a l ot of
8 experi ments wi th i t.

9 PAMELA WI NTERS: Very i nteresti ng.

10 GERT WI NGARDH: So we' re pretty
11 confi dent i t can be accompli shed. Now we
12 just have to fi nd the ri ght bui lder who can
13 bui l d i t as ni ce as i n Europe at the ri ght
14 pri ce.

15 PAMELA WI NTERS: I t' s very cool .

16 Thank you.

17 RI CHARD McKI NNON: We haven' t found
18 i t at Home Depot or any of the stores.

19 Just to fi ni sh up, Mr. Chai rman, thi s
20 i s a bi g month for us. We have to real l y
21 make pl ans to si gn a l ease, and si gni ng i s

1 very critical. We're also in the process of
2 finalizing the documents with the state. As
3 part of the obligations we have for executing
4 the final lease, we have to apply for our
5 Chapter 91 and MEPA before September 30th.
6 And when we get to that point which is coming
7 at us very fast, we're going to have to put
8 down \$9 million non-refundable deposit. So,
9 it's a big deal. We know we have to go on to
10 a final development plan hearing, but we'd
11 ask the Board to consider how well vetted
12 this project is.

13 I should mention that we ask you to
14 think about the fact that it's an educational
15 institution. We could have bought this
16 property as a non-profit educational
17 institution. It elected not to. It elected
18 to enter into a 50 year tax agreement with
19 the city, for all the building. Which, you
20 know, Harvard nor MIT does a full 100 percent
21 commercial paradigm of the agreements they

1 reached with the city. They're 50 year
2 agreements. But they hardly treat every one
3 of those educational buildings at full price
4 for the commercial valuation.

5 This will, and as a result of that,
6 over the 50 year life of the building the EF
7 will be paying \$94 million in real estate
8 taxes to the city.

9 So, for those reasons I'm going to be
10 quite forward and ask the Board to consider
11 tonight sending us off, if you could, to our
12 second hearing and voting on our 19.20 permit
13 and our Special Permit to reduce the parking.

14 It will make a great deal of difference
15 to those decision makers that have to make
16 some very important decisions between now and
17 the end of the month to get that signed and
18 approved by this Board.

19 Thank you very much.

20 HUGH RUSSELL: Thank you.

21 Are there questions about the proposal?

1 CHARLES STUDEN: I actually had a
2 question related to the waterfall which of
3 course I like very much. If you'll remember
4 at the last time you were here, I was excited
5 by this building and I still am. But it
6 occurred to me, I'm just curious in terms of
7 solar gain, because this faces south, how do
8 you prevent it from becoming insufferably hot
9 in the summer and then in the winter having a
10 huge amount of heat being lost out of that
11 glass feature? Is there some technology or
12 something? I don't know, is there something
13 that goes between the layers of the glass
14 that insulates it? I was just curious about
15 that.

16 GERT WINGARDH: Well, Dean, perhaps.

17 DEAN STRATOULY: No, go, go.

18 GERT WINGARDH: It's a bit early now
19 to say the exactly what we're going to
20 develop for it. But it's quite possible to
21 have layers coated on to the glass which it

1 reduces the heat gain and also reduces the
2 heat loss. But we have to calculate the
3 entire building. And then this feature is a
4 rather minor feature, not adding that much to
5 the heat gain of the building which is the
6 major problem of it. Also this coloring is
7 beneficial for reflecting heat out of the
8 building. It's also so that this forms a
9 continuous atrium which might be separated.
10 We have not decided upon that, and could be
11 naturally ventilated as such. But all those
12 decisions are a bit down the road, but we
13 will find appropriate technologies for that.
14 And I'm certain that we might strive for some
15 green building credentials with it. So the
16 overall energy issues will be addressed at
17 that time.

18 CHARLES STUDEN: Thank you.

19 GERT WINGARDH: For sure.

20 HUGH RUSSELL: Ted.

21 H. THEODORE COHEN: I have one

1 question and I'm not sure if you addressed
2 it. The patrons of the restaurant, where
3 would they be parking?

4 RICHARD MCKINNON: They will be
5 using our garage, many of them, because we
6 expect a lot of them to come in the evening,
7 they will be taking shuttles that are, you
8 know, come to the restaurant. Part of the EZ
9 Ride shuttle in East Cambridge. You can come
10 from the Galleria over to the restaurant,
11 Kendall Square T station over to the
12 restaurant. We expect people will be walking
13 over to the restaurant. It's a big deal,
14 this restaurant. I mean, it's a real
15 challenge. As I said, the Cheesecake
16 Factory's less than 11,000 square feet, and
17 that's one big operation. And this is 14,4.
18 We want to be able to program it for a number
19 of different uses, functions, etcetera. So
20 we've spent an awful lot of time dealing with
21 that. But it's going to have to be a

1 destination where people want to come.

2 H. THEODORE COHEN: Right. But
3 those of us who insist upon driving you
4 anticipate will park in the building?

5 RICHARD MCKINNON: Yes, we suspect
6 there will be parking in the evening
7 available.

8 HUGH RUSSELL: Okay. Any other
9 questions?

10 WILLIAM TIBBS: I can wait.

11 HUGH RUSSELL: Okay, so let's go to
12 the public hearing.

13 THOMAS ANNINGER: Can we turn the
14 lights on?

15 HUGH RUSSELL: Yes, it would be nice
16 to turn the lights on for the public hearing.

17 So the first person on our list is
18 Renata von Tscharner.

19 RENATA VON TSCHARNER: My name is
20 Renata von Tscharner, Two Robert Park,
21 Charles River Conservancy. I'm delighted EF

1 is building a beautiful building here. And
2 the reason I'm here is I got to know EF very
3 well, and I'm happy to see this useful
4 company expanding in Cambridge.

5 Another reason I'm here is because I've
6 been working for the last 12 years to raise
7 funds for the skateboarding park which the
8 City of Cambridge has also pledged money to
9 and we raided 2.5 million for that. And I
10 think it would be a wonderful synergy between
11 EF and the skate park. I think both
12 symbolize energy, youth, and will make
13 Cambridge a very memorable place.

14 I would like to see this project move
15 forward fast. And I know there will be major
16 permitting this Chapter 91. It's on
17 Commonwealth's tidel and so the Chapter 91
18 will require that there really be public
19 facilities. And maybe we can move -- is
20 there a way to move to the plan -- or you
21 have it in front of you. If could you move

1 forward to the plan, that would be wonderful.

2 Thank you, thank you.

3 So the skate park would be just off on
4 the upper part, that would be the skate park.
5 And I feel in order for the skate park and
6 this building and its --

7 RICHARD MCKINNON: That's better.

8 RENATA VON TSCHARNER: That's better
9 one. You see the skate park on here. For
10 these two facilities and great assets to work
11 together, I feel that the planning needs to
12 incorporate that future use. These
13 skateboarders, they will, they will need a
14 bathroom. These skateboarders will need a
15 place where they can buy, replace wheels,
16 have their skateboards, their in-line skates,
17 their BMX bikes serviced. And I think it
18 would actually be a benefit moving forward to
19 think through of how these two, they'll work
20 together, because it will be a pity to go
21 over the floor plan to the MEPA and the

1 Chapter 91 hearing and in ten days say well,
2 can you come back with a different floor
3 plan? And I feel this is part of the Zoning
4 Board possibility to ask for such benefits.

5 Another concern we have or a suggestion
6 of how to make this really into a campus,
7 both an educational and a recreational
8 campus, is to have lighting. That there be
9 lighting for the skate park to make the whole
10 area underneath the ramp safer. And I know
11 EF, the current building already has cameras,
12 surveillance cameras, and it would be
13 wonderful to incorporate that to combine the
14 surveillance camera for the skate park.

15 I understand you have a document that
16 we submitted in June. Do you all have that
17 document?

18 CHARLES STUDEN: Yes.

19 RENATA VON TSCHARNER: So I will not
20 go over all the details, and I know EF also
21 has that document, but I appreciate you

1 Looking at that as a planning effort and not
2 just as an isolated building because \$100
3 million of public investment mitigation funds
4 has gone into those parks, including that
5 bridge going over to Charlestown. So see it
6 as a public investment on how to make that a
7 really wonderful thing for Cambridge and the
8 Commonwealth.

9 STEVEN WINTER: Excuse me,
10 Mr. Chair, may I ask a question of Renata?

11 HUGH RUSSELL: Yes.

12 STEVEN WINTER: Are you currently in
13 discussions with EF and the proponent about
14 how the skate park might move together with
15 the development of this site to the benefit
16 of both?

17 RENATA VON TSCHARNER: Well, we have
18 attended a meeting where we talked about the
19 path, but I did write to EF and we would like
20 to work with EF, but they have actually not
21 -- we have not had a design meeting about the

1 ground floor.

2 RICHARD MCKINNON: We just met,
3 Renata.

4 RENATA VON TSCHARNER: About the
5 pathway.

6 RICHARD MCKINNON: About many
7 things.

8 RENATA VON TSCHARNER: We didn't
9 talk about the uses on the ground floor. I
10 think it would be good to meet on that as
11 well.

12 STEVEN WINTER: Thank you.

13 RENATA VON TSCHARNER: Yeah.

14 HUGH RUSSELL: Okay, the next
15 speaker is Charlie Marquardt.

16 CHARLES MARQUARDT: Charlie
17 Marquardt, 10 Rogers Street. I'll get right
18 to the point. We've been disappointed in
19 East Cambridge by a lot of things, things
20 that are beyond our control. Most recently
21 the Green Line extension being cut back.

1 This is something that is within your control
2 and our control to move this forward. So,
3 I'm saying let's move it forward to the next
4 stage. This is a wonderful building. You
5 have received the East Cambridge Planning
6 Team letter saying that we love the building.
7 Unanimously agree that the building design is
8 something that's different and we love it.
9 Young, old, everybody loves this building.
10 Let's keep it there.

11 There's another couple of things we
12 could talk about, but we went through and
13 worked with the development team from the
14 very beginning, talked about mitigation.
15 Came to some really good agreements. I won't
16 go back into what that ended up being. But
17 they come up with this design, not only on
18 this building. They've got other developers
19 now doing design contests, and I think it
20 leads to better results for the City of
21 Cambridge. So I think it would be a travesty

1 to hold this up and didn't move it forward.
2 There's only one personal issue I have that
3 Martha knows I have with this building. That
4 I know we'll come to it at the right time.
5 The sign. The sign is sort of big
6 everywhere. But everything else about the
7 building is beautiful. It's great. Let's
8 move it forward so we can get to the sign
9 discussion in that next session.

10 Thank you.

11 HUGH RUSSELL: Thank you.

12 The last person on the list is Heather
13 Hoffman.

14 HEATHER HOFFMAN: Hi, my name is
15 Heather Hoffman. I live at 213 Hurlley Street
16 and I also like this building. I like the
17 fact that it's not another box. And it
18 struck me that at least as far as winter is
19 concerned, if you can build glass buildings
20 in Sweden, you can probably handle our
21 winter. Summer, I don't know. Winter I'm

1 not worried about.

2 And I hope that part of what will come
3 out of this is more attention to the park,
4 because it is one of the -- it is where my
5 Big Dig dollars went to be happy. That park
6 is one of the best things that the state has
7 done in this area. I got a chance to tell
8 the landscape architect that. So I hope that
9 having more people around there and having
10 this commercial investment will encourage the
11 state to find the money and the will to
12 maintain this park better because it really
13 deserves it.

14 And I agree that we should make sure
15 that all of the people that we hope to have
16 around there will get the benefits that
17 Chapter 91 promises to all of us. And may be
18 a public bathroom or two would be a lovely
19 start on that. And, yes, the sign. I am on
20 record, no signs. There is not a sign up at
21 the top of a building that could make me

1 happy, not one. Not anywhere on earth.

2 Including this one.

3 Thanks.

4 HUGH RUSSELL: Thank you.

5 James.

6 JAMES WILLIAMSON: Yeah. Well, I --
7 hello. I wasn't planning on saying anything
8 about this particular item on tonight's
9 agenda, but sitting listening and looking at
10 the images, I found myself with a couple of
11 questions.

12 First of all, is this a Swedish-based
13 company, EF?

14 HUGH RUSSELL: Yes.

15 JAMES WILLIAMSON: The second
16 question is I found myself wondering about
17 the views of the bridge, which I didn't see
18 any depictions of in the renderings, but I
19 would just as a matter of curiosity, would be
20 interesting to see how this building would
21 affect whatever views from different

1 perspecti ves. That woul d be j ust somethi ng
2 that woul d be i nteresti ng.

3 And the l ast questi on was al so about
4 the si gn, I don' t know i f you go back one or
5 whatever to the i mage that had a si gn, and I
6 j ust what -- the obvi ous questi on i s that
7 si gn as depi cted i n that renderi ng. Woul d
8 that be i n compli ance wi th the current
9 Ordi nance? I j ust don' t know and I' d be
10 i nterested to know.

11 And then l astly --

12 HUGH RUSSELL: No, i t' s not i s the
13 answer.

14 JAMES W I LLI AMSON: Okay.

15 HUGH RUSSELL: And they' re not
16 aski ng us for permi ssi on to bui l d i t.

17 JAMES W I LLI AMSON: Okay.

18 And the l ast thi ng, because
19 skateboardi ng got brought up, thi s may be one
20 of the few opportuni ti es to al ert you al l to
21 the fact that there i s another wonderful

1 skateboard location in Cambridge at the DCR,
2 owned and operated McCrehan Pool in North
3 Cambridge. Here is a two-page advertising
4 spread from a skateboarding magazine
5 depicting someone skateboarding across the
6 top edge of that very pool. And the DCR, in
7 their wisdom, are planning to fill the deep
8 end of the this and all the other pools with
9 cement because of the way they mismanaged a
10 tragic situation at one of their pools in
11 Fall River. And please do not let them be
12 foolish enough to ruin not only a great
13 swimming opportunity, but also a world
14 renowned skateboarding place albeit somewhat
15 illegal. But a police officer told me that
16 he encountered someone, yes, from Sweden
17 trying to sneak into what's known as the sea
18 bowl to skateboard and asked him how did you
19 hear about this in Sweden? And he said on
20 the internet. So, thank you.

21 HUGH RUSSELL: Thank you.

1 Does anyone else wish to speak?

2 (No Response.)

3 HUGH RUSSELL: Okay. Shall we close
4 the hearing for public testimony?

5 (All Board Members in Agreement.)

6 HUGH RUSSELL: Yes, I see everyone
7 nodding in agreement.

8 THOMAS ANNINGER: Particularly since
9 there's a second hearing.

10 HUGH RUSSELL: Right. So the
11 process is a little unusual here because they
12 would like us to do an addition to the
13 preliminary findings, they would also like us
14 to make, I guess, grant the Special Permits
15 for the parking relief.

16 Can we do that at this time?

17 ATTORNEY RICHARD RUDMAN:

18 Mr. Chairman, Richard Rudman from DLA Piper,
19 we're legal counsel for EF on the project.

20 And having closed the hearing, there's no

21 reason why if the Board desires to do so, the

1 Special Permit for the reduced parking and
2 also the 19.20 Special Permit couldn't be
3 adopted and of course it would be open to the
4 board to condition those Special Permits on
5 compliance with the third Special Permit that
6 would ultimately be needed for the project.
7 So they can be tied together in that way.

8 HUGH RUSSELL: Okay, thank you.

9 So, I guess the basic discussion about
10 the PUD process is what do we want to see
11 them change between now and the next time
12 they come back? Because basically we'll
13 approve it saying we approve it, but fix
14 these things. I don't see much to my mind
15 that needs fixing, although I believe
16 personally that for the skate park to be
17 successful there have to be toilets.

18 CHARLES STUDEN: Exactly. Exactly.
19 And we did get a very thoughtful letter from
20 the Charles River Conservancy. And in that
21 letter they identify seven specific things,

1 including the provision of the restrooms that
2 we might consider as conditions. And I'm not
3 sure at what point we would do this. Whether
4 we do this now or at the next level.

5 HUGH RUSSELL: I think what we do
6 now is we state the things we want to see
7 them on the final plan include. The other
8 piece that's complicated here is the two
9 state permits. They've got two state
10 permits, and often these kinds of things end
11 up being conditions with the state permits.
12 So whether we say they have to do this or
13 whether they have to consider doing this and
14 include that in their discussions with the
15 other things, I'm imagining we'll probably
16 complete our process before the state does.

17 RICHARD MCKINNON: Yes, you will I
18 believe.

19 HUGH RUSSELL: So, I don't quite see
20 how to get through this process. And so
21 maybe that's what we need them to come back

1 to, is say how can you guarantee to us that
2 certain things -- and we haven't discussed
3 exactly what those things are, but those
4 things get incorporated into the project at
5 some point or get satisfied through some
6 other means.

7 WILLIAM TIBBS: I think on that one
8 in particular I think we just ask them to
9 consider incorporating, we're working with
10 the skate park to incorporate it and we'd
11 like to see what the detail of that is. I
12 think it's premature to say, to go through
13 the seven things and say those seven things
14 should be done, but I really think those
15 seven things sound good to me, but I think
16 they haven't had the opportunity to talk to
17 the conservancy and.

18 RICHARD MCKINNON: We have.

19 WILLIAM TIBBS: And figure out --
20 and I think it would be very good to
21 incorporate because that will make that

1 helpful from my perspective.

2 RICHARD MCKINNON: If I might,
3 Mr. Chairman.

4 WILLIAM TIBBS: We're still
5 discussing. Go ahead.

6 H. THEODORE COHEN: Well, I agree
7 with a lot of that. However, and I, you
8 know, going through the seven points the
9 Conservancy raised, I mean, assuming the
10 skate park is there, the idea of it being a
11 welcoming building for it and that there will
12 be public restrooms and lighting and
13 security, I agree with. I'm not sure that I
14 agree with that a private entity has to be
15 forced to have in its building a retail
16 facility for a skate park that is being
17 created by some other entity. I think under
18 Chapter 91, and the users of the park, you
19 know, will have some rights to certain things
20 in the building, but I'm not at all convinced
21 that we ought to condition or require that

1 there be something so specific for some other
2 use on some other property.

3 STEVEN WINTER: I believe that you
4 and Bill are on the same page.

5 WILLIAM TIBBS: Exactly.

6 PAMELA WINTERS: Right.

7 HUGH RUSSELL: I mean the other
8 thing is don't think it has to be within the
9 trapezoid. So it could be in some other
10 portion of the land that is under control,
11 presumably an off-site improvement.

12 PAMELA WINTERS: So, Ted, are you
13 saying all seven items could be --

14 H. THEODORE COHEN: Well, I don't
15 think we're ready to really say what we want
16 to see as conditions.

17 PAMELA WINTERS: I agree.

18 H. THEODORE COHEN: And, you know, I
19 think fine, if we're telling them to come
20 back for your final hearing with some other
21 -- perhaps some other proposals, and perhaps

1 you want to address some or all of these
2 seven conditions.

3 RICHARD MCKINNON: I'd be happy to.

4 H. THEODORE COHEN: But the one that
5 gives me the most pause is the concept of
6 inadequate or a space within the building,
7 although maybe they have no problem with the
8 space somewhere else on the site.

9 PAMELA WINTERS: And I have an issue
10 with making one or two others, too. So I
11 agree with you.

12 STEVEN WINTER: We are all on the
13 same page. I also think we have a proponent
14 here who has worked successfully with the
15 Board on a number of projects, and there's a
16 team assembled that I think is entirely
17 capable of having that dialogue. I don't
18 think it's up to us to tell them what the
19 negotiating points of the dialogue are.

20 HUGH RUSSELL: Right. I mean, I
21 guess the one that I'm most feels furthest

1 from what we can do is item No. 4, funds for
2 maintenance and operation of the skate park.
3 That's kind of beyond our normal
4 jurisdiction.

5 PAMELA WINTERS: Yes.

6 HUGH RUSSELL: I mean, I understand
7 that there are mitigation funds that they've
8 committed to and so I don't know what's the
9 story about those.

10 STEVEN WINTER: Mr. Chair, wouldn't
11 the city also have a role in that dialogue,
12 in that discussion, the Community Development
13 Department be making their own
14 recommendations on the mitigation that's
15 required here?

16 HUGH RUSSELL: Right. And the
17 manager may have his own agenda.

18 STEVEN WINTER: Correct.

19 HUGH RUSSELL: I mean to me the
20 bottom line is there has to be more to work
21 with the skate park that currently shows on

1 the plans so that the skate park won't be a
2 nuisance. And I think if there aren't
3 bathrooms, portions of the skate park will
4 become a nuisance. So it's pretty simple.
5 And we have somebody who is uniquely
6 positioned in geographically to help solve
7 this problem.

8 THOMAS ANNINGER: Can I ask a
9 question?

10 HUGH RUSSELL: Sure, go ahead.

11 THOMAS ANNINGER: What we don't know
12 much about is where Chapter 91 fits into
13 this.

14 RICHARD MCKINNON: They have a lot
15 to say about it.

16 THOMAS ANNINGER: They seem to have
17 a -- maybe you can educate us for a moment.
18 I mean, suppose we come up with a discussion
19 about this and some feelings maybe we want
20 this but not that, and we don't particularly
21 like this solution, we prefer that, maybe it

1 should be separate, not -- what if your
2 Chapter 91 process leads to a different
3 result? How does that get resolved?

4 RICHARD MCKINNON: Well, Chapter 91
5 is going to be the last permit issue as you
6 mentioned. And so they have a tremendous
7 amount of say over this project because of
8 its proximity to the water.

9 A couple of things I just want to point
10 out quickly. One is, we've been a great
11 supporter of Charles River Conservancy. EF
12 actually provided free office space to them
13 for 40 years. So it's a long relationship.
14 We've been talking to them and working with
15 them all along even before the Zoning. But
16 there are a couple simple facts. When we got
17 caught in those zoning mitigation nightmares
18 where got negotiated in the City Council, and
19 we had offered to do things out in the skate
20 park area as part of our mitigation. The
21 Council explicitly took that out, whether

1 they were right or they were wrong. It's
2 part of the zoning amendment. And they just
3 asked for short of a million dollar check.
4 So that's the position of the Council in
5 making the Zoning Ordinance.

6 In terms of the City's position,
7 meaning the City Manager, with respect to the
8 skate park, certainly at this time they don't
9 control the land as yet and the assumption
10 had been that DCR would build it and then
11 whether themselves or seeking help from
12 others would maintain it.

13 We met with Renata and with Kara
14 Seiderman who represents the City Manager on
15 the DCR Board, and the City has already come
16 up with its own list of priorities for this
17 year. How it wants its portion of the DCR
18 money spent. And skate park simply is not
19 one of them now. So, I guess for those
20 reasons, I think, you know, we're happy to do
21 a lot of discussion here, but I don't know if

1 this is really the appropriate venue seeing
2 as both the Manager and the Council have
3 spoken. I mean, the Planning Board obviously
4 can make up its own mind. And I don't mean
5 to say that. But I just wanted you to
6 understand that, that those two events in
7 fact had happened.

8 And we were very -- Kara Seiderman was
9 very candid in our last meeting that she
10 didn't want one penny taken out of the
11 priorities that the Manager had set. So,
12 that being said, we know that Chapter 91 --

13 HUGH RUSSELL: Richard, are you
14 saying that the City doesn't want the skate
15 park built? Because that's the impression
16 you're leaving.

17 RICHARD McKINNON: No, no,
18 absolutely not. Absolutely not.

19 HUGH RUSSELL: I want to make sure.

20 CHARLES STUDEN: That's a very low
21 priority is what you're saying.

1 THOMAS ANNINGER: No.

2 STEVEN WINTER: That's not what he's
3 sayi ng.

4 RI CHARD McKI NNON: That's not what
5 I'm sayi ng at all. What I'm sayi ng is,
6 Mr. Chai rman, that I know we're goi ng to deal
7 wi th these i ssues i n the Chapter 91 process.

8 WI LLIAM TI BBS: I thi nk that's
9 somethi ng staff can hel p gi ve us a li ttle --
10 i f there's some ci ty i deas about the skate
11 park, I thi nk you real ly need to advi se us as
12 to what those are.

13 I see the skate park, though, as an
14 adj acent potenti al pl anned use that we woul d
15 want to make sure that even i f the skate park
16 shoul d happen at some other ti me and not i n
17 conj uncti on wi th thi s, that you don't box
18 yoursel f i nto somethi ng that doesn't make
19 that work.

20 RI CHARD McKI NNON: No, no, no.

21 WI LLIAM TI BBS: So I don't see i t as

1 a -- I don't see it as a project issue. I
2 see it as a planning issue. We -- it's clear
3 that there's a plan for a skate park there
4 and what can we do, and you do as an adjacent
5 neighbor to assist it.

6 RICHARD MCKINNON: We want to see it
7 there is as well. And perhaps as part of our
8 conditions for the next hearing, we really
9 address some of these planning issues and
10 some of these commitment issues that have
11 been raised.

12 THOMAS ANNINGER: Well, maybe I can
13 put the question this way: The image that I
14 have today of an office building downtown is
15 one where you have to check in at the front
16 door. Here clearly the impression you're
17 giving us is that this is open public space
18 where a skateboarder or a person going
19 through the park can walk into this. Can you
20 depict for me somehow what this public space
21 is going to feel like and be like? How open

1 will it be? Will there be half for the
2 office people and half for the public? How
3 are you going to lay this out?

4 RICHARD MCKINNON: Chapter 91, that
5 will be a very specific discussion that we
6 have because there's a certain percentage of
7 the ground floor that has to be accessible to
8 the public. We think we found ways to do
9 that by making the lobby the winter garden
10 totally accessible, by making it one of the
11 entries into the restaurant. And so, yes, it
12 doesn't mean there's not going to be
13 security, but it just means it has to be
14 accessible in a way that a downtown office
15 building where you have to go in and you have
16 to show your ID. And if, you know, you're
17 not expected, out the door. This is going to
18 be a different thing. Which is why I haven't
19 an architect that really had such a feel for
20 designing public spaces and lobbies meant a
21 lot to us.

1 So, to me it's a building management
2 issue, you know. But we, the public has to
3 be welcomed. It can't be left out.

4 DEAN STRATOULY: Rich, if you go to
5 the ground floor, I can show it.

6 HUGH RUSSELL: Yes, and on the
7 current plan it looks like the elevator
8 lobbies, to have access to the elevators, you
9 have to go through security, security thing.

10 DEAN STRATOULY: This is all public
11 realm all through here.

12 MARTHA DOYLE: You can show the
13 bathrooms.

14 DEAN STRATOULY: The bathrooms
15 are --

16 MARTHA DOYLE: To the left.

17 DEAN STRATOULY: Right there and
18 there. The quote, private part, Tom, that
19 you're referring to happens right here. And
20 here's a security desk, and here's the
21 security line to get into the elevators going

1 up into the office. But this free open
2 access all the way through here. In fact,
3 this is a public conference room available to
4 East Cambridge for its activities. And you
5 can see the bicycle room here. So, we have
6 to meet with facilities and public
7 accommodation ratios which are all been met
8 within the Chapter 91 guidelines.

9 MARTHA DOYLE: And the, mezzanine.

10 HUGH RUSSELL: So it's conceivable
11 that at the end of a Chapter 91 process the
12 state will impose some changes, they might
13 have to be covered under a Minor Amendment if
14 it's deemed significant. I mean, I frankly
15 am not terribly interested in exactly where
16 the line is in the lobby in the security. I
17 think, you know, I'm perfectly willing to let
18 the state grind their gears and come up with
19 the right answer for that. This is a
20 statement of intent and that's fine intent
21 and we can prove that.

1 STEVEN WINTER: It's a statement of
2 good intent. I agree with you.

3 RICHARD McKINNON: And,
4 Mr. Chairman, I take it that you'd like us to
5 address the issues of bathrooms that would be
6 accessible especially to the skateboard park
7 users.

8 HUGH RUSSELL: Well, the specific
9 items on the list from Renata about specific
10 facilities and how you might go through them.

11 RICHARD McKINNON: We'll go through
12 them one by one.

13 HUGH RUSSELL: Right. And I think
14 you have to address what Tom said, is the
15 procedural way since we are going to be
16 giving you a permit before you have to get
17 dragged through the state screener, how do
18 you make commitments that satisfy us without
19 tying your hands before the state? And I
20 think it's probably a matter of stating some
21 things in principle, and then if for some

1 reason the state overrides those, and coming
2 back and getting those pieces modified
3 slightly.

4 THOMAS ANNINGER: I mean we may
5 almost find a way of saying in our permits
6 that it is subject to --

7 RICHARD MCKINNON: Chapter 91.

8 THOMAS ANNINGER: -- Chapter 91.
9 And they may just, just like we leave some
10 leeway for the staff, we can leave some
11 leeway for Chapter 91. And how much leeway
12 that is, I don't know.

13 RICHARD MCKINNON: We've done that
14 in the past. And, you know, depending on the
15 extent of the add on, that happens in that
16 process it sometimes means coming back and
17 sometimes not.

18 THOMAS ANNINGER: That's right.

19 Can I say one more procedural point?
20 What you're asking for tonight is different
21 from what we've ever done before in my

1 tenure. When we do --

2 RICHARD MCKINNON: I understand.

3 THOMAS ANNINGER: When we do a PUD
4 with an Article 19 together typically we
5 approve the preliminary design proposal
6 subject to any discussion we have and
7 conditions. And then you come back with a
8 final development proposal and we do Article
9 19 at the same time. It's meshed together.
10 And we do --

11 HUGH RUSSELL: Or sometimes even it
12 comes back over a course of years with
13 Article 19 for each building and ultimate
14 building development.

15 THOMAS ANNINGER: And we would
16 typically do your third leg, which is the 120
17 parking spaces. We would do that at the same
18 time.

19 RICHARD MCKINNON: I understand.

20 THOMAS ANNINGER: Maybe you can
21 explain to me. If we -- I see no reason -- I

1 mean, I'm speaking for myself. I see no
2 reason why we wouldn't certainly approve your
3 development proposal tonight. That almost
4 goes without saying. And move to the next
5 stage, to the stage two. We almost always do
6 that. Tell me why it's so important in your
7 process to have Article 19 and the parking?

8 RICHARD MCKINNON: The simple reason
9 is to try to raise the level of confidence
10 for EF in terms of some of the big decisions
11 that they have to make in terms of leasing
12 new space. And, again, getting a \$9 million
13 check ready to cut for the state. But,
14 again, I think we've got a history here, Tom,
15 of never asking this Board to do anything
16 that they don't feel comfortable doing. And
17 I defer to the Board. And if you're happier
18 wrapping it together in the final development
19 plan, then we understand that.

20 HUGH RUSSELL: I guess in this
21 case --

1 where there are neighborhoods and how it --
2 context and so on. Here you're almost
3 unique. You have your -- the only neighbor
4 is your own building.

5 RICHARD MCKINNON: Let me use my new
6 hearing aids if I hear the Board and withdraw
7 the request for the 19th.

8 THOMAS ANNINGER: No, no, you're
9 hearing wrong. I'm saying just the opposite.

10 UNIDENTIFIED MALE: You're hearing
11 wrong.

12 STEVEN WINTER: No, no, can we sit
13 on this just a minute? I'm getting just a
14 little confused about this. I feel that
15 we've got traffic and parking telling us that
16 the 120 spaces is something that they concur
17 with and can live with. I'm hearing -- I'm
18 not sure I have a problem with the 440 seat
19 proposed restaurant. Unless someone else
20 does, I'm not sure I do. And I'm not sure I
21 have a problem with the first piece which is

1 the 100 percent of the development may be
2 non-residential. I don't -- there's no place
3 here where I snag. And I'm counting on you
4 as my colleague Bill to tell me if there's
5 something I should be worried about that I'm
6 not.

7 WILLIAM TIBBS: I don't have any
8 problem with any of those issues. And I have
9 no problem with the restaurant in concept. I
10 have a problem with what you're going to do
11 to make it, to execute it and make sure it
12 works. Because that's always a problem we
13 have with any retail and a restaurant as that
14 size, as you have said many times, and so
15 that's a lot of space.

16 RICHARD MCKINNON: It's a serious
17 piece of work.

18 WILLIAM TIBBS: Yes. If it doesn't
19 work, what kind of happens there?

20 But in concept, I mean, as far as
21 allowing the restaurant to happen, I have no

1 problem with that at all.

2 STEVEN WINTER: Okay.

3 And, Tom, I didn't mean to run over
4 your comments. It's just that like you, at
5 this time of the night, you know, my moments
6 of lucidity need to be carefully cultivated.
7 I want to make sure we're doing the right
8 thing. I feel we can move forward with this.

9 CHARLES STUDEN: Mr. Winter, I agree
10 with you. And actually I think that the
11 Special Permit application that the Applicant
12 has put together, and the narrative
13 associated with each of the actions that
14 they're asking for, A through H, is pretty
15 clear. I mean, I looked at it a few days
16 ago, again today, and unless I'm missing
17 something, I'm not sure why we couldn't make
18 the findings as are described in that
19 application and give them everything that
20 they're asking for tonight even though it is,
21 as we're suggesting, somewhat unusual.

1 HUGH RUSSELL: I agree.

2 H. THEODORE COHEN: If I could --

3 THOMAS ANNINGER: I think we're all
4 saying the same thing.

5 H. THEODORE COHEN: I think we're
6 all saying the same thing. And if I
7 understood the gentleman from Dale, White,
8 Piper, that we could do it and condition
9 those Special Permits on the ultimate grant
10 of the PUD. And so if we were to do that, I
11 don't see that we have any problem at all.

12 HUGH RUSSELL: So is that in a form
13 of a motion?

14 H. THEODORE COHEN: Yes.

15 STEVEN WINTER: Do we have a second?

16 CHARLES STUDEN: Second.

17 HUGH RUSSELL: Charles is seconding.
18 So I believe the motion is to grant the
19 various relief sought as presented to us.
20 That based on Charles' study and our own
21 prior study of the narrative on pages 19

1 through 32, that those findings we can make
2 as a Board.

3 CHARLES STUDEN: Actually, through
4 page 36 I think.

5 RICHARD MCKINNON: Right. It goes
6 over to part of chapter 3, that's right.

7 CHARLES STUDEN: Exactly. It deals
8 with things like energy and materials and so
9 on.

10 PAMELA WINTERS: Right.

11 HUGH RUSSELL: So we have a motion
12 that's been seconded.

13 H. THEODORE COHEN: And I want to be
14 clear that the motion as stated is
15 conditioned on our granting the ultimate
16 Special Permit for the PUD approval.

17 HUGH RUSSELL: Right. The portions
18 that are not PUD action are conditioned, yes.

19 H. THEODORE COHEN: Correct.

20 HUGH RUSSELL: And the other
21 condition is the working with the Charles

1 River Conservancy on the other two issues.

2 On that motion, all those in favor?

3 (Show of hands.)

4 HUGH RUSSELL: Seven members voting
5 in favor.

6 (Russell, Anninger, Tibbs, Winters,
7 Cohen, Winter, Studen.)

8 HUGH RUSSELL: Congratulations for
9 bringing something to us that we can so
10 approve so easily and so heartwarming even at
11 this hour.

12 RICHARD McKINNON: I think I always
13 do that, but I'm surprised. Thank you.

14 HUGH RUSSELL: The next item on our
15 agenda is the Chestnut Hill Realty.

16 (A short recess was taken.)

17 HUGH RUSSELL: Okay, let's move
18 forward on our 8:30 hearing. This is a
19 hearing on the Chestnut Hill Realty Zoning
20 Petition. This is a matter which we heard
21 before, but has been revised in some regards.

1 So, I would ask that in your presentation to
2 us rather than starting at zero at this late
3 hour, will you try to fill us in on what you
4 changed in the petition and so that we can
5 address that.

6 MATTHEW ZUKER: Good evening,
7 Planning Board members, and the public that
8 are left. We know you've had a long night.

9 CHARLES STUDEN: Could you please
10 use the microphone?

11 MATTHEW ZUKER: We'll keep it as
12 short as is possible. I'm Matthew Zuker,
13 Z-u-k-e-r. I first want to thank Cambridge
14 Community Staff for the continued time and
15 attention they have spent on this Zoning
16 Amendment. We appreciate the feedback, and
17 listened to the comments and concerns of this
18 Board, the CDD, the engineering department,
19 and the City Council, and made changes based
20 on this feedback. We are pleased with the
21 changes that were suggested because they help

1 make these apartments better than we had
2 planned. Chestnut Hill Realty has the most
3 to lose if they're not good quality. We,
4 more than anyone, want to make sure there are
5 problems for our residents. We truly believe
6 that this is good planning rationale as it
7 provides needed moderately-priced apartments
8 in the City of Cambridge in appropriate
9 wasted spaces in existing building
10 footprints. I had a quick re-introduction,
11 but I'll stick over most of it as I'm sure,
12 you know, the general idea is the same.
13 These are older, larger buildings. There's
14 vast areas of wasted space. I would say that
15 these spaces are more akin to garden level
16 apartments. Most of them have high ceilings,
17 large windows, and often are more above grade
18 than not. Again, it's a smart way to add
19 housing, environmentally smart, because it's
20 within existing apartment building
21 footprints. We are providing bike storage

1 space. We'll add another space for each unit
2 created under this by-law. And since these
3 buildings are required to be located near
4 mass transit, it encourages the use of public
5 transportation. It's important to note that
6 all of units must meet code requirements for
7 liveability including such things as ceiling
8 height, light, window size, and egress. In
9 addition, the by-law has both the potential
10 to add 150 thousand in new revenue to the
11 City of Cambridge. And it provides needed
12 business for construction companies, workers,
13 and area businesses.

14 What we have done since our last
15 meeting, the City Council did not act or vote
16 on our proposal in order to allow us to
17 respond to all the comments we had received
18 and to make the appropriate changes which we
19 have done. We carefully and thoughtfully
20 reviewed your memo, the CDD memo, and Owens
21 memo. We had multiple meetings with Owen,

1 along with our engineer, to discuss his
2 concerns and measures that can be taken and
3 implemented to address them. We also had
4 multiple meetings with the CDD staff to
5 discuss the planning aspects, including
6 affordable housing.

7 Finally, under the changes we have made
8 to our proposal, the two main changes to this
9 by-law are that we added one, an additional
10 affordable component;

11 And two, requirements to help safeguard
12 against flooding in these new units.

13 For the affordable component we added
14 that any project undertaken under this by-law
15 must provide at least one affordable unit to
16 the City of Cambridge regardless of the
17 number of units created.

18 To address the flooding concern, we
19 added two significant recommendations of
20 Owen. The first being the most beneficial to
21 the city infrastructure, and also the most

1 costly to the building owner, is that the
2 building must have a separate storm and
3 drainage line from the building to the
4 street.

5 And the second is that all new units
6 must have properly installed backfill
7 preventers.

8 Furthermore to help minimize on street
9 traffic in addition to the distance
10 requirement from public transportation, we
11 added that any buildings must be within --
12 all buildings must be within 1200 feet of a
13 car sharing or rental car location.

14 Additionally residence of all new apartments
15 will be assisted in using public
16 transportation. Some ideas got discussed,
17 include a public transportation advisor to
18 give info on public transportation, walking,
19 and alternative methods of travel other than
20 a car, and the idea of subsidizing parking,
21 public transportation passes.

1 Also owners of buildings adding units
2 under this by-law must provide sufficient
3 measures for the adequate privacy and
4 protection of the residents of these new
5 apartments.

6 And finally just to clarify, there is a
7 provision that the new units must only be
8 studio and one-bedroom apartments.

9 Again, I'd like to reiterate this is
10 good planning. There's a need for moderately
11 priced apartments in Cambridge, and there is
12 wasted spaces in these older larger buildings
13 akin to garden level apartments that can meet
14 this need.

15 Thank you for your time tonight. I
16 know it's been a long night so I will open it
17 up to questions and comments from the CDD.

18 STEVEN WINTER: Mr. Chair.

19 HUGH RUSSELL: Steve, go ahead.

20 STEVEN WINTER: And just a
21 clarification I guess. I was there on the --

1 there were two points that we were looking
2 at. The first was additional affordable
3 component. Any project must provide one
4 affordable unit. And then we went into two,
5 and I'm not sure what that turned into. It
6 seemed like it turned into two with a couple
7 of things on it. I just want to understand
8 where we are.

9 MATTHEW ZUKER: The two -- the
10 affordable was one. The second main change
11 was to address the concerns that engineering
12 and Owen had about flooding.

13 STEVEN WINTER: Got it.

14 MATTHEW ZUKER: We have never had
15 flooding in our buildings. One of the
16 criteria that these buildings were before
17 1930, so there is a good track record you can
18 get on these buildings. So, but we wanted
19 to, and we met with them to go over -- to
20 address I think the two most significant and
21 items that he recommended and include those,

1 that all buildings must have to do this in
2 the amendment. That was the second main one.

3 STEVEN WINTER: Back flow was one of
4 those.

5 MATTHEW ZUKER: Back flow
6 preventers.

7 STEVEN WINTER: Separate storm and
8 sewer?

9 MATTHEW ZUKER: Separate storm and
10 sewer.

11 STEVEN WINTER: From the building to
12 the existing separate storm and sewer.

13 MATTHEW ZUKER: Yes. Or some of the
14 streets in Cambridge don't have separate
15 storm and sewer yet. So you would be doing
16 that. And in the future when it was
17 separate, because the idea is to separate
18 everything in the future, you'd be able to
19 hook up to that. And we felt that that from
20 an environmental standpoint was the right
21 thing to do and also provided the most

1 benefit to the city presently and in the
2 future.

3 STEVEN WINTER: Thank you.

4 HUGH RUSSELL: Okay. Any other
5 questions? Pam.

6 PAMELA WINTERS: When you say
7 moderately priced, what does that mean? How
8 much per month?

9 MATTHEW ZUKER: There's a range on
10 these, but we've generally found that these
11 are lower level are basement, but they really
12 are more garden style if you look at them.
13 They're about 20 percent, 20 percent less
14 than upstairs. So if an upstairs one-bedroom
15 was renting for 1300, 1400, maybe 1500, this
16 one would be about 300 less than that. So
17 about 1200 give or take. I mean, there's
18 obviously supply and demand, and we'll rent
19 for what it will rent for, but when we do our
20 studies that's what we've found.

21 PAMELA WINTERS: Okay. And I just

1 have to say I'm a little concerned because
2 Owen, in his letter, didn't -- it's sort of
3 like, he didn't give you overwhelming
4 support, especially in his last paragraph as
5 he issued concern about change in climate
6 issues and so forth. So, I don't know. I'm
7 sort of on the fence about this.

8 MATTHEW ZUKER: I mean, I don't
9 think I have the knowledge to discuss climate
10 change at this point, but we did meet with
11 him to go over specifics of what can be done
12 to help alleviate and help prevent flooding
13 in these units. I can't predict the future,
14 but I do know our buildings have never
15 flooded. I would be -- I think it would be
16 crazy that if someone has had flooding in
17 their buildings to propose this or would want
18 to add units there. But we would undertake
19 those two measures even though we haven't had
20 flooding to prevent that.

21 PAMELA WINTERS: And how many units

1 are we talking about here?

2 MATTHEW ZUKER: We're talking about,
3 there's some discrepancy, between numbers we
4 came up with and CDD, and that could be
5 because we went to the Building Department
6 and determined how many of these buildings
7 have existing basement units already, but I
8 believe it's 25 buildings, and it was the
9 potential for 175 units. With that said,
10 that's potential. I mean, the reality is
11 most of these buildings, configure them, and
12 the cost of moving utilities around would be
13 much less, but that was the potential number.

14 PAMELA WINTERS: The top end.

15 MATTHEW ZUKER: The top end, yeah.

16 H. THEODORE COHEN: Mr. Chair, is
17 this a public hearing?

18 HUGH RUSSELL: This will be when we
19 finish with this portion of our meeting, yes.

20 H. THEODORE COHEN: Okay.

21 STEVEN WINTER: I did not know that

1 it was a public hearing. I did not realize
2 it was a public hearing.

3 HUGH RUSSELL: Yes, this is a public
4 hearing. So are we ready to --

5 H. THEODORE COHEN: I've got a lot
6 of questions and comments, but I thought I'd
7 wait until after.

8 HUGH RUSSELL: Fine.

9 THOMAS ANNINGER: It's eleven
10 o'clock.

11 HUGH RUSSELL: Is there anyone here
12 who would like to be heard on this matter?

13 James.

14 JAMES WILLIAMSON: And Liza is going
15 to look for the materials which ordinarily
16 are available, but weren't. So my name is
17 James Williamson, 1000 Jackson Place. My
18 first overall concern is what were the
19 reasons why this was not allowed to begin
20 with and, you know, so what's relevant from
21 that history that needs to be, that this, you

1 know, proposal needs to be examined in the
2 light of? And more specifically I am asking
3 for the letter from Owen. Obviously the
4 engineer has some knowledge and skill in
5 evaluating this that I don't have, but I
6 think that would obviously be important for
7 your consideration.

8 I do know, and of course, the
9 circumstances vary in different parts of the
10 city, I do know that there are people who
11 live in basement apartments at Jefferson Park
12 who have repeated problems with flooding.
13 The staff at the Housing Authority were going
14 around putting sandbags in various locations
15 before this unusual event admittedly, but not
16 entirely unusual in North Cambridge prior to
17 the hurricane. So, you know, I don't know
18 whether, if you know, the engineer's
19 satisfied or not. And there seems to be an
20 indication of some maybe ambiguity or
21 whatever, but I haven't seen the letter so I

1 don't know. And then I would hope that you
2 would consider the issues that I think were
3 highlighted by staff from the Community
4 Development Department having to do with
5 issues of the liveability and the light and I
6 think that those were issues that were raised
7 by the woman who's not here tonight. I think
8 she helped draft that. And so, it's nice to
9 have affordable, a couple more affordable
10 units, but, you know, I think there's still
11 the question of the basement apartments and
12 is that to the extent that that's suitable
13 for affordable or any other units. The
14 market is there probably for its basement
15 units, but you know, I think as was mentioned
16 before, it's very likely that the people who
17 are going to be most likely to be interested
18 having had friends who lived in basement
19 apartments, some of which were sometimes
20 illegal, is going to be probably graduate
21 students and people like that as was

1 discussed at the previous hearings.

2 So thank you.

3 HUGH RUSSELL: Thank you.

4 Does anyone else wish to be heard?

5 Charlie.

6 CHARLES MARQUARDT: Charlie
7 Marquardt, Ten Rogers Street. A couple of
8 quick comments. Same ones from the last
9 time. If it's such a good idea, why are we
10 limiting to buildings only before 1930, only
11 along Mass. Ave., and then only along
12 Cambridge Street, and then some new ones with
13 the new provisions? Why only backfill
14 preventers in the basement apartments? Why
15 wouldn't we be worried about the apartments
16 above them as well? Because we learned July
17 10th a couple years ago, it wasn't just the
18 basement apartments that lost it, it was ones
19 above. So we need to worry about that.

20 I continue to be concerned when I hear
21 25 buildings and 100 and something. Someone

1 is going to have a car, but we're not talking
2 about parking, and it concerns me that we're
3 still going forward here. If we don't build
4 the parking space, the cars won't come.
5 They're still going to come. We're just
6 going to have less and less places to park.

7 I'm also concerned that we're putting
8 all the affordable units in the basement. So
9 you're gonna build a basement apartment unit,
10 therefore, that one has to become affordable.
11 That's a change I believe in our affordable
12 approach where it's always been the
13 affordable housing trust that picks where
14 that unit is. So does that mean that they're
15 going to give up one of the other units to
16 potentially to become affordable? It says do
17 one. I hear a ratio here that's way bigger
18 than the one for one that you normally get in
19 your bonus. It's one bonus unit, one regular
20 unit. Are we not applying that same approach
21 here? Are we going to go one new unit and is

1 affordable and everything after that is
2 market rate? So I'm a little bit concerned.
3 There are a lot of other pieces that are
4 still left here. And there are a couple of
5 conditions here that I'm shocked aren't
6 already in place. It says in order to get
7 your bonus basement units, you have to have a
8 recycling program in the building. I would
9 think in Cambridge a building of that size
10 and that scope would already have a recycling
11 program. So are we saying we don't have them
12 and we will only put them in if we can get
13 this? So, I'm just reading this for the
14 first time. I had to pull it up. I think
15 there's a lot more questions. So given the
16 late time and the lack of the number of
17 people who were here last time, I would
18 encourage you to hold it up to public comment
19 so people can go back and read it and go
20 through it again. Because this is a big
21 change. Shifting the basement apartment is

1 not something that should be taken lightly so
2 I would like the public to come back again.

3 HUGH RUSSELL: Thank you.
4 Heather.

5 HEATHER HOFFMAN: Hi. I'm still
6 Heather Hoffman. I'm still at 213 Hurlley
7 Street. I have not had time to move in
8 between hearings.

9 As I've been seriously trying to read
10 this having just gotten it, I have a couple
11 of general comments.

12 One is sort of what Charlie just
13 alluded to just the general density thing, I
14 mean we do have some idea that there should
15 be cap on density. Now, when people talk now
16 about we need to be denser and all that, the
17 problem is that we don't have families as big
18 as we used to. So we used to have fewer
19 dwelling units in the city than we have now,
20 but more people because more people were
21 crammed into each one. These are not being

1 proposed to cram a bunch of people into a
2 unit. These are supposed to be small. So
3 they're looking at one, maybe two people. So
4 I don't know how much housing this adds to
5 the city, I truly don't.

6 The other thing is that as I recall
7 from the first version of this, it appeared
8 that they were trying to waive certain
9 provisions of the Cambridge Building Code
10 that were stricter than the state building
11 code I guess with respect to basement
12 apartments and what constituted something
13 that was permitted to be used as living
14 space. And I can't tell from this whether
15 that has been abandoned or not. It's
16 certainly not listed as one of the changes.
17 But as far as I'm concerned, I don't think
18 that these should be lesser quality than any
19 other dwelling unit if, you know, if, you
20 know, the building's been around for 80
21 years, and I agree, like, why is 80 years

1 magical? I figure you can probably tell in
2 50 years whether something has flooded. But
3 I think that if you're going to be moving
4 people into these basements, they deserve the
5 actual Cambridge Building Code and not just
6 the state if the state permits less.

7 Thank you.

8 HUGH RUSSELL: Thank you.

9 Does anybody else wish to be heard?

10 (No Response.)

11 HUGH RUSSELL: Okay. What do we
12 feel about closing the hearing to public
13 testimony?

14 CHARLES STUDEN: Yes.

15 (Board members in an agreement.)

16 HUGH RUSSELL: We'll close the
17 hearing to public testimony.

18 Ted, you had some items?

19 H. THEODORE COHEN: I had a number
20 of comments. I mean, in general last time
21 and this time, I'm not opposed to the concept

1 of basement apartments. I don't understand
2 why they get limited to this particular set
3 of criteria. I think if it's a good idea,
4 then it's a good idea throughout the city,
5 but specifically some of my comments are that
6 I don't understand the addition that it must
7 be within 1200 feet within a share car or
8 rental care location. Clearly the other
9 references to Mass. Ave., Cambridge Street,
10 the Red Line station, those are not going to
11 move. We have no control over whether a
12 shared car or rental car location might move,
13 and something might be acceptable one day and
14 might become unacceptable and non-conforming
15 the next day.

16 I don't understand the -- from the memo
17 from CDD, it says that what was removed was
18 the requirement that each unit has one
19 bedroom or less, which I took to mean that
20 they could be larger than one bedroom, yet
21 this still says that the Special Permit would

1 be to add additional studio or one-bedroom
2 apartment units. So, and again, I also don't
3 see why they need to be limited to studio or
4 one bedroom if it's a good idea that some
5 people might want a less expensive apartment,
6 I don't see any reason why it has to be
7 limited to just people who live in studios
8 with one bedroom.

9 There's a reference in the definition
10 of qualified multi-family building which is a
11 physical connection to each other. Shared
12 utilities, common management, for which are
13 taxed as one building. Well, common
14 management we could have two buildings that
15 are blocks away from each other that are
16 under a common management, and I don't see
17 why they should be treated as a single
18 qualifying multi-family building.

19 I guess those were my comments in
20 general. While I am not opposed to the
21 concept of basement apartments, I think many

1 of the comments made last time still remain
2 true in this iteration.

3 HUGH RUSSELL: Charles.

4 CHARLES STUDEN: I think back in
5 April we sent a memo to the City Council, and
6 in that memo we actually raised a variety of
7 concerns relative to this proposal. In fact,
8 we raised five specifically. And while this
9 evening you addressed two of them partially;
10 the flooding issue and the issue of
11 affordability, you didn't talk about parking,
12 which was raised. I'm concerned about the
13 parking issue relative to the idea of having
14 these basement apartments.

15 The other that you didn't really
16 address is the quality of the units. I'm
17 still very troubled by how these units will
18 look and function. And in particular, and I
19 think this is true if I understand it, the
20 Housing Authority doesn't allow affordable
21 units to be in the basement of units. Is

1 that true, Susan? In terms of the affordable
2 housing program that the city does not
3 permit -- did we hear that testimony back
4 when this first became before us?

5 SUSAN GLAZER: I can't recall that.
6 It's obviously something we can check on.

7 CHARLES STUDEN: Okay.

8 STUART DASH: Are you talking about
9 the Housing Authority or the Inclusionary
10 Housing Authority.

11 CHARLES STUDEN: I guess both. Does
12 the inclusionary housing program allow
13 basement apartments.

14 STUART DASH: I can't recall. But I
15 don't think --

16 SUSAN GLAZER: No, there were some
17 units that we've had in the past but not
18 recently.

19 JEFF ROBERTS: The inclusionary
20 program as it's been applied, has been
21 applied to typically entire buildings. And

1 the process which the, which the housing
2 staff goes through in selecting units is to
3 select a variety of units from among the mix
4 of units that exist within a building and
5 from different parts of the building. Now we
6 don't frequently reveal inclusionary
7 projects. We don't frequently see new
8 construction that has units in the basement.
9 Although there's really nothing that --
10 there's nothing that disallows that
11 specifically in the Zoning, but that's
12 typically not how new construction does work.

13 CHARLES STUDEN: Thank you, other
14 than the liveability issue I think.

15 STUART DASH: And generally the
16 inclusionary housing program when they seek
17 that comparable units, they seek to have them
18 in a range of units in the building including
19 the heights that they tend not to have sort
20 of have, but it used to be the case where all
21 the affordable units might get the basement

1 of the building.

2 CHARLES STUDEN: And then finally in
3 terms of the issues that we raised earlier, I
4 think the planning rationale, this whole
5 issue of the way this particular proposal,
6 you know, establishes a very limited set of
7 circumstances under which the Zoning could be
8 waived in order to allow for new basement
9 units, to me, is not very acceptable. So I'm
10 still not convinced that what you brought to
11 us tonight, the changes you brought to us
12 tonight, make this any more appealing than it
13 was before.

14 HUGH RUSSELL: Tom.

15 THOMAS ANNINGER: Two things. I'd
16 like to tell you what I think, but I would
17 like to ask the staff first if they have
18 given some thought to how they would come out
19 on this and whether they could give us some
20 help?

21 STUART DASH: Sure. I think our

1 probably do, too. I guess I've been coming
2 out differently. I was reluctant last time
3 mostly because of Owen Riordan's memo which
4 made it very difficult to approve anything
5 because he was so negative on it. And his
6 memo now is much more positive, although I
7 agree with Pam that there is a lukewarm tone
8 to it because of climate change. I have a
9 feeling that knowing a little bit about
10 Mr. Riordan, or is it O'Riordan? I'm not
11 sure we would ever get a glowing memo from
12 him. He's an engineer and he's a cautious
13 man, and so I'm not sure we would ever get a
14 whole lot more than what he's given us no
15 matter how clearcut the issue was.

16 I went through the process of visiting
17 these spaces, and what moved me was the
18 amount -- the enormous amount of lost space
19 in these old buildings. I don't think the
20 newer buildings have that problem, that's why
21 I'm not so concerned about leaving it to the

1 older buildings. There is a lot of wasted
2 space that I think could be put to good use,
3 and I think they've done a good job in trying
4 to address the issues. I feel like we're in
5 a moment in time when we're trying to do more
6 with less, and this to me fits within that
7 philosophy that we have space, that is really
8 lost space, just cavernous basements that are
9 crying out for some utilitarian benefit and I
10 am willing to let the Council take the next
11 step on whether they think this is something
12 that they would like to do from a broader
13 policy matter. But I would support this.

14 STEVEN WINTER: You would?

15 THOMAS ANNINGER: I would, yes.

16 STEVEN WINTER: Okay.

17 HUGH RUSSELL: I guess I've also had
18 a change in thinking because I see this as an
19 enabling action. And for the Zoning Board to
20 be able to consider granting a Special Permit
21 rather than a Variance for these things, I

1 think starting, you can start with whatever
2 it is, 150 potential units, and see what
3 happens. And in a few years you might decide
4 based on the experience to modify the
5 criteria, but that this is a reasonable place
6 to start.

7 In terms of parking, the Planning Board
8 also has to make 10.43 findings, issue a
9 Special Permit, one of which is traffic
10 generated will cause congestion, hazard or
11 substantial change in established
12 neighborhood character. I would say it won't
13 do that. I think that's enough language in
14 the Ordinance to say that the Zoning Board
15 can consider these issues of parking.

16 So one thing I think we should -- I
17 would be more inclined to recommend that this
18 go forward. Now, I was looking, does the
19 word basement ever appear in this? It's a
20 basement apartment by-law. I wonder how many
21 people here know what the definition of

1 basement is under the Massachusetts Building
2 Code.

3 HEATHER HOFFMAN: The word basement
4 does appear in fact.

5 HUGH RUSSELL: There is in the
6 title. But I believe for a fact that the
7 number of buildings that you're talking
8 about, the spaces that you're talking about,
9 are not in fact legally under the building
10 code basements.

11 STEVEN WINTER: They're below grade.

12 HUGH RUSSELL: Well --

13 STEVEN WINTER: Possibly, but not a
14 basement.

15 HUGH RUSSELL: Okay. A basement is
16 defined in the Building Code as a story below
17 grade. And there is a test that is applied
18 that has three criteria.

19 The first -- and the test is applied to
20 the floor above for reasons that just make it
21 harder to understand, but that's just the way

1 i t' s wri tten.

2 So i f the fl oor above averages more
3 than si x feet above grade, measuri ng the
4 grade around the peri meter of the bui l di ng,
5 al though i f i t' s on a sl oping si te, you
6 measure si x feet up i n the bui l di ng. So,
7 that' s -- i f you' re tryi ng to prove that the
8 fl oor above -- that your basement, the fl oor
9 above can' t be more than si x feet above grade
10 on average, I thi nk thi s mi ght actual ly be
11 true of some of your bui l di ngs, because often
12 some of these ol der bui l di ngs, the fi rst
13 fl oor was up qui te a l ong ways.

14 The second i s that the average height
15 cannot be more than si x feet above grade
16 because si tes sl ope off.

17 And the thi rd cri teri on i s that no
18 porti on of the fl oor above can be more than
19 12 feet above grade at any poi nt.

20 Now, i f you apply al l these tests, and
21 that determi nes whi ch i s the fi rst story

1 above grade, it's the first floor that passes
2 these tests, it may be that some of these
3 unused spaces in buildings, which to you and
4 me locally look like basements, aren't
5 actually, according to the Building Code, a
6 story above grade because they are partially
7 -- so, that's a technicality. I don't think,
8 except for the word basement in the title,
9 there's nothing that requires that this space
10 be legally a basement.

11 JEFF ROBERTS: Actually, I think it
12 is in the language.

13 HEATHER HOFFMAN: Yes, it is. It's
14 throughout the proposal.

15 HUGH RUSSELL: So that needs to be
16 addressed because that's quite a strange --

17 JEFF ROBERTS: Yes. It's actually
18 right there in the beginning. It says that
19 the Special Permit by the Board of Zoning
20 Board of Appeal may be subject to the
21 restrictions set forth, may add additional

1 studio or one-bedroom apartment units in the
2 basement of that building.

3 HUGH RUSSELL: Okay. So that's
4 something that needs to be checked out by
5 Chestnut Hill to see if, how that impacts
6 things. Because I think just the higher it
7 is out of grade, the happier we all are.

8 WILLIAM TIBBS: Hugh?

9 HUGH RUSSELL: Yes.

10 WILLIAM TIBBS: I just want to say
11 that there's nothing about the changes that
12 have changed my opinion. And I just think
13 it's just poorly crafted. I tend to agree
14 with Ted that, vaguely in concept I could see
15 that, but I just haven't seen anything
16 written in this proposal, nor does anything
17 you just said about the definition of the
18 basement make me feel comfortable that we
19 should move this one forward. And if the
20 city is interested in really pursuing this,
21 then I think between staff and the city and

1 all sorts of others, we have a better way of
2 going about it than this particular proposal.
3 So I would not recommend this proposal.

4 HUGH RUSSELL: Okay.

5 I mean my general thought is we made a
6 recommendation before. We're having
7 discussions how that might be get modified,
8 but the basic recommendation we made before
9 would continue forward except as modified by
10 this.

11 WILLIAM TIBBS: I just look at it
12 differently has anything -- has anything
13 changed? Of the changes that have occurred,
14 would they make me change my recommendation?
15 And I wouldn't. So that's where I am with
16 it.

17 PAMELA WINTERS: So three of us down
18 here.

19 HUGH RUSSELL: Right. So I mean --
20 and I don't, I don't -- my view of the
21 technical things are really the same. And if

1 you can create decent apartments and not have
2 huge impacts on other people, particularly
3 parking, and, you know, and not be such a
4 condition to flooding, they should be able to
5 consider it. You know? And I got to agree
6 with you, the language is not addressed -- is
7 not written the way Les Barber would have
8 written it. And so it's linguistically out
9 of step with 90 percent that's in our book
10 which Les wrote.

11 WILLIAM TIBBS: I was interested
12 in --

13 HUGH RUSSELL: I mean, the question
14 on that is really to get some feedback from
15 the City Council Ordinance Committee. They
16 had a hearing, and they'll have another
17 hearing. If they think there is, you know,
18 that it's worth taking the next step, they
19 might give some guidance back to the
20 department as to what sort of a thing they
21 would see as reasonable. We are divided on

1 this and so we can't say there's one obvious
2 way to solve this. And I think we agree
3 there isn't one way to solve this because
4 it's the mixture of buildings that apply.

5 STEVEN WINTER: There's a lot of
6 interesting stuff here, but it doesn't come
7 out of looking like a piece of bona fide
8 public policy to me. When all is said and
9 done, I just can't hang my hat on that.

10 HUGH RUSSELL: Well, maybe they
11 should hire a consultant firm.

12 CHARLES STUDEN: Yes.

13 HUGH RUSSELL: So --

14 THOMAS ANNINGER: I detect a little
15 bit more support for it than last time. And
16 I guess -- and I don't think I would just
17 send up what we sent last time.

18 HUGH RUSSELL: No, I think it should
19 be informed by this discussion.

20 STEVEN WINTER: I think so.

21 THOMAS ANNINGER: I think it's a

1 little more balanced and I think the comments
2 are different than last time.

3 HUGH RUSSELL: Right.

4 THOMAS ANNINGER: And you got to
5 rewrite it again, Jeff, I'm sorry.

6 HUGH RUSSELL: Hey, he's good at it.

7 JEFF ROBERTS: So if I could just --
8 to kind of move ahead with the question.

9 Is there anything from tonight that you
10 would like to communicate to the City Council
11 or to the Ordinance Committee in written form
12 based on tonight or do you want more time to
13 consider it?

14 HUGH RUSSELL: I think we want to
15 conclude it tonight. And so I think Ted had
16 some initial points that may not be found in
17 the previous draft.

18 H. THEODORE COHEN: Well, I think we
19 probably ought to take some vote to give to
20 City Council, and I'm not necessarily making
21 this as a motion. But my proposal would be

1 that there have been amendments made that
2 address some of the issues we had.

3 There have been still some language
4 difficulties in it and various members of the
5 Board may differ upon the scope. If basement
6 apartments were allowed, what the scope would
7 be, whether they should be limited to certain
8 units or not. And I guess, even though I
9 generally support the concept, I would not
10 recommend this particular draft as it is
11 written now. And that if the Ordinance
12 Committee or City Council were interested in
13 pursuing the matter, either they should send
14 it back to us or to staff or suggest someone
15 else look at it again.

16 STEVEN WINTER: Jeff, I have a
17 comment again also just to be brief.
18 Engineer O'Riordan did talk about, as the
19 city begins to look at climate change and
20 adaptation, etcetera, etcetera. But the
21 statement was not unequivocal. The statement

1 said we're beginning to look at climate
2 change. We're beginning to look at this
3 issue. There could be that there's another
4 place in the city infrastructure or the city
5 ordinance or city committees that says this
6 is a climate change issue. Engineer
7 O'Riordan I think didn't want to take a
8 position that it was planning that one would
9 encounter to climate change adaptation. I
10 think we could just take another look at
11 that.

12 SUSAN GLAZER: The city's in fact
13 embarking on a study of adaptation to develop
14 an adaptation plan, but that process hasn't
15 begun and probably will take about a year.
16 So that's why he couched his comments the way
17 they are.

18 STEVEN WINTER: No, I'm not saying
19 pejorative. I'm saying that we need to be
20 able to say that very clearly. Perhaps
21 there's not a place where we have that kind

1 of policy at our fingertips. Perhaps it's
2 being formed, right now.

3 HUGH RUSSELL: But I think it's also
4 in the O'Riordan letter is that there are
5 places that seem to be, you know,
6 unquestionable places that are bad, there are
7 places that are okay, and there's a grey
8 area. And exactly how to sort those all
9 ought out, where the grey starts and when
10 it's started. But somebody came today and
11 said they, you know, the facts of their
12 building could satisfy him. He would like
13 that opportunity in the process. And I think
14 -- so he's willing to sign off on some
15 locations based on his understanding of the,
16 not only the elevations, the flooding, but
17 the piping in the streets. He's not going to
18 allow it on my street probably, although
19 there are units in the building next to mine
20 that have living spaces below grade and they
21 do flood. And my basement's only five feet

1 above high tide of Boston Harbor today. And
2 the entire Alewife area is only about eight
3 feet above high tide.

4 STEVEN WINTER: Jeff, have we given
5 you something to work with?

6 JEFF ROBERTS: So I take it you'd
7 like to, I guess, reinforce the concerns
8 stated in the engineer's letter regarding
9 impact of climate change, and at least
10 reference the fact that it's still an issue
11 that the city is just beginning to explore
12 and doesn't comprehend the full ramifications
13 if that was appointed?

14 STEVEN WINTER: That says it for me.

15 PAMELA WINTERS: And particularly
16 his last paragraph. I mean, he really
17 summarizes it pretty well there.

18 HUGH RUSSELL: Yes. I mean, the --
19 what Ted said as a summary is in fact pretty
20 good reading of what the first paragraph of
21 the recommendation says already.

1 PAMELA WINTERS: Right.

2 HUGH RUSSELL: And I think we're --
3 anyone's arguing to adopt it in this form.

4 I guess the only other point that I
5 thought Charlie made a very interesting
6 point. If this is bonus floor area, why
7 wouldn't you use the same formula that other
8 inclusionary bonuses are given for?

9 SUSAN GLAZER: Well, normally the
10 inclusionary housing policy doesn't apply
11 until you reach ten units. So that, so under
12 normal circumstances if you have fewer than
13 10, an inclusionary unit would not be
14 required. Therefore, there will not be no
15 bonus. There are no bonus units in this
16 case.

17 HUGH RUSSELL: I guess what I'm --
18 well, what I'm thinking is that if I were to
19 use my own version of what Charlie had me
20 thinking, I'd say okay, here's a building,
21 does it have more than ten units in it? It

1 does. Then we start considering
2 affordability. Is this floor area, extra
3 floor area, that's being permitted in excess
4 of what is permitted in the district? To the
5 extent it is, then it's bonus floor area just
6 like the inclusionary bonus. And the
7 inclusionary bonus is devoting half to
8 affordable units and half to marketable
9 units. So you would examine the entire
10 property under this standard. Now that would
11 result in making many people unhappy because
12 this would give you affordable units that
13 would be located although the first building.

14 In the city there are many different
15 kinds of units and they rent for many
16 different prices. And the Chestnut Hill
17 buildings, these units are going to be quite
18 nice units renting for pretty good prices
19 even if they are so-called basement units.
20 They're in good locations. And so, you know,
21 and the overall scale of units in the city

1 they're not at the absolute bottom, they're
2 not at the top. They're probably below the
3 middle in terms of quality of units. If you
4 were to have a rank of all 43,000 units --

5 WILLIAM TIBBS: Are you trying to
6 convince us or are you trying to craft
7 something which we've said that needs to be
8 crafted anyway.

9 CHARLES STUDEN: Right.

10 WILLIAM TIBBS: And if you are, then
11 I'm saying this is not the time to do it.

12 CHARLES STUDEN: I agree.

13 HUGH RUSSELL: In terms of
14 affordability it doesn't bother me if units
15 that are habitable and acceptable aren't the
16 best units in the building. They're the best
17 units in the city. They're affordable units,
18 but I'm a minority in this point of view.
19 And, you know, I'm the kid who rented the \$65
20 basement apartment when I was in grad school
21 and I was really happy because I had two

1 beautiful windows that faced south and it was
2 my space only and that's what I could afford.

3 So, Jeff, are you sufficiently --

4 JEFF ROBERTS: Yes, let me try to
5 run through. So in addition we did cover the
6 point that Ted made that I believe was
7 reflected in the first part of the original
8 Planning Board recommendation.

9 Charles, you noted that the parking --
10 that the issues regarding parking, quality of
11 units, and the planning rationale behind the
12 circumstances for which were allowed or not
13 fully addressed in the re-filed Zoning.

14 And then there were some discussions
15 that the engineer's letter points out that
16 some of the concerns were addressed but they
17 are still remaining concerns as we've
18 discussed.

19 And then the point about this is a --
20 this would be an opportunity to enable the
21 Board of Zoning Appeal to consider a Special

1 Permit instead of a Variance and would still
2 have to make the appropriate findings. Is
3 that a point that you would include here in
4 the revised version?

5 And then if it were to be considered as
6 something that would move forward, it would
7 need additional attention to the language by
8 staff or would return to the Planning Board
9 for review.

10 THOMAS ANNINGER: Well, the language
11 is not the point, I mean, the substance.

12 WILLIAM TIBBS: Yes, it's the
13 substance.

14 THOMAS ANNINGER: It's not just --

15 WILLIAM TIBBS: Yes, if it, if it's
16 something they wanted to really consider for
17 the city.

18 THOMAS ANNINGER: And the criteria
19 and the conditions.

20 WILLIAM TIBBS: Yes.

21 STEVEN WINTER: Jeff, I would also

1 add that there is some very positive aspects
2 to the back flow technology to requisite and
3 to the fact that separate storm and sewer
4 would be connected to separate storm and
5 sewer or to combine storm and sewer waiting
6 to be separated. I think that's pretty good.

7 JEFF ROBERTS: Okay. I think I have
8 a good grasp of it if there's nothing
9 additional.

10 HUGH RUSSELL: Okay, thank you.

11 CHARLES STUDEN: Thank you.

12 HUGH RUSSELL: Is there anything
13 else coming before us tonight?

14 THOMAS ANNINGER: No, sir.

15 HUGH RUSSELL: Then we are
16 adjourned.

17 (Whereupon, at 11:30 p. m., the
18 Planning Board Meeting Adjourned.)

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