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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, September 13, 2011

7:00 p.m.

in

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

- Hugh Russell, Chair
- William Tibbs, Member
- Pamela Winters, Member
- Steven Winter, Member
- H. Theodore Cohen, Member
- Charles Studen, Associate Member

Community Development Staff:

- Susan Glazer
- Liza Paden
- Stuart Dash
- Jeff Roberts
- Taha Jennings

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I N D E X

PUBLIC HEARINGSPAGE

1. Laura Runkel, Et. Al. Zoning Petition to Amend Zoning Map on the lot located 41 Bellis Circle from Res. C-1A to Res C 3
2. Julia Bishop, Et. Al. Zoning Petition to Amend Zoning Ordinance, Section 17.20 Special District 2 35
3. Linda G. Andrews, Et. Al. Zoning Petition to Amend Zoning Ordinance, Section 11.200 Affordable Housing Requirements, Section 11.203.2(a), (b), & (c) 107
4. Matthew Bagedonow, Et. Al. Zoning Petition to Amend Zoning Ordinance, Section 5.24.4 to create new Section 5.24.4(4) Side Yard requirements in Residence C-1 132
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6. Elizabeth deRham, Et. Al. Zoning Petition to Amend Zoning Ordinance, Section 9.16 enforcement section 184

P R O C E E D I N G S

1
2 HUGH RUSSELL: Good evening. This
3 is the meeting of the Cambridge Planning
4 Board. This is an unusual evening. We have
5 six public hearings on our agenda and we're
6 going to straight into the first item which
7 is the Runkel, et. al. Zoning Petition to
8 amend the Zoning Map on the Bellis Circle.

9 LAURA RUNKEL: Hello.

10 HUGH RUSSELL: Please proceed.

11 LAURA RUNKEL: My name is Laura
12 Runkel and I reside at --

13 SUSAN GLAZER: Can you use the mic?

14 LAURA RUNKEL: Can you hear me okay?
15 My name is Laura Runkel. I reside at 56
16 Bellis Circle. I'm going to be representing
17 our petition today to rezone the Bellis
18 Circle 41 lot from the current Residential
19 C-1A designation down to Residence C. Let me
20 get the view here correct.

21 This slide depicts a portion of the

1 Zoning Map for the City of Cambridge. Along
2 this rail corridor is the C-1A designated
3 areas that were actually set in place to
4 create an incentive for higher density
5 residential use. There used to be some
6 industrial use along there, and it has
7 worked. There are a lot of community homes
8 here that are pretty high density as well as
9 a couple of condos. The same is true to the
10 east of Walden Street here, out towards
11 Porter Square. All this has been developed
12 out through, and excluding at this point, the
13 41 Bellis Circle lot. There's one parcel
14 here at the corner just across from Sherman
15 Street, which is currently under construction
16 for a 20-unit complex, but 41 Bellis is
17 really the last undeveloped parcel on this
18 corridor.

19 On a closer view of this neighborhood
20 you can see this parcel, again, in this red
21 box. It's cordoned off from the north part

1 of Cambridge by the rail lines, and it's
2 fenced in there. It's also not accessible
3 out to the east. To the west it's really an
4 integral part of this, a B Zoned Bellis
5 Circle area. It's accessible only from
6 Sherman Street, and there's a curb cut here
7 on the northern side of Bellis Circle.

8 As a result of this major frontage that
9 we have on Bellis Circle, and the fact that
10 it's distinct from any other part of the
11 neighborhoods around here, we consider this
12 parcel really an integral part of the Bellis
13 Circle neighborhood. And we think that any
14 development that should take place here in
15 the future should be compatible with that
16 neighborhood.

17 And I should say at this point we're
18 not aware of any development planned for
19 this. We're not trying to impede anything.
20 We're just looking ahead.

21 This parcel, as I said, is the northern

1 side of Bellis Circle. It's about 40,000
2 square feet. Its current use is as a parking
3 lot for the residents -- for the patrons I
4 should say of Jose's Mexican and of the
5 Montessori School that are there on the
6 circle.

7 The patrons enter on Sherman Street.
8 And the current zoning would allow a building
9 of about four stories to go in there with a
10 minimum open space of about 15 percent.

11 And we had from the CDD, the numbers of
12 the potential number of units that could be
13 built could be up to 52 units, and that
14 includes the affordable housing bonus. So
15 we're trying to present here a little bit
16 about the neighborhood so we can determine
17 whether that seems appropriate zoning for
18 that neighborhood.

19 Here's a view of the lot. You can see
20 it's rather long and narrow. There's the
21 fence that I mentioned that cordons it off

1 from Northern Cambridge. And on the other
2 side of that fence is the rail line. We're
3 viewing this from the curb cut on Sherman
4 Street. And the other curb cut is behind
5 this little brick building which is not used.
6 And behind that, then, you can enter on the
7 north side of Bellis Circle.

8 This is the FAR plan that was kindly
9 provided by the CDD for us, and it gives us a
10 really nice overview of what the current
11 density is of housing in the neighborhood and
12 also some of the uses.

13 And just a summary over here. It's
14 mostly single families. There are a couple
15 of two- or three-family dwellings as well as
16 a couple of townhouses. These dwellings are
17 at a maximum of three stories currently. And
18 if you count up the total number of
19 residences all around the circle, they add up
20 to 42 residences. So we think that 52 just
21 on this 41 Bellis lot would be excessive.

1 If you look at an average FAR, looking
2 at these lower densities here, the sort of
3 fainter colors that really cover most of this
4 FAR map, this really corresponds much better
5 to the Residential C Zoning than it does to
6 the C-1A.

7 So I wanted to just sort of walk you
8 around this circle just to point out what
9 we've got there. Here is the ever popular
10 Jose's Mexican on Sherman and Bellis.

11 There's -- right across from the 41 lot
12 there's four residences, single families.
13 The townhouse down here has six units. And
14 then all along this area, the really --
15 except for one, all single families.

16 On the southern side of Bellis Circle,
17 again, mostly single family. There's a
18 couple of, like, townhouses here. Again, the
19 higher density is those units inside of the
20 townhouse developments. But by in large the
21 density here is more consistent with

1 Residential B or Residential C.

2 And one point I just wanted to make
3 here, if you were to try and imagine the
4 outline of this lot maybe coming along over
5 here, and just thinking about how many units
6 -- residences there really are; there are six
7 here, seven, eight, nine, ten, as opposed to,
8 say, 52 that would go on a similar sized lot.

9 Another thing I wanted to mention,
10 while we're looking at this, this whole
11 neighborhood has undergone considerable
12 development over the past ten years or so.
13 And most of it is very nice. It's
14 single-family homes. It's sort of low
15 density. We've got a lot of families moving
16 in there. This is very pretty. And a lot of
17 the homes are like this one, and all around
18 here really, have been renovated to nice,
19 stable single-family homes, and there are a
20 lot of children around the circle. And when
21 you think about coming along here, you're not

1 going anyplace else. You're coming to Bellis
2 Circle. It's not a through street.

3 And here I'll just walk you around.
4 This is entering the north side, and a couple
5 of single-family residences here. And you
6 can see a little bit of the width of the
7 streets.

8 Proceeding a little further along you
9 can see that this is rather narrow. We
10 measured it the other day. It's 17 feet
11 wide. So it's sort of a narrow two-lane.
12 And this is two-way traffic with parking on
13 one side.

14 And, again, a nicely renovated
15 single-family, the townhouses down here at
16 the end, and this is that curb cut from the
17 parking lot over to Montessori School
18 entrance where the patrons bring their
19 children.

20 Turning along and going down to the
21 western side, you see more of the same,

1 really, more single families. The same sort
2 of width of the streets and children down
3 here playing. And they always put out these
4 little yellow men to alert people to slow
5 down.

6 And then looking in from Sherman Street
7 down on the -- along the southern side of
8 Bellis Circle, you can see, again, the
9 children playing down here. And this is that
10 -- one of the buildings that's part of that
11 condo complex that was a really nice
12 development in the last five years or so.

13 So, why would we want to down zone now?
14 I think this recent development was an
15 inspiration to us and also made us aware that
16 if we wanted to ask for appropriate Zoning in
17 our neighborhood, we'd need to do it before
18 there's a plan in place. This Bolton Street
19 development, it was -- it's located here. It
20 also was a parking lot originally. And the
21 original developer's plan was to put in 25

1 units, to have a four-story building, and it
2 was going to be one large sort of a blocky
3 construction. And a lot of the neighbors
4 showed up, and also the Planning Board very
5 carefully considered what was appropriate to
6 this neighborhood. Again, Residential B
7 here, and nothing higher than the three-story
8 construction. And they decided, you decided
9 to allow the 20 units and reducing the size
10 of the development three stories. And also
11 to break it up into two buildings rather than
12 having one large blocky construction. And so
13 we took heart with this realizing that you,
14 too, are interested in having development
15 that's compatible with existing
16 neighborhoods. And, again, to just emphasize
17 we have no knowledge that there are any
18 current plans for development. We're just
19 asking that you consider now what would
20 really be appropriate for this lot in the
21 context of this neighborhood.

1 And this really just summarizes what
2 we're asking for. The 0.6 FAR in the
3 Residential C Zoning. That would be three
4 stories and compatible with what we have on
5 the street right now: Single-family,
6 multi-family, and townhouses.

7 I made this point, I think, that this
8 parcel's really integral to Bellis Circle.
9 And it should -- any development in the
10 future should really match with that
11 neighborhood.

12 And, again, pretty much the same. I
13 just wanted to point to that number again,
14 because 49 residences currently compared to
15 52 potentially to be placed on that parking
16 lot. That's -- that would really be
17 overwhelming I think. And so, we hope that
18 this petition strikes a good balance.
19 There's some compatibility with the
20 neighborhood, but there's also a good
21 potential to develop up to 28 units. And so

1 that would be the affordable housing
2 included, and something that we think is
3 doable.

4 HUGH RUSSELL: Okay, thank you very
5 much.

6 LAURA RUNKEL: You're welcome.

7 HUGH RUSSELL: Are there questions
8 by Planning Board to the Petitioner?

9 (No Response.)

10 HUGH RUSSELL: Can I have a show of
11 hands of how many people would like to speak?

12 (Show of hands.)

13 HUGH RUSSELL: Here's the list.
14 Tonight we're going to be more rigorous about
15 enforcing our three minute speaking limit
16 because we have so much on the agenda
17 tonight. So I see on the list, I have
18 William and Virginia Fox. Do you wish to
19 speak?

20 UNIDENTIFIED MALE: No, we just ask
21 that they get this over with so I don't have

1 to keep coming back. I'm getting too old for
2 this. I'd like to stay home for a while.

3 MICHAEL BRANDON: I think folks
4 might have signed that not realizing it's for
5 the Runkel Petition.

6 HUGH RUSSELL: Okay. Next person is
7 David Vise.

8 DAVID VISE: Hi. My name is David
9 Vise. I live at 19 Bellis Circle. I've
10 lived there for about 16 years. And I just
11 wanted to thank the Board for their attention
12 and thank Laura for her presentation. I
13 support the petition.

14 My major points are just that this --
15 the CYA as it currently stands, is four times
16 the unit density of the rest of Bellis
17 Circle, and about two times the average FAR.
18 And it seems like when the Zoning was
19 originally conceived along the tracks to
20 incent the building, it was before there was
21 a tremendous amount of traffic in the area

1 and it didn't really sort of address the
2 issue of how far Bellis Circle is practically
3 from the T station. It's almost equal
4 distance from all four T stations, and most
5 people drive in the area. So any development
6 there like current parking allowed in the
7 development would create this incredible
8 spillover of vehicles into Bellis Circle
9 which is already, as you can see, a very
10 tight street.

11 Anyway, so those are my major issues.
12 Thanks for your attention.

13 HUGH RUSSELL: Thank you.

14 Next on the list is James Williamson.

15 JAMES WILLIAMSON: Thank you. My
16 name is James Williamson. I live at 1000
17 Jackson Place, which if you look at that map,
18 and you look up where it says AOD-5 existing
19 FAR in the upper left-hand corner. I live
20 literally and figuratively in some respects
21 on the other side of the tracks in Jefferson

1 Park Public Housing Development. And the
2 building I live in overlooks the cemetery
3 which is obscured, which is sort of kind of
4 right above where it says Bellis Circle. And
5 I look out my window right down at that
6 corner where the phones go off regularly and
7 the light -- there's a switching, a railroad
8 switching. That is the commuter rail to
9 Fitchburg. And I have brought as a -- just
10 for your information, a schedule for the
11 Fitchburg Commuter Rail that runs through
12 there; 17 trips out, 17 trips back everyday.
13 And I'm gonna give this to you for your --
14 for the record so you have a reference. I
15 don't know how best to do that.

16 And I live further away from those
17 railroad tracks than even the current
18 residences in the Bellis Circle area, and it
19 is really loud. And I first of all, want to
20 ask about the wisdom of too much residential
21 building right next to those railroad tracks.

1 I know the philosophy is that people who are
2 willing to pay for an apartment or
3 condominium there, go ahead and let them.
4 But there was a time when there was a
5 different way of thinking about building
6 along railroad tracks, and I think I would
7 just ask for consideration of the people who
8 are going to end up living right along the
9 railroad tracks.

10 The other thing that I want to say, and
11 I do support this petition, and I think it's
12 very well thought out and well presented --

13 PAMELA WINTERS: James, excuse me,
14 could you just move? You're a little loud.

15 JAMES WILLIAMSON: Sorry.

16 PAMELA WINTERS: That's okay.

17 JAMES WILLIAMSON: I have this
18 terrible problem of understanding the
19 technology of microphones.

20 HUGH RUSSELL: They differ every
21 place you go.

1 PAM WINTERS: Right, they are.

2 JAMES WILLIAMSON: Really, I need
3 sustained coaching on that.

4 The two main points I want to make are
5 first of all, what a -- Laura in her -- Laura
6 Runkel who I just recently met and would be
7 happy to meet new neighbors in these numerous
8 petitions, is her notion, which I hadn't
9 really thought of in the way she expressed
10 it, of this being a kind of a whole, seeing
11 this as a whole with one missing part. And
12 so to understand this last missing link of
13 this parking lot as something that should be
14 seen as to be compatible and integrated with
15 the existing residential fabric so that the
16 people who -- all those people who live there
17 are happy, and the people who move in feel
18 that they're part of a neighborhood that has
19 integrity.

20 The other point I want to make, and
21 I'm --

1 PAMELA WINTERS: And it's got to be
2 quick.

3 JAMES WILLIAMSON: It's going to be
4 quick. And I ran here from the quarterly
5 meeting with the senior staff at the housing
6 authority, I'm going to run back. This whole
7 neighborhood of North Cambridge is basically
8 under tremendous pressure. There are
9 worker's cottages, historic worker's cottages
10 being torn down and replaced with townhouses.
11 There are the major projects, some of which
12 you have been involved with, helping to
13 reduce the scale of which I think is
14 important and welcome Cambridge Lumber and
15 there's Fawcett Oil, and there's this
16 impending situation here. So please listen
17 to the people who live in the neighborhood
18 and work to preserve the residential scale
19 and neighborhood character of this
20 beleaguered area of Cambridge.

21 Thank you.

1 HUGH RUSSELL: Thank you.

2 Does anyone else wish to speak?

3 PAULA MAUTE: I do.

4 HUGH RUSSELL: Yes, come forward.

5 Give your name, please.

6 PAULA MAUTE: Paul a Maute,
7 M-a-u-t-e. I live at 68 Bolton Street. So I
8 live just across the street from Sherman
9 Street or across the street from Bellis, and
10 I totally support the petition. And I think
11 Laura said it all really. I think that we
12 want to keep the development, the density
13 down in our neighborhood. I think it's gonna
14 -- it could change the whole character at 50,
15 was it up to 52 units were built there. 28
16 just seems quite reasonable. And also just
17 to add to the concerns, my concern for
18 traffic and parking. And I know that it
19 wasn't considered very important for when we
20 brought the 61-69 Bolton Street project, but
21 traffic and parking are going to affect our

1 neighborhood with this new one moving in.
2 And I just can't imagine where the extra
3 folks are gonna park if 52 units went in
4 even with 53 -- 52 parking spots. Because
5 the way I understand it, each unit usually
6 brings in one and a half cars.

7 So, anyway, that's what I wanted to say
8 except for thanks for considering us and
9 thanks to Laura for doing so much work on
10 this.

11 HUGH RUSSELL: Okay, thank you.

12 Anyone else wish to speak? First
13 Michael and then you.

14 MICHAEL BRANDON: Good evening. I'm
15 Michael Brandon, B-r-a-n-d-o-n. I live at 27
16 Seven Pines Avenue and I'm here to speak in
17 enthusiastic support for the Runkel Petition.
18 It's friends who live on Bellis Circle so I'm
19 familiar with that street. The narrowness of
20 it, the children that live there, and the
21 already existing traffic and parking

1 difficulties both there and on the opposite
2 side of Sherman Street of Bolton Street and
3 Blair Street. In my capacity as clerk of the
4 North Cambridge Stabilization Committee. We
5 were involved in neighbors on that side of
6 Sherman in addressing a comprehensive permit
7 that was issued for -- to Just-A-Start for an
8 affordable housing project on that side of
9 the street. Shortly after this Board
10 recommended, and the Council adopted, Zoning
11 that down zoned that side of the Bolton
12 Street to Res. B. Because of the impact that
13 affordable townhouses were built on the north
14 side of Bolton Street had on this very small
15 neighborhood. So that was the last open spot
16 on that side of Sherman Street that was
17 developed. Unfortunately the Zoning Board,
18 in our view, allowed a denser development in
19 what was a Res. B zone than would normally be
20 allowed. So, in my view actually this
21 petition is -- doesn't go far enough, but

1 i t' s very conservati vely drawn. The
2 proponents are not reacting to an existi ng
3 proj ect. Thi s Board i tsel f saw the bui ldi ng
4 across the street and successfull y convi nced
5 the devel oper to scal e i t back. I thi nk thi s
6 i s j ust emi nentl y wi se to rezone, especi all y
7 an open l ot, that at some poi nt wi ll be
8 devel oped. And so i f the nei ghbors can l i ve
9 wi th 28 more uni ts there, I thi nk that' s
10 qui te reasonabl e. I urge you to recommend
11 thi s posi ti vely to the Ci ty Counci l. I n my
12 vi ew i t' s a no-brai ner.

13 PAMELA WINTERS: Thank you, Mi chael .

14 HUGH RUSSELL: Thank you.

15 JO ROTHENBURG-SIMMONS: Hi . I' m Jo
16 Rothenburg Si mmons. I l i ve at 39 Bell i s
17 Ci rcl e, the townhouses on the end adj acent to
18 the l ot. And I j ust want to rei terate
19 basi call y what Laura has done and others have
20 sai d that 52 uni ts i s far too much. You
21 know, Bell i s Ci rcl e i s thi s beauti ful l i ttle

1 street in Cambridge that is like an oasis in
2 the city, and to have 52 units added to that
3 street would be overwhelming to the
4 neighborhood. And so I would, you know,
5 agree with everything to reduce it. I would
6 like to see it reduced even more, but, you
7 know, given everything, traffic and the
8 density of the area, I just want to put my
9 two cents in.

10 Thank you.

11 HUGH RUSSELL: Thank you very much.

12 Does anyone else wish to be heard?

13 (No Response.)

14 HUGH RUSSELL: I see no hands.

15 Shall we close this hearing for the public
16 oral testimony but leave it open for future
17 written?

18 (All Board Members in agreement.)

19 HUGH RUSSELL: Are there any
20 questions?

21 STEVEN WINTER: Actually, I did have

1 one question. Can someone tell me what these
2 pieces of the neighborhood are right here?

3 LAURA RUNKEL: Yes, I can.

4 That's -- I'm going to take my computer.

5 That is an empty lot right now. It used to
6 be occupied by a single, like, worker's
7 cottage and it was purchased by a developer a
8 few years ago. And then he decided not to go
9 forward with it. And I believe it went sort
10 of into suspended animation. So it's up for
11 grabs at some point, but it's, again, no
12 knowledge of how close they are to developing
13 it.

14 DAVID VISE: I can tell you that
15 that lot was sold for \$1.1 million to one
16 individual who is planning to build a
17 single-family home there. The developer got
18 a Variance to build a slightly larger
19 single-family homes there because of lot
20 configuration. So those are the options.

21 HUGH RUSSELL: Thank you.

1 Charles.

2 JAMES WILLIAMSON: So something is
3 slated to go forward?

4 DAVID VISE: No, it's owned and just
5 currently owned by an individual.

6 CHARLES STUDEN: Excuse me, I have a
7 question. Is the owner of this site here
8 this evening? And has the owner written to
9 us or do we have an opinion from the owner on
10 this proposed down zoning?

11 HUGH RUSSELL: Apparently not.

12 CHARLES STUDEN: I find that
13 puzzling.

14 JEFF ROBERTS: No, we haven't
15 received anything.

16 PAMELA WINTERS: And he has been
17 notified; is that correct?

18 JEFF ROBERTS: Yes. That parcel
19 would have been part of the general
20 notification for the petition.

21 CHARLES STUDEN: And that's a

1 certified notice so that you get a returned
2 receipt that they received notice that the
3 property is being rezoned?

4 LIZA PADEN: No, it doesn't go
5 certified. It goes first class mail.

6 CHARLES STUDEN: Okay.

7 HUGH RUSSELL: So one thing we need
8 to do tonight is put forward any additional
9 information that the staff could do. I guess
10 that might be one thing is to make another
11 outreach effort to the owner of the parcel
12 and make sure they were notified.

13 CHARLES STUDEN: Yes, the reason I'm
14 asking this, I'm actually troubled by this
15 petition because it represents such a
16 substantial down zoning of the parcel. And
17 while I understand what's driving it from a
18 neighbor's point of view, I worry about the
19 ability of that property to be developed.
20 When you look at what was proposed on the
21 other side of Sherman Street, 20 units on a

1 site that's quite a bit smaller than this
2 site. I'm not so sure that the number of
3 units that you're looking at is realistic.
4 And, in fact, it might make development of
5 the property totally unrealistic from a
6 financial feasibility point of view. So
7 that's just something that I think we need to
8 be aware of when we look at something like
9 this. Again, I do think it's important to be
10 considerate of density and respect the
11 existing neighborhood on the one hand, but on
12 the other hand, there is other aspects that
13 can be -- that need to be attended to.

14 HUGH RUSSELL: One thing I'd be
15 curious to know is what is the land cost for
16 some of the developments that have gone
17 forward? If that information's in the public
18 domain, it might be, how much a unit? How
19 much is land worth per unit in North
20 Cambridge in terms of redevelopment?

21 STEVEN WINTER: Mr. Chair, I have a

1 few things I want to say. When I ask my
2 question is the present zoning working for
3 the intended outcomes? I think, no. And I
4 don't think it is. I think the current
5 zoning allows up to four stories, allows up
6 to 50 units, you know, we've heard -- I don't
7 know the veracity of this particular, but
8 we've heard four times the density for the
9 rest of Bellis. To me that says that
10 whatever would go there under the current
11 zoning would look very, very different from
12 the existing facet of that neighborhood. I
13 also asked myself is there a planning study
14 that supports the changes? And I wanted to
15 ask, Susan, is there a planning study, a
16 sector planning study like we have in the
17 Agassi neighborhood, the Area 4, etcetera,
18 etcetera?

19 SUSAN GLAZER: This was part of the
20 North Cambridge -- was this part of North
21 Cambridge, Stuart?

1 STUART DASH: No, neighborhood 9.

2 SUSAN GLAZER: Neighborhood 9. It
3 was part of a planning study, I just wasn't
4 sure which one it was.

5 STEVEN WINTER: Well, I think that
6 before final decisions are made, perhaps
7 this, the City Council would be wise to read
8 what recommendations are in those studies,
9 because I think those are valuable studies
10 that were done all over the city. And I
11 think they say -- generally they say very
12 good things.

13 And the other question I ask myself is
14 does this Zoning change ask for treatment
15 less owner than what is in the surrounding
16 neighborhoods? And to me it doesn't. So, I
17 feel fairly comfortable with this petition.

18 HUGH RUSSELL: Okay. I'm reluctant
19 to get into a discussion in this manner
20 because of the rest of our agenda.

21 PAMELA WINTERS: May I ask one

1 questi on?

2 WILLIAM TIBBS: I just have one.

3 PAMELA WINTERS: And you'll have a
4 quick questi on? Thi s i s a techni cal
5 questi on. What i s the blue parcel i n our map
6 that' s 1-A1? What i s thi s l i t t l e area r i g h t
7 here? Do you see that? Thi s l i t t l e thi ng
8 r i g h t here?

9 SUSAN GLAZER: I thi nk that' s an
10 Industri al 1-A.

11 LAURA RUNKEL: That' s the Wyatt
12 Bui l di ng. Yeah. And they sti l l have some
13 tenants i n there. Resi dences.

14 PAMELA WINTERS: All r i g h t. I meant
15 to dri ve by there today and I di dn' t get a
16 chance.

17 Thank you.

18 WILLIAM TIBBS: I thi nk by -- and I
19 wasn' t here when you started, but I' m
20 assumi ng i n l i g h t of the l a r g e agenda we
21 have, we' re onl y aski ng questi ons that we

1 want clarification for, but we will have our
2 deliberation discussions later?

3 HUGH RUSSELL: Yes.

4 WILLIAM TIBBS: And even though the
5 staff memo kind of outlines the changes that
6 have occurred during the city-wide rezoning,
7 I'd like at least to see if we can rethink
8 what the intent of that rezoning at that time
9 was. And it kind of piggy backs on what you
10 just said to see what the intent is there.
11 Do we need to do more or is the intent not
12 quite what we anticipated. So if we can do
13 some --

14 STEVEN WINTER: Mr. Chair --

15 WILLIAM TIBBS: -- if we can look
16 back and see what the discussion was at the
17 time, that would be helpful.

18 STEVEN WINTER: I would like to
19 apologize for not understanding the format
20 tonight. I actually was here and didn't
21 understand. I'm sorry about that.

1 HUGH RUSSELL: But, you know, if
2 there's a line between just listening and a
3 line listening intelligently and trying to
4 get tee off our deliberation. So I found
5 your remarks helpful in that regard. But if
6 we're done, let's then close this hearing and
7 go on to the next one.

8 JAMES WILLIAMSON: Just so everybody
9 understands, when you say close the hearing,
10 you're closing it for public comment but not
11 for written?

12 HUGH RUSSELL: That's correct.

13 JAMES WILLIAMSON: Thank you.

14 PAULA MAUTE: When are you going to
15 discuss it again?

16 HUGH RUSSELL: I don't know. If
17 you've signed up, if you've spoken, you'll be
18 notified. The meetings are on the first and
19 third Tuesdays of the month. This is a
20 special meeting just because we have a full
21 agenda. So this discussion will get

1 scheduled sometime in the next month or so,
2 and I don't do the scheduling so I can't tell
3 you.

4 PAULA MAUTE: Okay, thanks.

5 * * * * *

6 HUGH RUSSELL: So the next item on
7 our agenda is Bishop, et. al. Zoning Petition
8 to amend the Zoning Ordinance, Section 17.20
9 Special District 2.

10 Now, I'm curious, before we start, for
11 a little bit of time management, so the
12 people who are in the room right now, how
13 many do you think might wish to speak? Could
14 you raise your hand?

15 (Show of hands.)

16 HUGH RUSSELL: And more people are
17 coming in. So, Charles, I would ask you to
18 be as brief as you possibly can. Try to
19 stick within the 10 minutes and really cover
20 the high points enough and not go into the
21 deep background if you could.

1 CHARLES TEAGUE: Yeah. As I said,
2 I'm presenting three more and I can be very,
3 very quick on those, and I'm hoping you'll
4 give me a little leeway on this one because
5 we have --

6 HUGH RUSSELL: No, I'm asking you to
7 get it down to ten minutes.

8 CHARLES TEAGUE: I'm going to do my
9 best, you know.

10 HUGH RUSSELL: Let's start.

11 CHARLES TEAGUE: I'm just saying
12 that -- I'm just asking for a little help
13 here.

14 Yeah, so I -- the reason why we're here
15 is because there's three developments going
16 on right along Linear Park. This is Linear
17 Park, a/k/a the bike path, a/k/a the
18 Minuteman Bikeway. We have Emerson Iron
19 Lung, we have Fawcett Oil, and Cambridge
20 Lumber which you're familiar with. And I
21 promise to be as quick as possible. That's

1 what the last slide was. And that's it. You
2 guys really don't -- are really not excited
3 about down zoning based on the neighborhoods
4 initiating down zoning. But what the
5 interesting thing here is that we're actually
6 going back to -- we're actually going to say
7 here the Planning Board was right ten years
8 ago, and you were right last week on the
9 Cambridge Lumber in terms of density. That's
10 what we're doing. And so, here it says very
11 explicitly, it's the purpose of Special
12 District 2 to conform density for adjacent
13 residential neighborhood for large lots.
14 Special District 2 is double the density of
15 Residence B, that's because of the 30 percent
16 affordable bonus, and there was 30 percent
17 increase when it was created. It went
18 through the public process. It was called
19 the Planning Board Petition. And right on
20 the Council floor it was increased 30
21 percent. And, really, it could be considered

1 Residence B because it's embedded in
2 Residence B. It surrounds the Linear Park.
3 As soon as the park was created, we were no
4 longer industrial. There was no longer
5 industrial access from that land. The
6 streets were from the 1890's let alone for
7 today. It's not crowded.

8 We have a different vision as a
9 compatible one. If you just pull numbers out
10 of thin air, you go, well, the property value
11 doesn't go down. It's about the same. It's
12 just less impact on the neighborhood.

13 So, where we use Fawcett as an example,
14 because the other two developments are
15 somewhat, are somewhat under control;
16 stabilized shall we say. Anyway, Residence B
17 would be 48 units, 69,000 square feet. The
18 Bishop Petition, which is the same density as
19 the 1998 Planning Board petition, 77 units,
20 96,000 square feet, and the current zoning is
21 104 units and 124,000 square feet. So there

1 you are in the broad strokes, and we're in
2 the middle here.

3 So our, the vision here is protecting
4 the people, the neighborhood, and the park.
5 The park being a huge asset to the whole
6 area. 30 percent smaller. What we'd really
7 like to see in our vision is ownership units,
8 stability, residents buying in, financially
9 emotionally. There was a development in 2005
10 called The Lofts at Brookford Street. That's
11 the model.

12 So why are we special? We have a
13 unique geography, and there's a lot of people
14 here that have been here 50 or 70 years. And
15 the high density developments that faces in
16 North Point, well, you know, no one lived
17 there. So, it's really -- it's -- so much of
18 this is about safety. We can't
19 overemphasize. These are working man's
20 streets from 1890. They're not for cars.
21 They're dog legged. The street grids are

1 truncated. That's very important. We're
2 going to protect the neighborhood. It's
3 two-family homes, but it's a community. It's
4 the Linear Park. It's the law for zoning
5 that's supposed to be uniform. We could
6 easily say it's Res B because that's -- and
7 the traffic, the traffic, if you've been in
8 North Cambridge in the afternoon, you know
9 what I mean. Or in the morning.

10 So, I call it the peninsula because
11 this is Business A-2 over here. High
12 density. We have this recent condo
13 development, which is high density. And then
14 we have this double density, as they say,
15 projecting out into this Residence B. And
16 you can just look around, you can see all the
17 green here. You can see the deep back yards.
18 Threes are all -- this is Residence B.

19 So, here's the Whittemore triangle.
20 This is one end of the Special District 2.
21 So here's the development sites. This was

1 the recent Just A Start for 2006/2007. This
2 is 2006 condos.

3 This is interesting. It's the 1987
4 building on Tyler Court. This is the Rounder
5 Record complex. Here's Trolley Square. And
6 now we have Fawcett Oil and Emerson. So you
7 can only get out of here in two ways, over
8 here and here. And you can only come in here
9 in the mornings. And this is posted. You
10 cannot enter the triangle in the afternoon.
11 And then to get out here, you can only go out
12 from five to six when W. R. Grace hires a
13 police officer.

14 So here's the park. That's the
15 overview.

16 Here's the Ridge rectangle. Once
17 again, it's street -- the street grids are
18 broken by the park and Russell Field. And
19 even more development over here on Norris
20 Street. So we're surrounded by development.
21 And then the interesting thing here is that

1 this has become a series of shortcuts to go
2 around these lights here. And so people go
3 down these really narrow residential streets.
4 And, you know, anyone who takes a shortcut is
5 not driving slow.

6 Here we have the deadly ends. People
7 don't really -- people refuse to acknowledge
8 that these are dead ends. And we go over it
9 and over it again. But these are dead ends
10 and, therefore, they have to be two way
11 streets. They have these dog legs. It's
12 incredibly narrow. It's incredibly blind at
13 Mass. Ave. They all connect. These are the
14 three major feeders. And we have two
15 developments that are happening right now on
16 this one. Now, what really happens is these
17 are actually spaghetti streets and they do
18 connect, but they connect through a private
19 property. And the people, once again, if
20 you're doing these things, you don't drive
21 particularly slow. I saw a mini van pass the

1 city garbage truck right here the other
2 morn ing.

3 So, this is Tyler Court, one of the
4 major accesses. And here it is this winter.
5 This is actually a car. Tyler Court -- this
6 car is parked on Tyler Court. That car's
7 parked on Tyler Court. This snowbank is
8 Tyler Court. So, actually, now you have to
9 sort of go through the oil trucks would go
10 zigging through this saccades. So here's our
11 garbage truck through the parking lots. They
12 do that everyday. There was some talk that
13 there were only ten houses affected on this
14 end, but it's really both ends. And we have
15 223 units and 121 homes on just the side of
16 the park. We haven't counted the homes on
17 the other side of the park.

18 And then down here we haven't counted
19 the condos on Mass. Ave, so there's a lot of
20 people affected here. And here's a more of
21 an overview and schematic. We've left out

1 some of the recent developments here.

2 Density roll back. There were changes
3 on Emerson hopefully, but that, you know,
4 there's no permits issued so we don't really
5 know what's going on here. Cambridge Lumber
6 was here last week. You validated this exact
7 density last week, last Tuesday. And Fawcet
8 would go from 104 to 77, 96,000, a 30 percent
9 roll back.

10 Like I said, here's the park. Here's
11 Fawcet Oil. Here's their building, and
12 here's Cambridge Lumber. The park is a
13 fragile thing. It's an illusion. All this
14 wonderful landscaping, award winning designs.
15 It's every -- it's an illusion and it's a
16 delicate thing and -- so who am I? I protect
17 the park. I report graffiti. Everybody
18 wants to build closer and closer to the
19 park. They sought a Variance. And, of
20 course, I caught somebody cutting down this
21 tree because it was rubbing against their

1 building. It was two stories high. They cut
2 down the tree.

3 So here's the Rounder site. Here's how
4 close they are pruned back from the lot line.
5 And look, this is the way they built. And
6 this is how close they wanted to be to the
7 park. Here's the five-foot setback. This is
8 exactly what they wanted to build. Of
9 course, here's what was built in '06. The
10 charming white plastic fence. But, you know,
11 you want to be close to the park. Everybody
12 loves the park to death. And here's. Here
13 it is, you know. God forbid you plant a tree
14 or anything. And this is the reason for part
15 three of the Bishop Petition, you cannot
16 graffi ti a chain link fence. This is what
17 I've learned.

18 So, here you go, you know, you want to
19 get up, you want to have a nice view down on
20 the park, and then you want to put crap next
21 to the park like air conditioners or your

1 storage units or your garbage or the city
2 gets in there.

3 Okay, so we've got three guys going at
4 once, right here, right now. So we're going
5 form and density, compatible, adjacent
6 neighborhood. And so this is a schematic we
7 created. And the important thing here is
8 Tyler, Edmunds, Cottage Park coming over
9 here. Cottage Park having two developments
10 at once. Harvey Street separated, but these
11 guys aren't actually very connected because
12 this is an access point through here and
13 around here into -- so this is only steps
14 away to connect this if you want to park
15 here. This is a community garden. There
16 might be some talk of that. Okay?

17 Uniformity. Let's compare Residence B
18 normally it's two family. 0.35 for large
19 lots. 0.5 for the minimum lot size. 35 feet
20 is Special District 2. Multi-family 0.84
21 after the 30 percent affordable bonus, and 40

1 feet high. So out of -- that's the current
2 zoning. It's sort of a large discrepancy.

3 And see Special District 2 sits in the
4 sea of blue which is Residence B. So you
5 have this high density area surrounding a
6 park, surrounded by -- surrounded by
7 whatever, Residence B.

8 So, anyway, so to get to the details
9 for part one is delete the commercial
10 entirely. Part 1A is allow the yard. Allow
11 arts and crafts studios. We leave the
12 existing language.

13 Part 2 is density. This is where it
14 all is, because when you go through the
15 calculations of Cambridge Lumber, these guys
16 are irrelevant. So it's only this 30 percent
17 going back to the number originally proposed
18 by the Planning Board and implanted last week
19 at Cambridge Lumber.

20 And then this is -- this seems silly
21 and irrelevant, but it's necessary, otherwise

1 Linear Park is going to be a canyon and it's
2 going to be ugly. Linear Park survived
3 because it has some extra space on each side,
4 and that's what makes it look like something.
5 Okay?

6 And then Tom -- well, Tom's not here.
7 We're quoting Tom. And he was, like, the key
8 guy and I quoted, I love this, is that he
9 noted on the first Cambridge Lumber hearing
10 Bolton Street, Cambridge Lumber, Cottage
11 Park, the proponent is negotiating like a
12 Swiss clock, it's designed very tight. And
13 so all these tight sites end up creating
14 their own problems. And he could see right
15 off that was the wrong density. And as a
16 result, we have new and improved plans, new
17 and approved. And so you were right ten
18 years ago, reduced from 29 to 20 units.
19 Gross floor area conforms with the Planning
20 Board Bishop Petition.

21 And the Emerson project, well, we don't

1 really know what's going on.

2 Fawcett, we have some copy of the plans
3 we'll show you right now. We don't know
4 what's going on with the traffic. They said
5 they wouldn't connect Edmunds Street with
6 Cottage Park. We don't have a plan for the
7 health clinic park that uses their site
8 already.

9 There's the community garden issue.
10 There's access to Brookford Street. But
11 there really 252 units fit into a set of
12 two-family houses? So, there's the proposed
13 layout, okay. So there's Tyler Court. Dead
14 end street. There's Edmunds. You turn in
15 here. Here's Cottage Park. And then over
16 here is Magoun which is one way in here, and
17 Whittmore over there.

18 So, here's from their 3-D video and you
19 have to say does this fit in with two-family
20 homes? And, you know, you have your own
21 opinions.

1 There's the community garden. You can
2 see some of the two-family homes. It's sort
3 of a little rustic out here. And there's the
4 greenhouses which we'll probably hear
5 reference to.

6 This, I'm going to breeze right through
7 the traffic stuff, but just to be clear, it's
8 -- the high points of this is the morning
9 map. It's impossible to go out and to turn
10 left here. So you actually can't, you know,
11 and this is all backed up anyway. And this
12 backs up all the way down here. So you can't
13 actually get out. If you want to get out of
14 the Whittmore Triangle in the morning, you
15 go out here and you take a right and you go
16 in here until you can turn around and make a
17 u-turn.

18 Now out here it's the police detail
19 that I talked about. There's the no turn
20 sign. But as soon as the cop left, we have a
21 gentleman here, he stood there 45 minutes and

1 counted 52 cars go through that sign. So --
2 and as I said, those people don't drive slow.

3 So we're just going to breeze through.
4 This is the light traffic of the summertime.
5 But we're just gonna fly right by this. And
6 you've heard all this before about Cottage
7 Park.

8 Edmunds is a little worse than Cottage
9 Park. It's narrower, and they both have dog
10 legs. And the Tyler Court is the third dead
11 end.

12 And so, we're gonna quote Bill Fox who
13 piped up recently, and he's there since 1955.
14 He says: The city has to do something. You
15 can't just build an island without a road to
16 it. And those are words of wisdom.

17 So just on Cottage Park, which has two
18 developments on it, that's why I single it
19 out. Six houses, 11 units total. 16 units
20 proposed. We'll find out on Emerson. And at
21 the time was 52 units serviced by the Fawcet.

1 79 units to be serviced by Cottage Park. And
2 this is a street where he's already had two
3 pets killed. And everybody has seen a head
4 on. So right now we have the dance studio
5 and some office space, rentals using it.

6 So there were a couple of commercial
7 vehicles. This is -- so, we're going to show
8 you the three major accesses to this side of
9 that site. This is our protection here.
10 There's Tyler Court. I had a long argument
11 with Susan Clippinger, we should make this
12 look like a street because it is a public
13 way, but it looks like a driveway.

14 And here it is from the other
15 direction. That's the second major access.
16 And you have to be a little careful coming
17 out here according to the people trying to
18 get to the park.

19 And then here's Edmunds Street. Here's
20 what happens here, the Marino Clinic people
21 park illegally here, and then this guy swings

1 out on the wrong side of the street. And
2 this is looking Edmunds down one side of the
3 driveway and on the other side of the dog
4 leg. And this is a two-way street, right?
5 And it's -- so Brookford Street is closed by
6 court order. Edmunds Street is lined because
7 there's a kink in Mass. Ave. I didn't show
8 you.

9 Tyler Court, it's not really wide
10 enough but more importantly and so blind at
11 the sidewalk, and that is because in '87 this
12 building got built. Which is a series of
13 public policy decisions.

14 So 1890 is the street's laid out.
15 1930, this is what closes Brookford Street is
16 they built the building across.

17 1964 is the biggest public policy
18 decision, and it's made on the federal level
19 where the MBTA is created to provide regional
20 public transportation and supplies money to
21 -- and this is the beginning of the Red Line

1 extension. At that time the city sells an
2 extension of Whittmore Ave. that I'll show
3 you, that ended up creating lawsuits in the
4 neighborhood later on because Fawcett buys two
5 years later. The Red Line extension's
6 announced, and then Bill Fox was here. His
7 daughter has a close call with -- it's not a
8 Fawcett truck. It's actually a sand truck.
9 But he was renting, he was coming from that
10 property and his dog is killed. The dog is
11 on a short leash. That's a very close call.

12 So there was a whole negotiation in
13 which the city, city discusses with
14 everybody, all the interested parties,
15 extending Tyler, Whittmore or going along
16 the rail line, which is still operational at
17 that point. But here's the public policy
18 decision, is they -- right around here we go
19 to public transportation. We go to a park.
20 We go to a bike path. And so we have rail
21 banking. And then the last passenger train

1 in '77. The last freight train in '81. And
2 Fawcet sues to open up Brookford Street and
3 Cottage Park, and that's the start of, like,
4 a six-year lawsuit. '85 the Red Line and
5 Linear Park open. And at that point people
6 figure out that hey, there is no commercial
7 access to industrial A-1 area. That is gone.
8 We could have put streets there. We could
9 have connected the street grids, but we did
10 not. It was decided not to.

11 And then at that time Tyler Court has
12 made quite a bit more precarious to negotiate
13 because a building is built right on the
14 corner. So in '88, '89, the North Cambridge
15 neighborhood study recommends down zoning.
16 '89 the court closes Brookford Street. '97
17 the cornerstone co-housing comes in, and that
18 sets off another lawsuit set, and we have the
19 Frankleton Petition to down zone Residence B.
20 And that's replaced by the Planning Board
21 Petition in '98, at the end of '98 and '99.

1 And in 2000, February 14th, it's the
2 Planning Board Petition, that public process
3 was up zoned on the floor of the Council 30
4 percent. And then Fawcet buys greenhouses
5 which gives the access to Whittmore, and
6 we're here.

7 But the point is we can't undo these
8 public policy decisions like this one.
9 Here's Whittmore Ave. This is actually
10 connected to what was then the Fawcet
11 properties through the greenhouse area. So
12 he now owns this, but this was his access.
13 Instead Tyler Court is extended along here.
14 And whether -- this is an 1890 map by the
15 way. But you can see this was a paper street
16 here, and there was a little stub to where
17 Edmunds would go. There was a plan at one
18 point that would actually have streets
19 connected, but it was chosen not to
20 implement. So we have federal, state, city
21 decisions for the park. It could have been a

1 street. It could have had cross streets.

2 Even if it was a park, it could have had

3 cross streets.

4 The city decided in 1970 how access was

5 gonna be done. It was gonna be done on Tyler

6 Court and not the railroad right of way.

7 There's been no infrastructure improvements

8 here. And this is a misprint into the

9 Special Permit at Tyler and Mass. Ave. So

10 the Planning Board and CDD proposed 0.5 FAR.

11 That's what we're asking for. That's what's

12 uniform in my mind. The alternatives to this

13 petition, you could widen the street. Binney

14 Street was widened. Edmunds only has four

15 houses. You could tear down a house at

16 Cottage Park and Mass. Ave. You could

17 improve Tyler Court. You could add a traffic

18 light. You could chop some off the building.

19 You could put no parking because there's one

20 parking space up there that they use, it

21 makes it horribly dangerous and you can make

1 it a real intersection. But this is the
2 actual facts because this is what happens in
3 the neighborhood, and it's all before my
4 time. It's not my fault.

5 Fawcet sued the City of Cambridge. The
6 neighborhood joined against them. The
7 cornerstone co-housing, the sliver house, the
8 Marino Restaurant spot zoning, and all these
9 things do a horrible damage to the community,
10 and it's not what you want. It's not what I
11 want living there. But years later people
12 still are incredibly resentful of all these
13 lawsuits, and this is what I've learned. And
14 so just, I have some maps here and I'll leave
15 you with that. How did I do on time?

16 HUGH RUSSELL: You rushed through it
17 admirably. You did spend more than ten
18 minutes, but I thank you for your speed and
19 clarity of the presentation.

20 CHARLES TEAGUE: Thank you.

21 HUGH RUSSELL: Are there any

1 questions by the Planning Board?

2 H. THEODORE COHEN: I want to know
3 what's the sliver house?

4 CHARLES TEAGUE: I'll get to that on
5 another presentation. It was a house that
6 was built on a non-conforming lot without
7 building permits.

8 H. THEODORE COHEN: Where is it
9 located?

10 CHARLES TEAGUE: Harvey Street. So
11 it's the other side of the Linear Park. So
12 it's within steps of the Cambridge Lumber
13 site.

14 HUGH RUSSELL: Okay. Is there a
15 sign-up sheet?

16 Okay, I would ask people, I guess my
17 goal would be to have 30 minutes of public
18 testimony. There are roughly ten people who
19 checked off they would be speaking. That
20 might work fine.

21 So I ask if you agree with what

1 somebody has said, if you can come up, and in
2 30 seconds say, I agree and we'll have it in
3 the record.

4 So let's start. First person on the
5 list is Jim Rafferty.

6 ATTORNEY JAMES RAFFERTY: I
7 disagree. But for the record, James Rafferty
8 on behalf of the Fawcet family; Robert Fawcet
9 and Robert Fawcet, Jr., the family that owns
10 Fawcet Oil. I'll be very brief because Tom
11 Brady set a record last night, 517 yards
12 passing, six zoning petitions in one evening,
13 I think is a record is not going to be
14 matched compared to the record you've set up
15 for yourself tonight with this public
16 hearing.

17 This petition is interesting in a
18 couple of ways because it really drives home,
19 I think, an important point about the process
20 around permitting. I can't help but be
21 struck by the irony of a zoning petition

1 that's being advanced, and two of the
2 principal reasons of why we need it are
3 projects that were dealt with in the
4 permitting phase that people seem to like the
5 outcome for. Both the Bolton Street project,
6 and most recently the Cambridge Lumber
7 project.

8 I think it suggests that the types of
9 issue, which are very real and very
10 significant, and I think Mr. Teague has done
11 us a favor on the applicant side of laying
12 out some challenges we've been facing with
13 this site. These are not easy remedies set
14 forth in zoning language. They're very
15 specific, site-related issues that we are
16 looking for the opportunity to share with the
17 Board.

18 The other thing that I was struck by is
19 the apparent criticism of the failure to
20 connect streets in this area back when
21 certain decisions were being made in the

1 and important residential neighborhood while
2 it carries a Res B designation. If you look
3 at some of those larger pictures, it was not
4 built at a Res B standard. The average lot
5 size is 4,000 square feet. To the extent
6 there's uniformity, they're 4,000 square foot
7 lots containing two-family houses, the
8 average size of the two-family house, I
9 guesstimate to be around 2500 square feet.
10 1200 square feet is an apartment, depending
11 how the basement height is, you can see
12 that's not a 0.5 build out.

13 The last thing is Industry A-1 is what
14 this property was zoned 11 years ago. It was
15 the down zoning that Fawcett participated, and
16 I would commend you to the letter of Robert
17 Fawcett, Jr. that kind of gave you the
18 history, a letter that went to the City
19 Council. This got down zoned from at 1.25
20 FAR to a 0.6 FAR. But you have these
21 references to an up zoning on the floor of

1 the Council on a petition, I can assure you,
2 I represented the property owner at the time,
3 it didn't feel an up zoning when it went from
4 a 1.25 FAR to a 0.65 FAR. The truth of the
5 matter is as the Planning Board knows when
6 you've got a variety of interested parties
7 and you're arriving at a legislative solution
8 which is what it was, that's what the outcome
9 was. And for the better part of three or
10 four years now, the property owner has been
11 moving in that direction. It's a timely
12 petition in that it identifies a number of
13 issues, but I would suggest to the Board the
14 issues that are identified here are best
15 dealt with at this time at least by allowing
16 you to understand the project that's driving
17 this. Because one thing ought to be clear to
18 you, this is about stopping the project that
19 the Fawcett family has brought forward. And
20 for that reason I think you need a few
21 minutes to understand some of the ways that

1 project's being addressed.

2 Thank you.

3 HUGH RUSSELL: Thank you. Next
4 person on the list is Giles Hamm.

5 MARK BOYES-WATSON: Can I make a few
6 points first?

7 HUGH RUSSELL: Sure.

8 LIZA PADEN: I'm going to turn off
9 the system and start it up again.

10 HUGH RUSSELL: The next person on
11 the list is Stewart Moss.

12 STEWART MOSS: I'm Stewart Moss at
13 17 Madison Avenue. I've lived there since
14 1984, and one of my main concerns is that the
15 traffic is very, very difficult at this time,
16 has been for years. I talked to the City
17 Council to see if they could come up with any
18 solution to getting into the neighborhood and
19 out of the neighborhood during rush hour.
20 I'm looking forward to retiring in the next
21 couple of decades, and maybe it won't matter

1 then. You know, I can sit and watch the
2 traffic roll by. But right now, the crawl is
3 what I'm in every morning and every evening.

4 Thanks.

5 HUGH RUSSELL: Thank you.

6 Next speaker is Theresa Walker.

7 THERESA WALKER: Hi, I'm at Three
8 Magoun Street at the top of the one way that
9 would go in through the proposed parking lot
10 on one side of the Fawcett development, and I
11 support the petition for what another person
12 said about the high amount of traffic the
13 fact that the building really doesn't fit
14 within our neighborhood of single-family and
15 two-family homes, and that's it.

16 HUGH RUSSELL: Okay, thank you.

17 So are you ready now?

18 MARK BOYES-WATSON: Yes. Sorry
19 about that. I just want to -- Mark
20 Boyes-Watson, Boyes-Watson Architects, 30
21 Bowes Street, Somerville. Thanks for this

1 opportunity.

2 I just want to make a few points about
3 the site, you know, not relative to the --
4 really to the specifics of the proposal, but
5 just relative to the site as a part of the
6 urban fabric and how it relates to zoning.
7 So the site context actually, although the
8 site obviously does have a series of streets
9 leading into it that are residential, it also
10 has this enormously complex edges with
11 multi-family on Massachusetts Avenue, Grace
12 project to the west. The very important
13 Lineal Park that has been a huge influence,
14 and I think was identified. It was
15 identified by the Petitioner as a huge
16 advantage to the site and to the
17 neighborhood. And it's -- so it's actually
18 not a singular context that we have, because,
19 in fact, what we have for the adjacencies,
20 our site adjacencies, actually, if you look
21 at -- I know I've got these images up and

1 they're small and you've seen all these
2 before. These are photographs, and they're
3 small on this image, but if you go around our
4 site and you say what do you see from our
5 site? And you'll see that actually it's
6 incredibly varied and is not of one thing.
7 It's not single-family homes that are lined
8 up on a single street. The actual context,
9 visual context of this site is very complex.
10 And, actually, that in a long process we've
11 been working with that and trying to
12 understand what is the most essential part of
13 our site's context. Not that we ignore any
14 of the elements that make that up, but that
15 it is not a simple thing.

16 As Mr. Rafferty referred to, we also
17 started the process trying to understand all
18 of those issues that have already been
19 discussed here this evening, which is what
20 does it mean, this site, that potentially
21 connects all of these streets; Magoun,

1 Brookford, Cottage Park, Edmunds, and Tyler?
2 And is this a desirable thing that traffic
3 move through this site? The blue lines being
4 traffic.

5 And actually, we were hearing very
6 strongly from many callers early on that
7 actually no, that last thing that's wanted is
8 a huge amount of cut-through traffic well
9 beyond anything generated on the site.
10 However, what I think has emerged, and indeed
11 the Petitioner refers to, is that here is
12 this wonderful amenity that's increasing in
13 its scope as we know in Somerville, through
14 Cambridge and out to Lincoln of the bikeway
15 and our public open space system, and our
16 site actually has a very specific and not
17 usual circumstance in this huge boundary
18 against this Linear Park. Though we agree
19 with the Petitioner, that we really, really
20 want to respect in anything we look at on
21 this site.

1 So, the other thing that the Petitioner
2 was referring to, and Mr. Rafferty also
3 referred to, is what is the neighborhood
4 density? And, again, when you're talking
5 about building and zoning an adjacent parcel,
6 we, we've done an analysis of -- and as I
7 think has the Community Development
8 Department of -- I think it's in your package
9 I saw from Community Development, that
10 actually the neighboring -- we took into
11 account all of the neighboring streets that
12 make up the neighborhood north of the Lineal
13 Park. And what happens is that if these are,
14 these are in fact comparison that you already
15 saw between Res B zoning and SD-2 zoning, but
16 when you look at the actual, what's actually
17 in the zone of the neighborhood, not
18 including our site, the average floor area in
19 the residential zone is not the 0.5, it's
20 actually much -- it's this number here, 0.7.
21 That's all of those houses on those streets

1 averaged together working off the Assessor's
2 database, which is the only data that we have
3 access to. And I think that the Community
4 Development confirmed that kind of thinking,
5 and they have it your in package.

6 What's interesting about the Res B, of
7 all of those lots that are north of our site
8 that we are looking at on Magoun and all of
9 those streets, Cottage Park, only 40 percent
10 of them actually comply to the Res B zoning.
11 All the others have a larger floor area than
12 that.

13 So, that's also true. What is also
14 true -- that's in terms of gross floor area.
15 In terms of the lot area per dwelling unit,
16 when you look at the same lots and you
17 analyze them for the lot area per dwelling
18 unit, you find that only half, less than half
19 of the lots there actually comply to the Res
20 B zoning for lot area for dwelling unit. So
21 the SD-2 zoning that's in place is not wildly

1 different from the SD-2 that is currently the
2 zoning on this lot, and the one to which
3 we've been designing for a year or so.

4 So very, very quickly because I'm not
5 meaning to go into the proposed project, and
6 I only intend to speak to one thing about our
7 attitude to this site, and I think it is
8 relevant to the zoning. One of the things
9 that we've conceptualized this site as an --
10 as part of the park system. Here's the
11 Lineal Park. Here's our site. And what we
12 are trying to do is not allow traffic
13 movements, but actually allow all of the
14 connectivity in the neighborhood out to Davis
15 and Mass. Ave. There is also an access point
16 here that's buried behind the Fawcett Oil
17 truck building here. Reopen, get on to the
18 Lineal Park, provide a more satisfactory
19 connection to the Lineal Park here so that
20 neighborhood access to Russell and beyond is
21 facilitated. And actually -- so that's a

1 very, very important concept. And the other
2 thing that we're doing, is by not allowing
3 any traffic through here, we're fundamentally
4 taking, because we are very aware of the
5 notion of the impacts that this site has,
6 take the impacts of the building and half
7 them. So that the -- any traffic coming from
8 the west building doesn't come here. And any
9 traffic from the east building doesn't come
10 to the west. So that it limits these two, a
11 54-unit building and a 50-unit building
12 fundamentally halving the impacts on any one
13 little district.

14 The impact on the abutters, also,
15 because we've chosen a relatively compact
16 design form, we are able to keep the west
17 building here. The nearest abutters are very
18 large distance. It's much greater than a
19 normal in the district 170 feet, large
20 numbers. So that we get to have this part,
21 this notion of these buildings in a park

1 Landscape preparing you for the open space
2 system to which they give access. And that
3 same is true where you see that, again, that
4 these are, that we're looking at -- I know
5 this may -- Emerson, we don't quite know
6 what's going to become of Emerson. This is
7 the Emerson project. We're just going to the
8 next residential abutters here. This is a
9 two-story condominium here, that's the
10 closest abutter.

11 So, and that's one of the things about
12 our building, is that we're actually -- we're
13 a very large site. And we've decided that
14 we're trying to get this to be in a park
15 setting and be far away from the neighbors
16 and just use that extra site to give air to
17 the whole thing.

18 Very, very quickly these are before and
19 after. So just to understand the streets
20 that we -- I'm looking at just like the
21 proposal of the petition down Tyler before

1 and after. Down, Edmunds before, after.

2 Down Cottage Park before, after.

3 HUGH RUSSELL: Can you go a little
4 more slowly?

5 MARK BOYES-WATSON: Very happy. I'm
6 going to do the whole thing again. I'm just
7 trying to be quick.

8 So here we are now on Tyler Court
9 looking at Fawcet Oil. This is the Fawcet
10 Oil site. It starts at the fence there. So
11 this is not our property. And this is the
12 Fawcet Oil property. This is before. This
13 is after.

14 Cottage Park is there. And then we're
15 walking around the site. This actually is
16 the little parking lot. Edmunds Street is
17 here. This is part of our site and gives on
18 to the whole Fawcet Oil campus. So this view
19 is now. And this is the view, it would be
20 after we build.

21 This is looking down Cottage Park now.

1 This is the Emerson building. And, again,
2 you can see some of the visual context that
3 we've got here. So this is Cottage Park.
4 Here's the trucking building. So that gets
5 removed. What we're trying to do is improve
6 visual access to the park system. So here
7 now is when you don't have the trucking
8 building, and you're seeing the Lineal Park
9 behind. So that's the view down Cottage
10 Park. Our building is actually here. It's
11 respecting the streetscape of Cottage Park.

12 This is a view down Brookford Street.
13 Brookford Street by court order is blocked.
14 So the view before and the view after. So
15 not a great change on that street.

16 This is Magoun. Magoun comes down and
17 it's a one way street down to Whittemore.
18 Whittemore is here. And this is all part of
19 our property. Here is the Lineal Park. And
20 you start to feel the Russell Field into the
21 park system. This is, again, what we're

1 linking into in our plan. This becomes a
2 little park and it comes through, and that's
3 where you can start to allow the public to
4 walk through our site as part of this open
5 space system.

6 So here and here is the building.
7 That's that west building you're seeing
8 there. Again, respecting the frontage of
9 Edmunds Street linking into the urban design
10 and the urban fabric, but without creating
11 negatives, but trying to create positives.
12 So now we're looking down Whittmore towards
13 our street. This is the gardens. And this
14 is the community garden. This is the
15 greenhouses. Our site actually starts at
16 that fence right there. That tree is not on
17 our site. This is the community garden.

18 We're looking down Whittmore. There
19 you're seeing some Fawcett Oil buildings that
20 exist today. So in the built out conditions
21 as you come in from the west, this is now

1 being reconstructed by the city right now.
2 Whittemore's under reconstruction. And
3 here's the building. And here's that little
4 bit of green space. Our nearest residential
5 abutter is here. I don't know if this is
6 exactly right. These were presented to the
7 North Cambridge Stabilization Committee about
8 five months ago. They haven't been updated.
9 I'm just using the same thing not trying to
10 show the building, just showing our thinking.

11 This is the last view I have. And this
12 is the view from the Lineal Park, and I think
13 it illustrates something, again, I think the
14 petitioner was talking about, here's the
15 chain link fence, and not wanting to see the
16 Lineal Park walled off. We totally agree.

17 And this is our vision -- and there's a
18 chain link fence in here with vines and
19 things growing on it. And looking over into
20 our site system of greenscape behind it. So
21 that's the idea. That's the whole idea.

1 UNI DENTI FIED MALE: The chain link
2 fence would still be there?

3 MARK BOYES-WATSON: Yes.

4 UNI DENTI FIED MALE: How is it going
5 to be part of the park system?

6 MARK BOYES-WATSON: I'll get
7 through -- there's chain -- it looks like --
8 we will have controlled access.

9 So I was gonna then turn this over to
10 Giles who -- because I think one of the
11 things that we say -- the building's very far
12 from the neighborhood. So really one of the
13 things that we've always known from the very
14 beginning, the traffic impacts on this
15 project will be a key thing and Giles has
16 done all the traffic work on the project.

17 GILES HAMM: Good evening, I'm Giles
18 Hamm with Vanasse and Associates. I'll be
19 relatively brief. And we've done a very
20 detailed crafted safety analysis of the area
21 and that's been certified by city staff. So

1 really a detailed analysis has been
2 completed. And just a few quick points.

3 Residential traffic is very low,
4 traffic generated. So we're starting with a
5 low traffic base. The site's been divided up
6 into the west side and the east side. So
7 this is the west side.

8 So in terms of the traffic generation,
9 it will have about 15 vehicle trips during
10 the morning peak hour, and 20 vehicle trips
11 during the evening peak hour. Obviously more
12 exiting in the morning and entering in the
13 evening. Traffic increases on -- and those,
14 those lines are adjusted for transit usage,
15 bicycle traffic, and walking that's why
16 those numbers are relatively low.

17 WILLIAM TIBBS: I guess I'd like to
18 also say that I think the last presentation
19 which gave us some context was helpful, but I
20 don't want this to morph into, particularly
21 with a traffic study, a project review. I

1 think if you have some overall comments
2 that's pertinent to the zoning, please state
3 it. But I think this is kind of going into a
4 too much detail about a project.

5 GILES HAMM: Okay.

6 So the point is that the traffic
7 increases are relatively minor and manageable
8 (inaudible) safely accommodating and been
9 reviewed.

10 And the next slide, I think, it's
11 important when you're looking at the east
12 campus, again, you're about 54 units here and
13 the same amount of traffic. But you have
14 existing traffic and Fawcett Oil and from the
15 school.

16 HUGH RUSSELL: So you're not heeding
17 my colleague's request. We're not interested
18 in a traffic study of your project. We're
19 just interested in your comments on the
20 zoning.

21 MARK BOYES-WATSON: Maybe I can wrap

1 that up. Because what -- if it's not
2 disrespectful, Giles.

3 Is that the -- one of the things, if
4 you look, if you're looking at what will be
5 appropriate for as the zoning for this site,
6 you have to say what -- and the Petitioner is
7 concerned about whether the street access
8 system seems to suggest that the zoning
9 should be lower than it currently is. So I
10 think that what -- because we have already
11 done all this work, we are in process and
12 about to file the petition (inaudible). So
13 actually what we know is that when you go
14 street by street, I think that when the
15 Planning Board digs into these numbers,
16 you'll see that from a residential project
17 generated by the existing zoning, that the
18 traffic impacts when you offset the existing
19 traffic are, and I hate to say it, but they
20 are very minor. And that is -- so, I'm not a
21 traffic engineer, but I think that's what the

1 traffic study says. That's what the analysis
2 gives. So I thought that was relevant
3 information and that's all we were trying to
4 do here.

5 So thank you for your time.

6 HUGH RUSSELL: Thank you.

7 All right, we'll go back to the list.

8 And the next person on the list is Ann
9 McDonald.

10 ANN McDONALD: Hi, I'm Ann McDonald,
11 24 Columbus Ave. in the Whittamore Triangle.
12 I've been living there maybe five years, plus
13 or minus. I am concerned about the zoning.
14 I support the Bishop Petition. I want it to
15 come to the City Council, however, that
16 process works. I am concerned about the fact
17 that it's at form and density. And I feel
18 that the form that's being presented to us is
19 wonderful in terms of how it respects the
20 park, but that all the green that's being
21 presented to the new residents, we at the

1 Whittmore Triangle are getting more parking
2 lots in terms of our view.

3 And then the form, it's just the scale
4 of those don't match the neighborhood. And I
5 think my -- it looks like you're putting a
6 college campus or a business park down in the
7 middle of two-family residence area. And I
8 realize there are some things on Mass. Ave.
9 that are larger scale, but it -- I think the
10 density also has a safety concern, not just
11 for us, too, who are in the cut-through
12 neighborhood, which Columbus Street, we get a
13 lot of traffic. And I'm working with the
14 city, but we can't even put traffic
15 (inaudible) because of the flood plane. It's
16 what I'm hearing, so I'm really concerned
17 about additional cut-throughs especially from
18 Magoun, Madison, Harrison, and Columbus as
19 well as Whittmore, all of those streets.
20 And I think more safety for the people that
21 being brought into the neighborhood, the new

1 residents, trying to get in and out of that
2 area to turn left onto Mass. Ave., to turn
3 left onto Alewife is very difficult. And
4 even if there's 20 of them or 50 of them, I
5 don't see how the system, traffic-wise, the
6 way it is right now, can accommodate the
7 additional people. I guess that's all.

8 Thank you.

9 HUGH RUSSELL: Thank you.

10 Julia Bishop.

11 JULIA BISHOP: Hi. I'm Julia
12 Bishop, Nine Cottage Park Avenue. I have
13 heard a couple of words in the different
14 presentations by the Fawcett architecture. I
15 heard the word idyllic. I heard the word
16 campus. I just heard that there's going to
17 be a traffic impact that's very minor, and
18 I'm just wondering if I'm here at a meeting
19 talking about the same project, honestly and
20 respectfully. I did send an e-mail to the
21 Planning Board. I've lived on Cottage Park

1 for 15 years. It -- I know they used numbers
2 to talk about the -- what zoning -- the
3 houses in the area add up to. But the
4 numbers are one thing. I live in that
5 neighborhood. I've lived there for 15 years.
6 There are two -- one triple decker houses,
7 one and two-family houses, triple decker
8 houses. It really is a neighborhood. It's
9 an intimate neighborhood with built --
10 worker's cottages. And this project, and
11 looking at the virtual tour of this project,
12 does not fit, in my opinion, in this
13 neighborhood and that's why I support this
14 petition.

15 At an Ordinance Committee meeting
16 recently a new neighbor to the neighborhood
17 asked a good question. They asked the
18 Fawcets if they would want to live in this
19 neighborhood once this project was built. I
20 ask you the same thing. Would anyone here
21 want to live in that neighborhood once a

1 104-unit rental project was built? Or even a
2 77-unit rental project was built? It does
3 not fit with the neighborhood.

4 I'm really shocked at the comment, and
5 I know you want to deal with traffic issues,
6 to walk anywhere in that neighborhood at rush
7 hour, and to say that there's going to be
8 very little traffic impact, is -- I don't
9 know. I don't know what the right word is.
10 It's outrageous for someone to stand in front
11 of you and say that, it doesn't fit.

12 Linear Park really ties together the
13 Harvey Lumber and the Fawcett Oil and the
14 project at the end of my street, Emerson. So
15 I have lots of questions about how that can
16 really be called spot zoning. I'm not a
17 zoning expert, but I would really like to
18 encourage members of the Board to walk down
19 Linear Park to really view these areas from
20 Linear Park. And you'll see that they really
21 are connected and tied together. And that

1 development is going to ruin the
2 neighborhood, and it's gonna ruin the park.
3 It doesn't fit architecturally. The
4 co-housing units that are there, at least
5 architecturally fit with the park, but
6 they're huge and they really do hover over
7 the park.

8 So I really ask that you consider what
9 the impact to this neighborhood is gonna be
10 because it's gonna be huge.

11 Thank you.

12 HUGH RUSSELL: Thank you.

13 James Williamson. He has left.

14 Sylvia Barnes. She didn't indicate
15 whether she wanted to speak. You do?

16 SYLVIA BARNES: Good evening. My
17 name is Sylvia Barnes and I live at 196
18 Harvey Street. And these are all my
19 concerns. So I wanted to keep on writing,
20 but I just decided to stop because I know I
21 don't have that much time. My concerns are

1 really a few.

2 Traffic is a big concern, because I
3 live on Harvey Street and people use that
4 street as a cut-through, especially in the
5 morning. They try to get to Route 2. And
6 people from Arlington, Cambridge, they go --
7 they cut down that street, they go down
8 Clifton Street. And then if you get on
9 Clifton and Rindge you can't even make a
10 right. I avoid these streets. It
11 discouraged me -- it discourages me from
12 driving, but I'm in the minority because you
13 can't use Mass. Ave. or you can't use Route
14 2, you can't use Rindge Avenue. So if there
15 was ever an emergency, it would be difficult
16 for any emergency vehicles to get out. And I
17 don't know how all this development, this --
18 all this major development that's gonna
19 occur, how -- the streets can't sustain all
20 this development, all this housing that's
21 being developed. So I'm here to let you know

1 that I support the Bishop Petition and I hope
2 you can consider it.

3 Another concern is the Linear Park.
4 There's gonna be the Cambridge Lumber on one
5 side, and then there's gonna be the Fawcett on
6 one side. So it's gonna be like a tunnel and
7 it's gonna create a dangerous, dangerous
8 situation if somebody's walking there at
9 night. A lot of people use it. The Linear
10 Park cutting to go to Davis Square. So
11 that's another -- a safety issue that you
12 have to consider.

13 I lived on Harvey Street before the
14 sliver house and before cornerstone. And
15 cornerstone does not match what the
16 neighborhood had. It was worker's cottages.
17 And I was able to view the park. But this
18 ocean liner of co-housing was built, there's
19 no spacing. You walk down the street,
20 there's no spacing to see the park until
21 you're in the middle of the street. So,

1 again, I don't want to reiterate, but I would
2 just want to say that I'm in support of the
3 Bishop Petition, and I hope the Planning
4 Board would consider that petition.

5 Thank you very much.

6 HUGH RUSSELL: Thank you.

7 If you could avoid applause, that would
8 help us.

9 Heather Hoffman.

10 HEATHER HOFFMAN: Hi, my name is
11 Heather Hoffman. I live at 213 Hurley Street
12 and that is not in this neighborhood.
13 However, I use Linear Park because from my
14 neighborhood there are two busses to Davis
15 Square, and that is my preferred way of
16 getting to North Cambridge when I need to go
17 there. And so I am here to speak in favor of
18 the parts of this petition that protect
19 Linear Park. It's a jewel. And it's -- at
20 another hearing someone said, I think Charlie
21 Teague said something about it feels much

1 wider than it is, and it's really true. It
2 makes you feel as though you're in an oasis
3 when you're walking down there and I would
4 hate to see us screw that up. So, whatever
5 you think about proper density, you really
6 need to protect the park. And I think this
7 petition might even be a little gentle on
8 park protection. And so, if you come up with
9 things to make the park even more preserved,
10 I'd encourage you to suggest those.

11 Thank you.

12 HUGH RUSSELL: Thank you. Jim
13 Loutzenhiser, do you wish to speak?

14 JIM LOUTZENHISER: I'd like to speak
15 on the Bagedonow Petition.

16 HUGH RUSSELL: There are a lot of
17 sign-up sheets. There is no one else listed
18 here.

19 Is there anyone else who would like to
20 speak? Come forward.

21 JOHN WALKER: My name is John

1 Wal ker.

2 HUGH RUSSELL: Please come up and
3 use the microphone.

4 JOHN WALKER: I realize that -- my
5 name is John Wal ker. I live at 150
6 Whi ttemore Ave. which is right at Route 16
7 and Whi ttemore Ave. I've lived there -- I
8 was born there in 1943. And I've been
9 worki ng in constructi on since I was 14. And
10 I'm an archi tect now, and I've been an
11 archi tect for 35 years. Thi s peti ti on is
12 kind of a -- it's a struggl e for me. I've
13 lived in the nei ghborhood. I'm surrounded by
14 the traffi c. It's nuts. I can really not
15 get out of my dri veway so I park my cars on
16 the si de entrance to 108 Center temporarily.
17 But we are getti ng new streets, and the
18 ci ty's doi ng a great job of si dewal ks and
19 chi canes and safety devi ces of all ki nds of
20 descri ptions, but we can't get a speed bump
21 because of the wetland. And they speed

1 horrendously. And I don't know whether it's
2 one of every 50 cars that has a crises and
3 they leave the bumper-to-bumper traffic on
4 Route 16 and floor it to Mass. Avenue. Death
5 defying. But it does seem to be about one in
6 100 cars. Maybe it's frustration. Friday is
7 the worst day that people are going home from
8 work and for some reason on Friday it's life
9 or death getting home from work. But that's
10 a problem. It's also a problem flowing out,
11 and that's why the policemen have the detail
12 there for about 40 years I think as long as I
13 can remember.

14 I've lived there since Route 2 was
15 virtually a dirt road and the railroad used
16 to cross Route 16 right at my house, go over
17 the Alewife Brook and connect to Lexington.
18 And there's a rail still in the woods there
19 in place. But in any case, the Fawcets have
20 been very cordial to us and have had public
21 meetings with particularly the stabilization

1 committee. And where they've had a chance to
2 talk to their architects, and everything
3 about them is very polished and very good,
4 but they're on a torpedo, full speed ahead.
5 And all the suggestions just fall by the
6 road. My big concern is density and the
7 integration of the project into the
8 neighborhood which it doesn't do at all.
9 And, I tried to figure out -- in the first
10 meeting I thought they had a wonderful
11 project. And when I began to see the
12 development, what they were coming up with, I
13 couldn't understand why. So I went back. We
14 never had a lot of information. I had a
15 couple of dimensions. I knew it was 3.4
16 acres, but I thought that it was going to be
17 a townhouse type, sort of like the Cambridge
18 Lumber or whatever, a variation of that, but
19 it doesn't fit. And that's because of the
20 density. It's, it's covered by the 40-foot
21 limit. That means four stories. That four

1 stories you need an elevator. We've
2 requested parking, under parking on grade and
3 under buildings, and this -- there's a cost
4 to all of that. The fact is it's a cramped
5 site and there is no solution to it other
6 than density, change the density.

7 We also have these two, 50 car parking
8 lots which right off the bat, they're not
9 enough. If you have 104 units, you probably
10 need closer to 150 cars. Then there's no
11 guest if very little guest parking. And
12 those cars will end up on the streets. And
13 the streets are already filled with multiple
14 cars from two, three-family houses because
15 they have kids, the kids have cars. I have
16 too many cars. The cars are crazy. Okay.
17 And traffic is a problem. The density seems
18 to be a problem. It could be a wonderful
19 project, but there has to be some sort of
20 cooperation.

21 Thank you.

1 HUGH RUSSELL: Thank you.

2 Woul d someone el se wi sh to be heard?

3 Yes, si r.

4 WILLIAM FOX: My name i s Wi l l i a m

5 Fox. I l i ve at 17 Cott age Park Avenue si nce

6 1955. I was n' t gon na get up and say

7 anythi ng, but I' d l i ke to ask you gentl e man

8 to pl ease sol ve thi s probl em for us and,

9 pl ease, so I don' t have to come up here every

10 ni ght or every month or every year. I woul d

11 want to stay home and rel ax for a whi l e.

12 Thank you.

13 HUGH RUSSELL: Okay, thank you.

14 BOB CYR: I' m Bob Cyr. I l i ve on

15 Cott age Park Ave. , 13 Cott age Park Ave. for

16 45 years. Now, we' ve been fi ghting thi s

17 thi ng si nce 1972. We go back that far when

18 they fi nal l y cl osed our street and they

19 reopened i t through the courts. But what I' m

20 tryi ng to say, al so, and when Fawcet was

21 showi ng you al l those pi ctures.

1 HUGH RUSSELL: Coul d you j ust back
2 away from the mi crophone?

3 BOB CYR: When Fawcet was showi ng
4 all those pi ctures --

5 HUGH RUSSELL: That' s better.

6 BOB CYR: -- I want to notice that
7 he di dn' t show the dog legs. He went where
8 the dog legs stopped and then took the
9 pi ctures down to the street. So the street
10 has a bad dog leg and so doesn' t the other
11 streets, but he di dn' t put i t i n there
12 because i t woul d tear thi s thi ng.

13 Now, they say our street i s going to go
14 from 14 cars to 77 i f that 100 -- 52 on our
15 si de and another 50 on the other. And now we
16 al so have Mr. Emerson bui l di ng that' s goi ng
17 to bui l d 20 apartments. So when you say
18 that, that' s street' s ri di cul ous. You can' t
19 put that. And i f you put a one way street on
20 there, whi ch you can' t because of the fact --
21 I mean, no parki ng, excuse me. Then they' ll

1 speed down the street. They park on both
2 sides, it slows them down a little but not
3 that much. But they've got a dog leg down
4 there, and they don't show you that. This is
5 what I'm trying to say. This is ridiculous
6 what's going on. They don't say anything
7 about Emerson. Emerson is on the street.
8 He's going to put 20 apartments on that
9 street, on Cottage Park Ave. And now we're
10 adding 52? This is ridiculous. So take that
11 all into consideration. The safety has been
12 a big thing, and we've been fighting it since
13 1972 just to let you know.

14 Thank you very much.

15 HUGH RUSSELL: Thank you, sir.

16 Yes, next.

17 ASHLEY ADLER: Hello. My name is
18 Ashley Adler. I live at 49 Madison. I
19 rented an apartment there for two years.
20 Also, I think that renting is fun. And I
21 wasn't going to say anything because you may

1 or may not know that the community garden is
2 also owned by Fawcett, and the city has been
3 negotiating with them to purchase it and it's
4 very important to me. And I realize that
5 supporting this petition may jeopardize that,
6 but I just couldn't listen to the
7 presentation and not be moved to speak
8 because I've also had architectural training,
9 I know that many of you also have. And I
10 believe, I know that space affects how people
11 live. And to say that, you know, pointing
12 out all of these buildings in surrounding
13 neighborhoods that don't necessarily conform
14 to the Residential B standard, and say well
15 because these exist, we can build whatever we
16 want, is a flaw in logic. It's really a
17 question of what do we want this community to
18 become? What does this neighborhood want to
19 be in the future? Not what was it in the
20 past, and what is it now? But with every
21 building that is built, it changes more. And

1 so that becomes the new standard. It becomes
2 what does it fit in with now? And if this
3 building is built, what's next? Is someone
4 going to buy a lock of houses and tear them
5 down and put in something else and say well,
6 it fits now when the Residence B standards
7 were put in place for a reason. And I
8 realize that it's hard. I'm from Chicago.
9 We had a fire. We started over. And there's
10 only so much you can do, right? These
11 buildings already exist. But, you know, so
12 you're working around things that have been
13 there for a long time. But you just, you
14 can't just throw it all away and say, yeah,
15 let's make up a whole new standard just
16 because we're working in a difficult
17 situation.

18 Thank you.

19 HUGH RUSSELL: Okay, thank you.

20 Does anyone else wish to speak?

21 LISA GOULD: My name is Lisa Gould.

1 I live at 102 Harvey Street. And I'd love to
2 say ditto to everything that people have
3 spoken about today regarding this petition.
4 It's about time that this was corrected.
5 There was -- it was originally set-up so that
6 it would return the area which was
7 industrial. The uses are no longer needed,
8 and what we need to do is bring it back to
9 what the original intent of that petition
10 was, which is to encourage a smooth
11 transition. I'm just, people have spoken
12 really eloquently about the overuses of the
13 street and how that's gonna affect the
14 stability of the neighborhood. So I just
15 wanted to say that I also, you know, agree
16 with that. I'd like to see that we can
17 protect the Linear Park by bringing down the
18 height, because that's part of the problem
19 here. The fact that this is, you know, the
20 FAR went from what the Planning Board
21 intended originally which would have been

1 0.65, it goes with, it goes to 0.18, 0.84
2 including affordable and the inclusionary,
3 and that's just too much as we've seen.

4 Thank you.

5 HUGH RUSSELL: Thank you.

6 Does anyone else wish to speak?

7 (No Response.)

8 HUGH RUSSELL: Okay, I see no one
9 wishing to speak.

10 So, shall we close the hearing for oral
11 testimony but leave it open for written?

12 (Board members all in agreement.)

13 HUGH RUSSELL: Yes, okay.

14 Are there any questions, instructions
15 we want to give the staff?

16 H. THEODORE COHEN: I know there was
17 a discussion about parking and traffic. What
18 I would really like to know is some
19 information about the historical use of
20 traffic from this site. What it is today? I
21 don't know if that's how much it's used right

1 now and how relevant it is, but I would like
2 to know some historic information about the
3 traffic that is generated from the site.

4 JEFF ROBERTS: Generated from the
5 Fawcet site?

6 H. THEODORE COHEN: Yes, from the
7 Fawcet Street site, faucet Oil site.

8 WILLIAM TIBBS: And I'd like just
9 for clarity to understand whatever plans or
10 projects the city has for the infrastructure
11 around their sidewalks and stuff like that
12 which was mentioned earlier.

13 STEVEN WINTER: Mr. Chair.

14 HUGH RUSSELL: It might be actually
15 helpful to ask Sue Clippinger to come in and
16 talk about the larger picture of the entire
17 triangle in particular so we can understand
18 that better.

19 Pam.

20 PAMELA WINTERS: Ted, did you mean
21 the traffic that was going to be generated by

1 the Fawcet site now or if this building were
2 constructed?

3 H. THEODORE COHEN: No, I'm
4 interested in what the traffic is now.

5 PAMELA WINTERS: Now.

6 H. THEODORE COHEN: And what it has
7 been, say, over the past 10, 20, 30 years. I
8 think when a project comes before us, we'll
9 deal with the traffic that's proposed at that
10 time.

11 PAMELA WINTERS: Right, thank you.

12 HUGH RUSSELL: Steve.

13 STEVEN WINTER: I'm interested in
14 learning more about the fence regulations,
15 the kind of fence regulations that we're
16 looking for here. And what is an appropriate
17 and defensible language in zoning to direct
18 the building of fences in areas like this.

19 HUGH RUSSELL: Sure.

20 CHARLES STUDEN: I guess I'd also be
21 interested in knowing a little bit more about

1 the change to Special District 2. Obviously
2 there was something that was driving that,
3 and it wasn't that long ago, actually, I
4 believe, was it about ten years ago?

5 CHARLES TEAGUE: Eleven.

6 CHARLES STUDEN: Eleven years ago.

7 And so what is it exactly that's changed in
8 the last ten years that's precipitating this
9 request for a rather substantial change?

10 HUGH RUSSELL: Okay. I guess we're
11 done discussing this. We'll take, like, a
12 five-minute break while the room is turning
13 over. I'm making the assumption that you all
14 are not interested in the other four hearings
15 that we have on our agenda tonight, but
16 you're welcome to stay if you are.

17 (A short recess was taken.)

18 HUGH RUSSELL: All right, so we are
19 going to go forward. And the next hearing is
20 Linda Andrews, et. al. Zoning Petition to
21 amend the Zoning Ordinance provisions for

1 that on the table here because maybe we
2 shoul d j ust be buyi ng these uni ts. And I say
3 we' re i n the gami ng i ndustry because
4 somethi ng funny l ooks to be goi ng on, and I' m
5 bei ng provocati ve, of course. And I want to
6 engage everybody i n Cambri dge to talk about
7 thi s.

8 So, here' s the way i t works: Right off
9 thi s secti on i s -- the purpose i s to expand,
10 expand, i ncrease producti on that' s existi ng
11 and anti ci pati ng, i ncreasi ng the supply of
12 our affor dabl e housi ng and exchange for a
13 greater densi ty or i ntensi ty i n devel opment.
14 So we' re goi ng to buy these uni ts wi th
15 densi ty.

16 And so we l ook and say i s Cambri dge
17 better than Somervi l l e? Well , we have a
18 l ower tax rate and we buy wi th densi ty and
19 Somervi l l e buys wi th money. Do we get what
20 we pay for? Well , we don' t al ways get our 15
21 percent. Actual ly, Jeff Roberts at the -- on

1 this committee, said, you know, in one case
2 it's 11.5. Now we have a Cambridge Lumber,
3 the original -- take it from their original
4 Special Permit application which, of course,
5 is not what's going in now, but 29 total
6 units. If you do 15 percent, it looks like
7 4.35, another four units. The attorney pats
8 you on the head and says it's complicated, so
9 we have our new math. So the base, the
10 zoning allowed 29 units. So you go, well,
11 for ten we're going to build three, and now
12 will take 15 percent of three and we'll get
13 three inclusionary units. And now we got
14 three bonus units. And now we're back at 29
15 with ten percent affordable units. But
16 there's no bonus, base or pretending in the
17 Ordinance.

18 So, one of the issues that Councilor
19 Kelley pointed out in the Ordinance Committee
20 is if you're here for a Special Permit,
21 you're not building as of right. So the use

1 of paragraph A is inappropriate in so many
2 cases. So you go to paragraph C and it says,
3 it says the number of affordable units shall
4 be no less than 15 percent. But, you know,
5 we go on to new math part, duh, as they say,
6 the 100 units, 15 affordable, 15 bonus and
7 you go 15 and 130 is 11.5 percent as Jeff
8 indicated.

9 So I refer you to a quote of Humphrey
10 Bogart fiddling with numbers in the 1955 home
11 movie. But anyways, there's a lot of money
12 moving around here, and just to use Cambridge
13 Lumber numbers, 1500 square foot, a 104
14 square foot that's \$600,000. The difference
15 between 10 percent and 15 percent, that's 50
16 units, that's \$30 million flowing around
17 somewhere.

18 30 percent up zoning is a big number
19 elsewhere. Everything about Special District
20 2 is about this first -- it would have been
21 fine without the -- without the inclusionary

1 bonus, but 1,000 units becomes 1300 units.
2 And as we say, we tire of talking of parking.
3 That's a funny. All right. So anyway.

4 WILLIAM TIBBS: Can I make a
5 suggesti on?

6 CHARLES TEAGUE: Yeah.

7 WILLIAM TIBBS: Because it's easier
8 for me if you start with the petition and
9 what you're asking for and then make your
10 comments about that afterwards. Because I'm
11 just for, you know, you want some specific
12 changes to -- or you're suggesting specific
13 changes.

14 CHARLES TEAGUE: Right. And I'm
15 like two slides from this very specifically.

16 WILLIAM TIBBS: Yes, I know just in
17 general, you said you might do another one.
18 If you can start there and then talk about
19 it, it makes life a lot less confusing.

20 CHARLES TEAGUE: Yeah. Well, I
21 thought the confusion always was like why?

1 It's like why are we talking about this? And
2 I just want to put why we're talking about
3 it.

4 WILLIAM TIBBS: We need to know the
5 what before you talk about the why.

6 CHARLES TEAGUE: Well, the what's
7 always pretty technical in the Zoning
8 Ordinance. But here we go.

9 Well, let's just breeze through this
10 slides. This is supposed to provoke
11 discussion all through the city, and this is
12 just one venue.

13 So the interesting thing about this
14 bonus system is that the land cost is zero.
15 So, you know, supply an additional unit
16 supposedly which isn't always true. There's
17 this question of, like, what is the spread
18 here? If you have a build cost of 150 and a
19 450 market price, you come out with a \$300
20 spread. And now one bonus unit funds two
21 affordable units. But the way we're working

1 is two bonus units for one affordable unit in
2 some cases. So it's -- that whole thing has
3 to be looked at. And so really here's,
4 here's where it all happens, 11.203.2(b).
5 It's two fundamental elements, and the FAR,
6 and it's a six-part change to the Zoning
7 Ordinance, and this is only talked about in
8 part 6, but it's increased by 30 percent. So
9 you always get this density bonus that is
10 split that allows the developer to be
11 compensated for supplying the affordable
12 units.

13 Okay. So the minimum lot area per
14 dwelling unit normally required in the
15 applicable zoning district shall be reduced
16 by that amount necessary to permit up to two
17 additional units on the lot for each one
18 affordable unit. There's nothing about base
19 or bonus or anything in there. In fact, this
20 is only a reduction. So when you're building
21 at the maximum or less, that would not really

1 apply.

2 So, this is just a nail -- so what this
3 -- what parts one through five are doing are
4 just nailing down 15 percent and a 50/50
5 split. That's all they're doing. So we just
6 go here's what we have now and we just go any
7 inclusionary projects apply 15 percent of the
8 percent of the total number of the dwelling
9 units as affordable units, period. Which is
10 eliminating this, which seems to be open to
11 misuse.

12 In the next section which we're just
13 saying you -- this is the current language
14 and we're just saying, okay, if we're only
15 dealing with these districts -- in other
16 words, PUDs, you negotiate all this stuff and
17 you wrap it into that new section of the
18 Zoning Ordinance and you get case closed.
19 11.200 does not come into a negotiated
20 development and we up zone it at 30 percent.
21 That's all that means. And in here we just

1 add the intent, because this is just, once
2 again, nailing down 50/50 split. All right?
3 At least one of the two additional units be
4 affordable.

5 And then we go here. And here's the
6 50/50 split, but it says should. Well, we'll
7 make it shall. So we just once again nail
8 down the fundamental contract between the
9 city and the developer and the citizens of
10 Cambridge. And here we're just once again,
11 we just make it very, very clear that we
12 cannot invoke this circular reasoning where
13 you apply that fundamental part of the
14 Section b that we started with the 30
15 percent. And so you can't say well, we'll
16 take 15 percent and then we'll add more to it
17 and then it's no longer 13 percent, but 11.5.
18 Can't do that. In fact, I don't think you
19 can do that with the current warning, but why
20 bother. So we'll just change the language.

21 And this is, this is the really sort of

1 interesting controversial thing, it says
2 change 15 percent, change it from 15 and 30
3 percent to 10 percent and 20 percent. It
4 says if we're really yielding 10 percent
5 affordable units, right here, right now, we
6 don't need to have all this -- we can cut
7 back the density. If we're living
8 successfully with 10 percent, and that should
9 be looked at, and all this should be studied,
10 but if we're really living at 10 percent,
11 then we should just cut back the density
12 bonus 20 percent. And then it's -- there's
13 always some round off errors here. So this
14 just, this last point says, well, it's not
15 really. It sometimes is eleven and a half
16 percent. This language should clean that up.
17 So, this is really, this is really what I
18 struggle with is --

19 HUGH RUSSELL: Okay. Charles, you
20 had ten minutes for your presentation.

21 CHARLES TEAGUE: Okay.

1 HUGH RUSSELL: Ten minutes have
2 elapsed.

3 CHARLES TEAGUE: All right. I got
4 three more slides. Do you care?

5 HUGH RUSSELL: Do it very quickly,
6 please.

7 CHARLES TEAGUE: All right.

8 There's units gone forever. My
9 questions for CDD are here, how many HUD
10 units go away? Which are the pictures.

11 And the next one says of 1.5 affordable
12 units for every ten built to maintain a
13 current ratio, how's the 11.5 percent
14 working? How does the unit count go, and
15 let's get this before the public. And every
16 -- at the Ordinance Committee, every City
17 Councilor wanted clarity in the language to
18 make it consistent and not contradictory, and
19 they had a series of questions where they
20 wanted an actual data on all of this. So,
21 you know, all this stuff has to be done and

1 that's all. That's what this is all about.

2 Let's open the discussion.

3 Thank you.

4 HUGH RUSSELL: Okay, thank you.

5 Any questions from the Board members?

6 WILLIAM TIBBS: I have a request,
7 but I'll do it afterwards.

8 HUGH RUSSELL: Okay. Would anybody
9 like to be heard on this proposal?

10 Heather.

11 HEATHER HOFFMAN: Hi. My name is
12 Heather Hoffman. I live at 213 Hurley Street
13 in the land of giant developments, East
14 Cambridge, where we don't get the 15 percent
15 affordable units that we have been told so
16 many thousands of times by elected city
17 officials and other people that we're
18 getting, that if I had a nickel for every
19 time I could just leave.

20 So, I agree with the basic premise here
21 that first of all, we should we shouldn't be

1 playing around with the numbers. If we say
2 we're getting 15 percent, we should get 15
3 percent. If what we really want is something
4 else, and I worked out, if what we really
5 need is 1.5 for every ten, and it said 1.5
6 additional, so when you work that out, that's
7 actually 13 percent because 1.5 divided by
8 11.5 is 13 percent. We really ought to,
9 like, figure out what we want and then write
10 the zoning so that we get what we want.
11 Right now we play games. And we play really
12 annoying games. We actually have -- if you
13 read through this section, you will find that
14 what you can build as of right means one
15 thing at the beginning, and then later on it
16 means something else entirely different.
17 Either that or I have -- I can no longer
18 understand the English language because it
19 tells you 15 percent of what you can build of
20 right, and then later on the bonus. Well,
21 you can build it as of right over here, but

1 then over there it doesn't build as of right,
2 somehow it disappears and it doesn't count
3 for the 15 percent.

4 So what I think is that if intelligent,
5 reasonable people can't figure this out or
6 can't agree on what it means, then there is
7 something wrong, and it's not fair to
8 anybody. And it is certainly not fair to
9 those of us who need somewhere to live and
10 can't find it because the city isn't living
11 up to the promises that it's making to all of
12 us.

13 Thank you.

14 HUGH RUSSELL: Thank you.

15 MICHAEL BRANDON: Hi. I'm Michael
16 Brandon, 27 Seven Pines Avenue. Are you
17 confused? Because I am. And I think if you
18 sit down and read the existing section of the
19 Ordinance, you will still be confused. And
20 you folks are used to complex and dealing
21 with the City Zoning Ordinance, convoluted

1 and contradictory language. And I've been
2 aware of the problems with the wording and
3 the interpretation of this since it was
4 originally passed of the inclusionary zoning
5 provisions, although I support the principle,
6 I believe that the City Council made a
7 mistake when they originally adopted it and
8 created a 30 percent FAR and dwelling unit
9 density bonus at the start. What they should
10 have done, in my view, was at the same time,
11 citywide down zone by 30 percent or in any --
12 in any zone where these could be taken
13 advantage of these bonuses, because all of
14 those, all of the existing zoning was based
15 on land use studies. And it happened to come
16 in at a time when you say affordable housing,
17 and any kind of land use or planning or sorts
18 of things you heard about tonight, about
19 infrastructure needs, just went out the
20 window. They found there was a housing
21 emergency, there was a housing emergency

1 after rent control went out. There's still a
2 housing emergency, although perhaps not as
3 bad as it was. But the problem I've always
4 had with this was -- and I'm not a numbers
5 guy, but it seemed very clear in reading it,
6 as the previous speaker mentioned, that in
7 reading the Ordinance, you know, there seems
8 to be a very clear statement that no matter
9 what, you do all these calculations, at the
10 very end the total number of units that are
11 affordable at the end are 15 percent of, I
12 took it to be the final project. And we kept
13 up from being confused and Les Barber would
14 explain oh, well, we calculate it this way.
15 And the City Councilors, as was said, and
16 city officials brag about this 15 percent
17 bonus that isn't there.

18 So, what my suggestion was to a City
19 Councilor was why don't you just go and
20 wherever it says 15 percent in the Ordinance,
21 just, you know, file an amendment to make it

1 20 percent. And then, you know, the city
2 can -- the department can interpret it how it
3 wants. You know, but at the very end you
4 still come out roughly with the 15 percent
5 that's required.

6 The proponents who filed this, you
7 know, tried to -- I think maybe got suckered
8 into try to play the game.

9 Okay, I'll wind up because my time is
10 up. And I know you have other things on your
11 agenda. Just another point.

12 And the last point I'll make is I see
13 the staff made a comment, and this also came
14 up at the City Council's hearing, that there
15 is a concern that they had to properly
16 compensate the developer. And if you reduce
17 the amount or there was some sort of
18 calculation, it would compensate them fairly
19 for the provision of affordable housing,
20 otherwise it could be conceived as a taking.
21 I don't believe that applies. I reread the

1 state statute on Special Permits, and what it
2 provides is that the city can establish
3 Special Permits that grant bonuses in terms
4 of density, FAR, other number of units,
5 that's what a Special Permit's for. Where
6 you get the bonus if you provide certain
7 amenities whether it's a park --

8 HUGH RUSSELL: Michael, please, can
9 you finish up your remarks?

10 MICHAEL BRANDON: Okay. The point
11 is that nobody's telling them that they have
12 to, you know, take advantage of the bonus and
13 build that.

14 So, thank you very much.

15 HUGH RUSSELL: Thank you.

16 Is there anyone else who wishes to be
17 heard on this petition?

18 (No Response.)

19 HUGH RUSSELL: I see no one.

20 So should we close this for oral
21 testimony and leave it open for written

1 testimony?

2 (All Board members in agreement.)

3 HUGH RUSSELL: Bill.

4 WILLIAM TIBBS: In terms of
5 informational requests, I think the and I
6 can't resist commenting a little bit as I
7 make my request, but I think that I guess my
8 reaction is that we're focusing way too much
9 on 15 percent as a number. And I think it's
10 really what was the intent of the Ordinance?
11 Is it broken? Is it doing what we want it to
12 do? And should there be changes to it to
13 either improve that, or if that's the case,
14 and so I would like to see that best you can,
15 if can just give us some background
16 information. What's the base allowed in some
17 of the projects that we've done? I think
18 we've done a lot of them, so we may not have
19 to do all of them, but we might want to look
20 at that. What's the base of zoning allowed
21 in terms of FAR in units.

1 And then if you look at that base, if
2 you do the affordable allowance, what does
3 that give you? And most importantly, what is
4 it that was actually gotten? Because just
5 from my perspective, I think that one thing
6 that happens a lot here is that developers
7 will come with that maximum number, and
8 through the process of a Special Permit, that
9 number gets dropped so that it becomes a mute
10 point as to what the 15 -- if it turns out
11 they could have got three units, we only end
12 up with two because the whole project was
13 down zoned. Or, you know, that was known or
14 the density was made lower. And I might be
15 overreacting, so I just want to get a better
16 sense from the city as to what's allowable
17 both in terms of numbers and FAR. If you
18 added the affordable housing on any
19 particular project, if you added, what would
20 have been allowed and what did it actually
21 turn out to be? I think that would be

1 somewhat helpful as we try to sort this one
2 out. But the basic question I think is it
3 broken and is what's the intent?

4 And I must admit I was also confused
5 early on in trying to calculate it, but I
6 think the Ordinance is clear, it's how it
7 should be calculated. So the real question
8 is is there a problem?

9 JEFF ROBERTS: To clarify your
10 question, that's for all past inclusionary
11 projects that just the Planning Board has
12 seen or all past inclusionary projects?

13 WILLIAM TIBBS: No, I think, as I
14 said, we've had several since this has been,
15 so we might just want to get a sampling, but
16 obviously the sampling can go one way or the
17 other. For instance, I would be interested
18 in do we have projects where we actually went
19 to the max and it stayed there. Or do we
20 have projects that could have gone to the max
21 but didn't because the inclusionary numbers

1 definitely give you a number. But the real
2 question is what is the unit count that we
3 got after the whole process was done?

4 HUGH RUSSELL: My question is
5 somewhat facetious, which is there's a very
6 clear calculation procedure in the Ordinance
7 which I understand is not in doubt with the
8 Building Department or the Community
9 Development Department.

10 WILLIAM TIBBS: Correct.

11 HUGH RUSSELL: And it produces
12 approximately 11 percent of a new project.
13 So my question is what language can we put in
14 the Zoning Ordinance to teach the City
15 Council not to claim that that number is
16 anything different than what it is?

17 H. THEODORE COHEN: Well, my only
18 question, comment really, was for you, Bill.
19 I thought what staff did in their memo was
20 very clear and very helpful, and I'm just
21 hoping you're not asking them to go off and

1 create a lot, to research a lot more because
2 I think they're going to come out of this
3 evening with an awful lot of things to do.

4 WILLIAM TIBBS: And that's why I
5 said there's been a lot of stuff. I think we
6 need to have some real examples. Just a
7 sampling of how this works.

8 PAMELA WINTERS: Just a sample.

9 WILLIAM TIBBS: Otherwise it gets
10 theoretical and that's it.

11 CHARLES STUDEN: Hugh, I'm sorry --

12 HUGH RUSSELL: Go ahead.

13 CHARLES STUDEN: Variation I think
14 of what you just requested. I would be
15 interested in having presented changes to the
16 language that might clarify what's required
17 rather than actually changing the regulations
18 themselves, because I think that what this
19 regulation has produced over the last 12
20 years has been remarkable in terms of the
21 number of units and the economic benefit it's

1 provided to the city. So, and I think maybe
2 the confusion is around perhaps language
3 rather than actually the regulations
4 themselves. So -- and the intent, exactly.

5 HUGH RUSSELL: Perhaps there are
6 also, those of us who sat through it, we
7 understand some of the basic legal
8 principles. Maybe a brief discussion of how
9 it was we came to this bonus and this way of
10 dealing with it, which was in my recollection
11 entirely based on the opinions and studies
12 about how you could require people to make
13 affordable units in a way that was legal.
14 And withstanding clearly this Ordinance has
15 not been challenged, and what is it, a
16 thousand units have been built more or less?

17 So, you know, it's been -- apparently
18 it's legal.

19 JEFF ROBERTS: Just to correct that.
20 It's about 400 units out of --

21 PAMELA WINTERS: 400?

1 JEFF ROBERTS: Yes, about 3200 total
2 units filed under the inclusionary provision.

3 WILLIAM TIBBS: I think earlier when
4 we were focusing too much on the 15 percent,
5 I think that was a number to get at a means,
6 not necessarily a target number. It was a
7 number to get to the calculation that you
8 needed to say what was appropriate. But
9 hopefully you can explain all that to us when
10 you go back over that intent.

11 HUGH RUSSELL: Okay, are we finished
12 on this subject?

13 STEVEN WINTER: I would just like to
14 make a comment, Mr. Chairman, to close?

15 HUGH RUSSELL: Please.

16 STEVEN WINTER: And I'm speaking not
17 for the Board and not for the city, but in a
18 general way, I paid close attention to all
19 the presentations that the public brings, and
20 I -- it educates me and it informs my
21 perspective. But I would respectfully

1 request that the presentations not contain
2 the names of staff on the City of Cambridge
3 and comments that they may or may not have
4 made. There's a difference between the Board
5 and the staff, and this is an appointed
6 Planning Board. And I think that it's -- I
7 think that it's appropriate to quote any
8 Board member that one feels like quoting, but
9 I think it's inappropriate to bring staff
10 forward by name. So I just wanted to go on
11 record as saying that.

12 * * * * *

13 HUGH RUSSELL: Okay, thank you.

14 So, on the next matter I am recusing
15 myself because I'm working on a project which
16 I'm quite proud of with Matthew, who is the
17 construction project manager. So I will go
18 find my book and sit in a comfy chair.

19 According to the rules of the Planning
20 Board, if the vice chair is no longer
21 present, then the most senior member of the

1 Board will act as Chair. And Bill has that
2 honor.

3 WILLIAM TIBBS: Something about
4 being the most senior anything that gets to
5 you.

6 So would you like to give your
7 presentation?

8 MATTEW BAGEDONOW: Sure. Hopefully
9 I'll be very brief tonight and I'll get right
10 to the point. I'm Matthew Bagedonow. I live
11 at 118 Oxford Street. And we have put forth
12 a petition for a Zoning Amendment that asks
13 for an absolute distance for side yard
14 setbacks in C-1. There isn't one now in the
15 Zoning Code. It's done by formula.

16 Now, the Community Development put out
17 a memo that I got last Friday, which frankly
18 I thought was excellent. I hope I can give
19 kudos to people rather than name them in
20 particular, but I thought it was a very good
21 memo. And really it outlined a lot of the

1 points at which I'm not going to go through
2 because you folks can read it.

3 Let me explain what the genesis of this
4 amendment was and, you know, who we are. I
5 mean, we're just citizens. I'm not a zoning
6 expert. I'm actually an affordable housing
7 builder, but I leave that to developers to
8 work all that stuff out.

9 It happened that there was a project on
10 the corner of -- a building on the corner of
11 Oxford and Prentiss that was in disrepair for
12 a long time. It was a fairly large lot,
13 around 7500 square feet. The building itself
14 is about 3500 square feet existing. A
15 developer bought it and they're going to
16 develop it which, again, I don't really have
17 any problem with that. We didn't know what
18 to expect. There's an existing
19 non-conforming garage on the land which is
20 right on the property line, and we didn't
21 know whether they could build on top of that,

1 you know, who knew. So we went and looked at
2 the Zoning Code, and then we found out that
3 they're really given the -- what's called
4 calmly, the multiplane zoning that you can
5 actually push a building very close to the
6 lot line. And this seems strange to us.
7 Again, not knowing much about zoning, it just
8 seemed odd.

9 PAMELA WINTERS: Sir, what is the
10 residence of that?

11 MATTEW BAGEDONOW: C-1. I'm sorry,
12 C-1. I'm sorry, I should have said that. Of
13 course, you know, C-1 is probably the most
14 ubiquitous in the city. A lot of
15 non-conforming properties. I know in our
16 neighborhood there's a ton of them and some
17 of them are built literally with three feet
18 or next to nothing in between the buildings
19 built way back.

20 So we're not against the development.
21 I mean, we just want to make sure that we

1 get -- we wanted to make sure we had some
2 reasonable separation from it. Nothing out
3 of the ordinary. There is a minimum
4 seven-foot, six in B. And so, we looked at
5 that. And there's another piece in the
6 Zoning Code that says that you have to have a
7 minimum ten foot separation between any
8 building on the same lot.

9 Now, I'm a builder. And I also am
10 familiar with the Building Code, and there
11 may be other professional -- design
12 professionals here besides Hugh, I'm not
13 sure. But the new code tracks the legacy
14 codes, the sixth and seventh edition which
15 wasn't around very long. The sixth, the
16 fifth. I didn't check the fourth. I still
17 have that. I hadn't been around that long.
18 But the separations for fire are pretty much
19 the same on all the codes. It's a little bit
20 more restrictive than the current code. It
21 takes in all residential properties for any

1 type five building which is basically a
2 combustible building, which most of the
3 buildings in Cambridge are, wood frame. If
4 you are less than ten feet from the next
5 building, you need to have a one hour
6 separation, one hour fire separation. That
7 wall has to be a one hour fire rated wall.
8 You also can have no more than 15 percent
9 openings. That's doors and windows. If you
10 look at the average building, you know, a
11 three-family which the Community Development
12 used as an example, there's about 12 windows.
13 I don't want to get too much into this. But
14 anyway, it exceeds that, it exceeds that 15
15 percent. It's usually about 22 percent and
16 so on.

17 Also, there's no way that an existing
18 property is -- you can't make that person
19 upgrade their wall to a one hour wall. And
20 both properties have to have one hour walls.
21 So, what I'm -- what we're suggesting by this

1 is that the Zoning Code, aside from the fact
2 that it densifies the neighborhoods which is
3 I don't think is a good thing either, I think
4 it should track with the Building Code as
5 well, because it's unclear to me that that's
6 always something that's taken into account
7 when permits are issued. I don't know. But
8 I believe that it's important that it does
9 track.

10 STEVEN WINTER: Can I ask you to
11 just -- I lost you on that turn. Can you
12 just go back to that sentence and give it to
13 me again in a different kind of a way?

14 MATTEW BAGEDONOW: About which one?

15 STEVEN WINTER: The very last
16 sentence.

17 WILLIAM TIBBS: The Building Codes?

18 STEVEN WINTER: Yes, thank you.

19 MATTEW BAGEDONOW: Okay. There are
20 sections in the Building Code that require
21 minimum separations between the buildings and

1 they're related to fire safety.

2 STEVEN WINTER: Right.

3 MATTEW BAGEDONOW: So, a building
4 that is less than ten feet from the next
5 building has to have a one hour fire rated
6 wall. The one hour fire rated wall means
7 that if there's a fire inside that building,
8 it takes one hour for that fire to burn
9 outside that building. Also, they limit the
10 number of openings because clearly if you
11 have windows, that you're going to have --
12 those windows could break, they could spread
13 the fire. So it limits the number of
14 windows. And this has been around for a long
15 time. I'm sure it's been studied by many
16 people, you know, fire experts, fire
17 engineers, that this is the proper way to do
18 it. And it also has to do with the type of
19 the building which is a combustible building
20 in the code, it's called a type 5, of which
21 most of the buildings in Cambridge are.

1 So, with -- basically our point is that
2 the two things: It would prevent densifying
3 the neighborhoods any more than they are.
4 And, again, it's not against building. It's
5 not anti-, anti-development. And it would
6 also, I think, track with the Building Code
7 from a life safety and fire safety point of
8 view. So those are my two main points.

9 And, again, let me just go back one
10 more to say one more thing quickly.

11 In the petition I -- we put in that
12 there will be no projection would go beyond
13 that ten feet. The Community Development
14 memo was -- mentions things about possibility
15 of, you know, adding insulation to the
16 outside wall. I think that's all reasonable
17 to work that in. I mean, I see this as a
18 beginning of a discussion, not as any kind of
19 a, you know, this is what it is.

20 And I think, in conclusion, I think
21 that there's something -- I don't want to use

1 the word wrong. But I think there's
2 something inconsistent or in the code
3 currently that when I read that, again,
4 having been unfamiliar with the code, it
5 struck me, but familiar with building. Okay?
6 And that's what I have to say.

7 Thank you very much.

8 You know, the proposed change in the
9 language that no building and side lot in C-1
10 shall be built closer than seven foot, six to
11 a side lot and including any projections from
12 that building.

13 Okay, thank you.

14 WILLIAM TIBBS: Thank you.

15 Any questions from the Board?

16 Clarifying questions for the Proponent?

17 (No Response.)

18 WILLIAM TIBBS: Do we have a --

19 Li za's going to get it. No?

20 So is there anyone interested in
21 speaking on this matter? Go ahead. Give

1 your name and address.

2 JIM LOUTZENHISER: Sure. Yeah, my
3 name is Jim Loutzenhiser,
4 L-o-u-t-z-e-n-h-i-s-e-r, I'm at 62 Prentiss
5 Street in Cambridge. I'm also an abutter to
6 the Oxford and Prentiss Street development,
7 and I'll be very brief.

8 When we first found out that this
9 project was going to happen, we were
10 generally excited about it, but the current
11 property is delapidated. But when we went to
12 investigate, we -- I went to the Building
13 Department, and without naming names, I said,
14 you know, this developer we hear is planning
15 on tearing down this garage and building
16 potentially very close to the property line.
17 That's not possible; right? And he says,
18 actually, it is possible. And he said,
19 developers around the city have been driving
20 trucks through this loophole called the
21 multiplane analysis in the Zoning Ordinance.

1 So, you know, we went out, hired an attorney
2 to draw up this amendment, and we've since
3 actually come to a reasonable agreement with
4 the developer, but we feel like as a service
5 to the city, that other residents of the
6 city, they ought to know that this being --
7 when you're subjected to just a formula when
8 you look in the code, you have no assurance
9 whatsoever what's coming at you from a
10 developer or from a neighbor. It seems to me
11 that at least there ought to be a Special
12 Permit or something to, you know, to say that
13 there's going to be a minimum setback, and
14 then perhaps there's extenuating
15 circumstances that would allow you to go
16 closer. But there ought to be at least
17 something subject to some review.

18 Thanks.

19 PAMELA WINTERS: Can I ask you a
20 question?

21 JIM LOUTZENHISER: Sure.

1 PAMELA WINTERS: Was it the garage
2 or the building itself that they were
3 planning to move closer?

4 JIM LOUTZENHISER: What they're
5 doing is the existing house they are
6 converting to two fairly substantial
7 condominiums and largely keeping it in that
8 current structure. Then with the garage,
9 they're planning on tearing that down and
10 putting an additional separate structure
11 there. They have to have --

12 PAMELA WINTERS: A dwelling unit?

13 JIM LOUTZENHISER: Yeah, a dwelling
14 unit. And they have to have the ten feet
15 between it and their building. We were
16 worried they wouldn't have to have ten feet
17 between that building and our building. So,
18 we were, you know, extremely concerned and we
19 still don't know the answer to that. We've
20 worked something out with them, but -- and,
21 you know, we think they're honorable, and

1 that ought to happen, but we don't -- we have
2 no assurance from the Zoning Ordinance that
3 will it happen. So that's it.

4 PAMELA WINTERS: Thanks.

5 STEVEN WINTER: Mr. Chair.

6 WILLIAM TIBBS: I'm just wondering
7 if there are any other people to speak.

8 STEVEN WINTER: Oh, I'm sorry.

9 WILLIAM TIBBS: Anyone else who
10 wants to speak on this?

11 CHRISTINE PALAMIDESSI: I'm
12 Christine Palamidessi, P-a-l-a-m-i-d-e-s-s-i,
13 115 Oxford Street. And I'm going to say a
14 little thing, but the way the developer
15 explained something to me was that they were
16 going to shave off part of the existing
17 building and build a balcony and use that
18 square footage so that they could move back,
19 you know, they were going to take that square
20 footage and move it, use it on the other
21 building to take up space. So that just

1 doesn't seem like, you know, people should be
2 able to do that. You know, shave off space
3 here and, like, lift it up and move it like a
4 toy, like a Lego and plop it down next to the
5 property line so.

6 WILLIAM TIBBS: Michael .

7 MICHAEL BRANDON: You should get
8 paid by the character. Michael Brandon, 27
9 Seven Pines Avenue. I had a couple of
10 questions.

11 One is I just saw the staff memo just
12 now and actually I haven't read the petition,
13 but one question is is the proposal that's
14 before you, would it only apply in the Res C
15 districts or would it be citywide side yard
16 requirement throughout the city of at least
17 seven and a half feet?

18 WILLIAM TIBBS: I think the proposal
19 is for Res C only, C-1 only.

20 H. THEODORE COHEN: There are side
21 setback requirements in other districts.

1 MICHAEL BRANDON: And that leads to
2 my other question which is about Residence B,
3 which is mentioned in the staff memo. By the
4 way, I apologize for earlier, I realize that
5 I may have been the person who alluded to a
6 staff, a former staff member by name, and I'm
7 sorry for that.

8 But what the memo says is in Residence
9 B minimum side yard setback is 7.5. Both
10 sides must sum to 35 feet. And my
11 recollection is that it's -- the sum is
12 smaller than that. I think 20 feet?

13 JEFF ROBERTS: That was a typo.

14 MICHAEL BRANDON: How much is it?

15 JEFF ROBERTS: I believe it is --

16 MICHAEL BRANDON: I think it's 20.

17 PAMELA WINTERS: You know, I think
18 it's 20, too, but I could be wrong.

19 STEVEN WINTER: 20 also?

20 PAMELA WINTERS: 20 also. I'm
21 sorry.

1 JEFF ROBERTS: 20 feet.

2 PAMELA WINTERS: Is it 20?

3 JEFF ROBERTS: That's right. I
4 looked in the Ordinance, 20.

5 MICHAEL BRANDON: So there is a --

6 WILLIAM TIBBS: Thank you for that
7 clarifi cation.

8 MICHAEL BRANDON: There was a
9 guaranteed mi ni mum of seven-and-a-hal f feet
10 which to me, if it was a bui lding next to me,
11 I woul d thi nk was very cl ose. So, I woul d
12 support thi s peti ti on and hope that the staff
13 can di scover that there are other di stricts
14 where thi s same so-cal led loophol e might be
15 appl ied in other Res C di stricts. For
16 i nstance, that they're in all cases be at
17 l east a mi ni mum, you know, it might be a new
18 peti ti on, an addi ti onal peti ti on. But that
19 seems reasonabl e to me to protect any
20 abutter.

21 Thank you.

1 WILLIAM TIBBS: Thank you.

2 Is there anyone else who wishes to
3 speak? Go ahead.

4 DAN WALTER: Dan Walter at 116
5 Oxford Street, and I was part of the same
6 discussions with Matt and Jim that mentioned
7 before. And I just want to say quickly that
8 I think the staff memo actually highlights
9 one of the additional reasons we came up with
10 this in the first place, is that in a lot of
11 these areas the setbacks of the existing
12 units can be really small, and I'm able then
13 to get closer than the seven-foot, six
14 inches, sometimes that can really --
15 especially with some of the original
16 projections we're getting from developers,
17 get a very, very close, tight distance
18 between the two units. And that's just an
19 additional reason why we're writing the
20 amendment right now.

21 Thank you.

1 WILLIAM TIBBS: Thank you.

2 Anyone else?

3 (No Response.)

4 WILLIAM TIBBS: Should we close the
5 hearing for verbal comment, but we'll leave
6 it open for written comment?

7 (All Board members in agreement.)

8 WILLIAM TIBBS: And so we'll do
9 that.

10 Comments, you wanted to say something?

11 STEVEN WINTER: Could I get some
12 assistance? I want to get a visual on this
13 property, on this house. I know those
14 streets fairly well, but can somebody
15 describe it to me? Where we are with this
16 actual property that we're discussing on
17 Prentiss and Oxford?

18 MATTEW BAGEDONOW: Well, it's not
19 necessarily -- I mean, it's not right on the
20 corner of Prentiss and Oxford. Which side?
21 I guess it's on maybe would be the east.

1 CHRISTINE PALAMIDESSI: North.

2 MATTEW BAGDONOW: Southeast corner,
3 yeah.

4 PAMELA WINTERS: So if you were
5 going towards Porter Square, it would be on
6 the right or the left?

7 MATTEW BAGDONOW: It would be on
8 the right going towards Porter Square.

9 PAMELA WINTERS: Oh, okay.

10 WILLIAM TIBBS: And just use it as
11 an illustration, as an example.

12 STEVEN WINTER: Yes.

13 MATTEW BAGDONOW: We're -- again,
14 we think that this is a citywide problem.

15 WILLIAM TIBBS: Yes, yes.

16 STEVEN WINTER: Yes.

17 MATTEW BAGDONOW: Not just our
18 problem.

19 WILLIAM TIBBS: Any comments for
20 staff?

21 I guess my comments are, I think the

1 petition is pretty clear and your staff memo
2 was very helpful in bringing out the points,
3 so I think from my perspective, I think I
4 have enough to, once we start talking about
5 it, to do, to do it. And I think you did a
6 good job on the memo to help clarify.

7 CHARLES STUDEN: I agree with Bill.
8 I think this is complex, though, and what I
9 would want to see is some recommendations
10 from the staff that would address some of the
11 conflicts that you raise and the conclusion
12 of that memo in particular around the issues
13 of sustainability, because that's something
14 that I feel very strongly about and I'd hate
15 to see this conflict with that and preclude
16 and have those features and buildings because
17 of the setback requirement. So I think that,
18 again, the memo is good. And I think that
19 the public comment we've gotten has been very
20 helpful. If the staff could come back with
21 something, that would be helpful.

1 PAMELA WINTERS: Charles, what do
2 you mean by sustainability?

3 CHARLES STUDEN: That the memo that
4 we've received suggested that this proposal
5 could conflict with some of the sustainable
6 design and development provisions which
7 include design features intended to improve
8 the exterior insulation, which was mentioned
9 earlier, and reduce solar heat gain. And in
10 many cases those things project from the
11 exterior of the buildings and would violate
12 the setback requirement. You wouldn't be
13 able to do it which would be very sad.

14 H. THEODORE COHEN: If I could just
15 follow up from that. The memo already
16 mentions it, and I guess I don't see any
17 rationale for excluding projections since
18 they're not excluded anywhere else in the
19 city as I understand it. And I was wondering
20 if staff had any rationale why we might
21 wanted to exclude it.

1 WILLIAM TIBBS: Go ahead.

2 STEVEN WINTER: I simply -- I wish
3 to concur with my colleagues that have spoken
4 and congratulate staff also on the memo. And
5 I wanted to also mention that this issue of
6 intensification is very important. That the
7 devil's in the details. And I really think
8 that those details that we see as we walk
9 through the city are very, very important.
10 So I think this is a very serious issue and
11 it merits more discussion, more study. And
12 we're touching on a lot of great points.

13 WILLIAM TIBBS: I think one of the
14 things that the memo does say is that we've
15 got to be careful of any unintended outcomes
16 which I think you did bring in. And
17 unfortunately, you know, we have an awful lot
18 of non-conformity in the city.

19 PAMELA WINTERS: I was going to say
20 that, too.

21 WILLIAM TIBBS: And the Zoning

1 currently puts the burden on the person doing
2 new stuff to, you know -- they have to, if
3 the wall is close, they have to have an
4 appropriately fire protected wall and stuff
5 like that. But I think, as I said, we have
6 enough to discuss this when we do have our
7 deliberations.

8 So are we done for this one? Well,
9 thank you very much. And, Li za, you can tell
10 Hugh I'm glad to have him back.

11 * * * * *

12 HUGH RUSSELL: The next item on our
13 agenda is Charles Teague, et. al. Zoning
14 Petition to amend the Zoning Ordinance signs
15 and illumination.

16 Mr. Teague.

17 CHARLES TEAGUE: Okay. Just to --
18 and I apologize, guys, if I was inappropriate
19 using somebody's name. I spent so much time
20 talking with Les Barber and talking on the
21 phone the other day, you know, with Les and

1 Ranjit, that, you know, we have an
2 interactive relationship and, you know, not
3 just passing things back and forth. Anyways,
4 I'm just going to try to go really very
5 quickly through this. And the Zoning intent
6 seems clear that it says quality of life, and
7 it never says anything about shining lights
8 in your windows, but that seems very obvious
9 quality of life. And that's, and that's what
10 I don't like is everywhere I've lived in
11 Cambridge, I've had people shining lights in
12 my windows. And I've been working with
13 Ranjit since 2005.

14 We had a meeting in the Health
15 Environment Committee in February 2009, and I
16 know we're not going into the details right
17 now, but I'm just setting it up once again.
18 I don't know how to change my presentation so
19 quickly.

20 So, anyways, well known health issues.
21 And it's a torture technique. And we had

1 Councilor Davis and Seidel and Kelley with a
2 guest speaker from the Dark Sky Organization
3 and they recommended a Zoning Amendment. And
4 Les Barber was there and he discussed it.
5 And I recited how it's not at the current
6 Zoning, Cambridge Zoning Ordinance is not
7 enforceable. And Ranjit was there, and he
8 didn't dispute it. And this is what I look
9 at on my street. And this is, and this is a
10 wall pack. And this is actually a low stone
11 wall pack. And these are big wall packs and
12 they shine in my living room. And when I
13 complained, they added a third one up even
14 higher. And what's sort of interesting off
15 to the left here are these 400 watt metal
16 headlamp lights, which actually when I look
17 around Cambridge, there's a lot more of
18 these. And these actually had enough spill
19 so I can read a newspaper in my backyard.

20 This is -- this is out my back window.
21 This is Fawcett Oil Light. It took a year to

1 get it down that much. That's on the dance
2 studio. It's more impressive, you know, on
3 my screen than you see here.

4 This is from my kitchen window. But,
5 it's all there already in the Zoning
6 Ordinance. It says -- it says, reduce glare.
7 And it talks about abutting properties. And
8 then -- and these are all about parking
9 facilities on this. It's all here. It's
10 glare. Being especially careful of
11 residential abutters. And then prevent
12 direct light. The unfortunate thing is that
13 when the Building Department goes, they throw
14 up their hands and go, well, there's no
15 definition. And so we have it even here in
16 the sign area of the Ordinance, indirect.
17 From direct light. And then we have more
18 protections for some of the residential
19 areas. And then down here under the
20 illumination we have its own little section
21 of the Ordinance. Continuous indirect

1 installed prevent direct light. And so they
2 go, well, we need the definitions. And what
3 we want to do, or at least what I want to do
4 is make it easy. So it's difficult now for a
5 citizen to document and report. Taking
6 pictures of the lights at night are sort of
7 tricky.

8 The Dark Sky model zoning is extremely
9 complicated. It's really cool. It's 40 plus
10 pages. You have instruments and calculations
11 and inspectors working at night. And then
12 they have some simple language, and that's
13 what I took. And I wanted no instruments
14 other than a camera be able to do it in the
15 daytime. Pick the low hanging flute. We're
16 only going after the nasty lights here.
17 We're not trying to cover up light which is
18 what these guys are really about. And
19 reflections. Just make a series of small
20 changes.

21 So, and I reviewed this language with

1 the Dark Sky people, and so we have a
2 definition of glare which is their language.
3 And then we -- and then I discussed this on
4 the phone with them. And we give an
5 enforcement one. So if you can see the light
6 bulb or the lens, it's causing glare. It's
7 very simple and they're very experiential.
8 And then you have to define -- they use them
9 for -- they invent the term luminaire to have
10 a lighting fixture. And then really what we
11 have to do is exclude the holiday lighting
12 like we do already in 7.20. And then you
13 exclude illuminated signs because they're
14 actually a light source as well. But they're
15 permitted. And we have to define what a lamp
16 is. And that's exactly from their material.
17 And then we just -- we put some restrictions
18 on how far away you can be, because this is
19 basic zoning language.

20 And then really here's the point. It
21 says: Prohibiting light from entering the

1 property -- from entering the windows or any
2 opening. Just make it very simple. So you
3 take a picture of the light like that at
4 night, but you can see it in the daytime,
5 that's going to cause glare because you see
6 the lens. And you look at these guys and
7 they're going to cause glare. And we're
8 already complaint driven. And there's a lot
9 of, lot of easy fixes. Just a little paint,
10 a little shield. There's the appeal process
11 in the BZA which is quick, inexpensive, and
12 simple. And hope and now we can have ISD,
13 you know, save everybody a lot of time and
14 trouble by catching it very early on and it
15 becomes very inexpensive.

16 This is, these are some really big
17 lights on Walden Street. You probably
18 experienced that over by Masi's Hardware.

19 This is a problem for one of my
20 neighbors. And this is an existing -- they
21 went through and had a retrofit baffles to

1 these. But it was obvious that it was going
2 to cause a problem.

3 So there is more Dark Sky material. It
4 would be really nice to do a lot, a lot of
5 stuff but we've been at this for a long time.
6 So, it's a public health issue. It's a
7 quality of life issue, and the basics are
8 already there. So I promised to be really,
9 really quick and here we are.

10 Thank you.

11 HUGH RUSSELL: I actually have a
12 question for you. Is your intention to
13 impose these requirements on all existing
14 lights in the city?

15 CHARLES TEAGUE: Yes. And as I
16 said, the implementation is complaint driven.
17 So it's only the lights that are bothering
18 somebody and have been bothering them for
19 years. So this is -- and the laws are
20 already on the books, they're just missing a
21 few pieces. So the laws are already there.

1 The intent is already there.

2 HUGH RUSSELL: Okay. I just wanted
3 the yes or no.

4 CHARLES TEAGUE: Sorry.

5 PAMELA WINTERS: May I ask one
6 question, too?

7 Charlie, were the lights over the dance
8 studio bothering you? Because --

9 CHARLES TEAGUE: No, because I don't
10 spend much time -- I'm on the third floor.
11 So I have a different angle. I took a
12 picture to -- I'm trying to give -- I just
13 walked around my neighborhood to grab quick
14 pictures.

15 PAMELA WINTERS: Okay. I just have
16 to tell you because I took dance lessons
17 there and it's all, you know, little girls
18 and women taking -- basically taking lessons
19 there, and it's a matter of security to have
20 really -- in fact, I thought the lighting
21 there was less than it should have been for

1 security when the kids came out at like nine
2 o'clock and ten o'clock at night.

3 CHARLES TEAGUE: Actually, during
4 this entire process I had the city
5 electrician and I was trying to get him to
6 install streetlights on Tyler Court which
7 would have -- what they're trying to do is
8 light these giant parking lots. And I said
9 well, no, we have city property here. We
10 have power in Linear Park, can't we very
11 simply get a pole and have a real street
12 light here? There's many different ways to
13 skin a cat and sometimes it's surprisingly
14 inexpensive. So that's, that's sort of my
15 point, is that sometimes you can just put the
16 lights or tilt them or do this a little of
17 that. Sometimes it's a very quick solution,
18 and sometimes it's actually up to the city.
19 It's our responsibility.

20 PAMELA WINTERS: Okay, thank you.

21 HUGH RUSSELL: Any questions at this

1 time from the Board?

2 (No Response.)

3 LIZZY deRHAM: Yes, I'm Lizzy
4 deRham, 20 Middlesex Street. One of those
5 pictures was the Vineyard Church which is
6 across the street from me, and just so you
7 know, that particular light, which was
8 totally unnecessary, is extremely bright, has
9 come in my bedroom for years, and it is
10 between two city streetlights. It's just
11 back of two city streetlights that negated
12 any need for it to begin with. And there's
13 been no action about even turning it down.
14 So, this really is a problem. It would be
15 great if something could be done.

16 HUGH RUSSELL: Okay, thank you.

17 James Williamson.

18 JAMES WILLIAMSON: Thank you. James
19 Williamson, 1000 Jackson Place. Thank you.

20 Having made it back here now from the
21 designing center, I live right down the

1 street from the church that was described,
2 and I'm very sympathetic to the concern. I
3 have two -- there are two pieces to this that
4 come to mind.

5 One, is where I live, which is in
6 Cambridge Housing Authority property, and I
7 would wonder where the jurisdiction of this
8 kind of issue would be drawn? But recently a
9 lot of what's been happening at Jefferson
10 Park is a lot of what I'm not convinced are
11 necessarily very thorough going approaches to
12 public safety issues which entail dozens of
13 surveillance cameras and changing the lights
14 similar to some we just mentioned, which turn
15 out to cast extremely unpleasant light. And
16 I guess it could be called glare. So the
17 idea of getting the language better and
18 getting the understanding better and then
19 beginning to proceed to what would be a
20 sensible, enforceable, which is extremely
21 important, regulation is a good one. How

1 many seconds do I have?

2 HUGH RUSSELL: Just back away.

3 PAMELA WINTERS: Right, if you could
4 back away.

5 JAMES WILLIAMSON: I'm doing it
6 again. Or push --

7 HUGH RUSSELL: Push the mic away.
8 You keep leaning.

9 JAMES WILLIAMSON: So this new
10 lighting was put in and it's just atrocious,
11 and so I'm sympathetic to it, but of course I
12 would wonder would we be lucky enough to have
13 this apply to as individual tenants within a
14 larger property, for example, that of the
15 Cambridge Housing Authority. The other
16 example that comes readily to mind is the new
17 TD North branch in Central Square which some
18 of you may be familiar with. And if you
19 happen to be there at night, and they have
20 redone all the brick in a strange way and
21 sort of kind of give it this different look.

1 And it's got very, very strong illumination,
2 the sign and additional lighting, and it does
3 change the quality of the experience of being
4 in that area in Central Square in ways that I
5 think some might find noteworthy and even
6 disconcerting. And, therefore, that would
7 be -- I don't know how this fits in. I want
8 to thank Charlie for -- Charles for his work
9 on this, and the other issues for
10 illuminating this issue. But, you know, so
11 there's an example, another example where how
12 does this, how might this -- is this part of
13 what is being considered? Is this the kind
14 of lighting that could be considered?
15 Because I'd like to think it might be. And
16 then there is the issue of people who just
17 leave all the lights on in buildings that are
18 seemingly not occupied late at night, as
19 happens all the time adjacent to the North
20 Cambridge Catholic cemetery in a building
21 that runs along opposite the railroad tracks

1 from the Bellis Circle site that you were
2 considering earlier. There's a long building
3 there with very bright lights left on all
4 night for reasons I don't understand.

5 So thank you.

6 HUGH RUSSELL: Does anyone else wish
7 to be heard?

8 COUNCILLOR CRAIG KELLEY: Good
9 evening. My name is Craig Kelley. I live at
10 Six St. Gerard Terrace and this zoning
11 proposal seemed less controversial and more
12 appropriate for me to comment on
13 particularly, and I think that you have an
14 opportunity that we're unlikely to have to
15 figure out how light works best peacefully.
16 And what made me think of it really was
17 Mr. Williamson's comments, where he lives and
18 so forth. I've been to a lot planning
19 meetings about different housing developments
20 and so forth, and the balance between
21 security and lighting is one that I think a

1 lot of people don't quite understand. And we
2 think things that are bright are safe, that's
3 not necessarily the case. And ideally you
4 all would figure out a way to have these
5 discussions. Because I've been so some of
6 these meetings for some large development and
7 it's, it reminds me of when I was in the
8 Marines, they were setting up defensive
9 positions and stuff. And that's not what
10 living in Cambridge should be about. And I
11 think a lot of it starts with how you look at
12 lighting and how you look at security. And I
13 think the group of you is going to be
14 uniquely qualified to have that discussion in
15 a very productive way.

16 Thank you.

17 HUGH RUSSELL: Thank you.

18 Does anyone else wish to be heard?

19 UNIDENTIFIED FEMALE: Could I add
20 one quick comment?

21 HUGH RUSSELL: I'm sorry, no.

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Sir.

JOHN WALKER: John Walker, 150
Whittemore Ave., Cambridge. I'd like to
speak in favor of the proposal. I think
Charlie's solution to the problem is
relatively simple that he's trying to
eliminate the source of the glare, not the
illumination of the intent of the user. I
live next to One Alewife Center which is a
four-story office building and my shades are
always drawn in the bedrooms because I'm
facing six-by-six windows. They're
illuminated 24/7, and they have a tremendous
amount of foot candles so much that you can
read in the house with no lights on. That
his petition wouldn't help me because I can't
see the source of light, it's just that the
light is spilling out, but they also light
the building. And when you see the source of
the light, I'm looking at a light as I speak
that I can see the source and it is, it's,

1 you know, it looks like a starship coming in
2 or something. But that's all over W. R.
3 Grace's property. And when I go out at
4 night, I like to look at the big dipper and
5 try to see a satellite that might be going
6 by. And in Cambridge it's almost impossible
7 because the ambient light is just incredibly
8 bright.

9 The other concern that I had was --
10 gone.

11 STEVEN WINTER: It's all right. It
12 will come back.

13 JOHN WALKER: I'll remember it as
14 soon as I leave the building. But in any
15 case, I am in favor of the proposal.

16 WILLIAM TIBBS: We get the gist.

17 HUGH RUSSELL: Does anyone else wish
18 to be heard?

19 Michael .

20 MICHAEL BRANDON: Thank you. Again,
21 for the record, I'm Michael Brandon, 27 Seven

1 Pines Avenue. I share Mr. Teague's concern
2 about this problem. And, in fact, many years
3 ago I was invited to a property he used to
4 own and can verify also what Mr. Walker just
5 said, that when these strong lights, intended
6 to illuminate parking lots, shine into
7 adjacent residential windows, you can
8 actually be inside the property and read by
9 the brightness. So the other thing, and I
10 think it was at that time that I called to
11 his attention, the various sections of the
12 Ordinance that he alluded to, that apparently
13 are unenforceable or vague enough that
14 Inspectional Services chooses not to enforce
15 them. So I think some sort of clarifying
16 definitions to allow, you know, what was
17 clearly the City Council's intent to stop an
18 egregious instance of this need to be done.
19 But I also agree with Councilor Kelley that
20 it's a complex issue, and finding the right
21 balance and finding the right language to

1 impose restrictions and perhaps some
2 additional study by the staff as far as what
3 other cities and towns do, might help to
4 inform your considerations; that might be
5 something you might want to ask them to look
6 into. Because I, some of the language here I
7 think needs adjustment, you know, and even
8 clarifying private property versus public
9 property, streetlights and so forth. So
10 thank you.

11 HUGH RUSSELL: Thank you.

12 Does anyone else wish to be heard?

13 (No Response.)

14 HUGH RUSSELL: Okay. Shall we close
15 the hearing for oral and leave it open for
16 written?

17 (All Board members in agreement.)

18 HUGH RUSSELL: Okay. Ted.

19 H. THEODORE COHEN: Well, thank you.

20 My questions or comments are really directed
21 to staff, and maybe you need to speak to

1 Inspectional Services. I mean, I'm all in
2 favor of definitions so that people know what
3 they can and can't do and to clarify what's
4 in the Zoning Ordinance. I certainly don't
5 know the Dark Sky people, but I think that a
6 lot of what's here is just impossibly
7 subjective and not worded really well to be
8 clear to anybody who needs it or works with
9 it. And so my concern is to have some
10 understanding of what the issues really are.
11 What the enforcement issues are, what the
12 problems are. And then I don't know whether
13 staff or City Solicitor's office works on
14 trying to come up with definitions that
15 address the problems.

16 And then one comment I wanted to make
17 in response to what some people commented on,
18 other than for signs, Zoning cannot address
19 what goes on inside the building or structure
20 other than the use. And so if people have a
21 problem with a neighbor's light shining into

1 thei r property, I don' t think there' s
2 anything, we or the ci ty, can do about that.
3 I mean, it' s an exteri or l ight, perhaps we
4 can address that. But, you know, I really
5 like to know what is percei ved to be the
6 probl em and the enfor cement probl em and, you
7 know, what staff or Council thi nks is the
8 best way to go about to address it.

9 HUGH RUSSELL: Steve.

10 STEVEN WINTER: Thank you,
11 Mr. Chai r.

12 My comments are al so di rected to staff.
13 We heard what I thi nk is a very i nteresti ng
14 and a very thoughtf ul comments from
15 Counci ll or Kel ley; how do we understand more
16 about how l ight works as a securi ty factor,
17 as a securi ty i ssue? And my guess is that
18 there' s a l ot of thi ngs out there on thi s,
19 but that' s very, that' s a very i nteresti ng
20 poi nt. I al so wanted to say that we need to
21 deci de i f addi ti onal , si gni fi cantl y more

1 restrictive language is really required or
2 are there other ways to address this issue?
3 And I'm not saying that I know. I would also
4 like to know how do other similar
5 municipalities enforce a lighting ordinance?
6 And is there a cost to it? Not that we're
7 willing to pay it, but what does it cost?

8 And then I also think -- we may not be
9 able to peg this, but is there a level of
10 ambient light in an urban environment that is
11 just always going to be there no matter what
12 we do? And what is that level? To maybe
13 give us a baseline of something to say well,
14 this is what we want to aim for. You know,
15 we can do -- we can make adjustments and make
16 things happen, but at some point we have to
17 say we live in a dense, urban environment and
18 we're never going to see the stars. I mean,
19 that's just the way it goes. But you know
20 what, I might be wrong. So I think we need
21 to learn more about it.

1 And then the last thing I wanted to say
2 is -- oh, I hope I can remember this. Oh,
3 yes. Is there another forum in Cambridge
4 where this would be more appropriately dealt
5 with? Is there a sustainability or energy
6 group or green technology or a clean
7 technology group where these kinds of
8 questions really may be better looked at in
9 terms of the sort of equipment that we're
10 using and the kind of technology that we're
11 purchasing? And that's what I have to say.

12 HUGH RUSSELL: So if you want to get
13 the LEED point for light pollution you have
14 to show that no light fixture in your
15 property, either inside the building or
16 outside the building, has the light level of
17 greater than I think it's one-tenth of a foot
18 candle beyond your property line. If you
19 want to get a Special Permit in your project
20 in a South Shore Tri-Town Development
21 corporation, firmly known as the Naval Air

1 Station, you have to show them a photometric
2 plan of your lighting that also meets that
3 same standard. So there are techniques that
4 apply to new construction and it's really a
5 question of trying to find what techniques
6 apply to the city. My, you know, this is one
7 of my nuances of urban life. My next-door
8 neighbor for over 40 years has had his two
9 car spotlights shining on where he parks his
10 car and, you know, it's like 100 feet away
11 and it's only 150 watts but, you know, it's
12 annoying. And when somebody leaves a
13 classroom light on next-door to the school
14 next to me, it's blinding. And so, on the
15 other hand, I live on a private way. And if
16 the only light on that private way is given
17 by the houses that abut it, and so, that
18 seems standard if applied to, you know,
19 Catherine's house would mean that when I get
20 home tonight, I'm going to be walking up a
21 very dark sidewalk. This is a highly

1 emotional issue. It's a technical issue.
2 And it's difficult. But if we want or
3 concerned about the quality of light in our
4 city, it's one that we have to try to see if
5 there's something we can do. And the other
6 issue and the other two questions to
7 Mr. Teague is what do you do about the 3,000
8 wall packs that are existing in the city now?
9 Are we going to make regulations that says
10 I'm complaining, and I like that part of the
11 argument very much.

12 STEVEN WINTER: What part was that?

13 HUGH RUSSELL: The part that says
14 that it's a complaint driven process. So
15 that we're not having the city inspectors
16 going around the city going around and
17 looking at these houses. But there's a forum
18 that says I don't like your wall pack that's
19 shining in my living room, put up a shield.
20 But anyway. Trying to find ways that where
21 it had been adopted successfully in other

1 ci ties and towns, and I'm thi nki ng Newton
2 maybe and some, you know, some sort of fancy
3 urban-i sh places around here that may be
4 ahead of us on thi s i ssue. That mi ght be
5 i nteresti ng.

6 Bi ll .

7 WILLIAM TIBBS: Thank you. I do
8 agree wi th you. I don' t want to get us,
9 parti cul arly thi s late time, to get i nto too
10 much on del i berati on on thi s one, but I agree
11 wi th everythi ng peopl e sai d. I can say that
12 one of the most enl i ghteni ng thi ngs I' ve ever
13 done i n one of my, one of my former empl oys
14 was to wal k wi th a very tal ented l i ghti ng
15 consul tant at ni ght on a campus and l ook at
16 thi s i ssue. And i t turned out that, and that
17 j ust goes to Counci ll or Kelley' s i ssue, there
18 real ly are sol uti ons that work. The real
19 questi on i s i s i t workabl e and enforceabl e
20 for existi ng stuff. Because new stuff you
21 can do or anybod y who wants to put i n new

1 fixtures, it just works. And the proponents
2 were good because glare is the issue. And
3 not just the definition of glare, and glare
4 is -- when we did that walk-through, we had
5 all sorts of demonstrations of good and bad
6 glare and how it works and what a fixture
7 needs to do in order to deal with it. That
8 tended to be a more -- and it was overall
9 security and safety. There's a common --
10 very, very common feeling that to be safe you
11 need more light, and it's exactly opposite.
12 The light just needs to be directed to where
13 you want it. It gets more problematic when
14 you get off of eye level and when you're
15 walking around and when you're there every
16 window in everybody's house, it gets more
17 problematic. It's complicated, but I think
18 the real issue is what are those things that
19 you can do? What makes it enforceable and
20 workable and to what extent, in which you
21 were getting at Hugh, to what extent with

1 existing stuff, you can sort that out. I
2 just have to say, though, that I have a nice
3 city light that shines in my window every
4 night. So, city streetlight, so it is an
5 interesting issue.

6 HUGH RUSSELL: I mean, I bet on that
7 one, you can call up the city and say, put a
8 shield on it.

9 PAMELA WINTERS: Right. I bet they
10 will. Yes, they will.

11 HUGH RUSSELL: Pam.

12 PAMELA WINTERS: I just wanted to
13 mention that the light, I think that you
14 mentioned, Charles, here, I think it's --
15 they were put in recently within the last few
16 years to save energy. I think they're a new
17 form of energy saving lighting if I remember
18 correctly. And, Stuart, do you remember that
19 when they were put?

20 STUART DASH: We put some in on
21 Inman Street.

1 PAMELA WINTERS: Okay.

2 STUART DASH: And Inman Square, so
3 I'm not sure.

4 PAMELA WINTERS: I think there were
5 a couple here, too, because I remember Beth
6 and I discussing it. And I thought that, you
7 know, that the older lights -- I liked the
8 color in the shine of the older lights
9 better, but these save a tremendous amount of
10 electricity for the city.

11 STUART DASH: Certainly we're aware
12 of those issues so we can blend those in with
13 those discussions.

14 PAMELA WINTERS: Okay. Thank you.

15 HUGH RUSSELL: Okay, we're concluded
16 with this.

17 * * * * *

18 HUGH RUSSELL: And we'll go on to
19 the final hearing of the night. The deRham,
20 et. al. Zoning Petition to amend the
21 Ordinance enforcement section.

1 CHARLES TEAGUE: Charles Teague, 23
2 Edmunds Street. We're going to be very, very
3 quick as usual, and as usual it's not in the
4 order that's been suggested, but here we go.

5 This is a prototype problem. It's a
6 year six of development, and it's just piles
7 of stuff next to people's homes. They can't
8 open their windows in the summertime. Of
9 course, this is wintertime, you can see the
10 snow.

11 This fence was part of traditions of
12 the Special Permit of the Variance. It's
13 actually supposed to be on top of the
14 concrete wall, but there you have it. But
15 nonetheless, people are -- it's for rent.
16 There's people living there. And so, the
17 neighbors came to a community meeting in
18 2010. I said well, we can clean this up in
19 two weeks. And it was eleven months and tens
20 of thousands of tax dollars spent by going to
21 court. No fines were possible, and tenants

1 were still living there. And none of the
2 affordable units are on-line. So we trust
3 the Building Department because they -- here
4 they are. They're -- let me see, so the
5 Superintendent of Buildings is to my mind
6 Ranjit and he's, he has responsibilities
7 defined in the Ordinance. And there's an
8 appeal process in the Ordinance. He's
9 responsible to the Commonwealth of
10 Massachusetts and the Building Code which is
11 all about safety for everybody. And we're
12 all alive because of this. And it's also the
13 sanitary code which is why we're alive. And
14 then Ben who is also the chief enforcement
15 officer of the Zoning Law. And they can
16 already enforce sanitation, noise, refuse,
17 dumpsters, graffiti, sidewalks, and even
18 horse riding on the sidewalks.

19 Tickets, we all get tickets; right?
20 Traffic tickets, parking tickets, scratch
21 tickets, snow removal tickets, only by DPW.

1 But the building inspectors are very, very
2 limited tools and, you know, there has to be
3 construction for it to be the -- for the stop
4 work order to be useful. Other than that
5 they hire a private attorney. They have this
6 very long process because this process really
7 doesn't work. There's -- people in the room
8 have -- we've all gone through this process.
9 And you go to the magistrate, and they give
10 more warnings and the complaint issues and
11 there's a prosecution. And the city is
12 paying a private attorney for this. And it
13 eventually will work.

14 So two improvements, we maximize the
15 fines to maximize effectiveness. And we give
16 the Commissioner the authority to do his job.
17 It's common sense. And I meet Bob Bersani,
18 and I know Ranjit, and they already exercise
19 restraint and process fairness, and we have
20 the appeals process built in. It's quick and
21 extensive and simple. And so the specifics

1 are change from \$100 to the maximum specified
2 in the underlying state law. And two, from
3 conviction to the discretion of the
4 Superintendent of Buildings. And the -- on
5 the Ordinance Committee sent this back to the
6 Council so we're just trying to get rid of
7 stuff like this. I mean, get rid of the
8 obvious stuff.

9 This is where they paved over the
10 entire front yard so they think they can put
11 mulch down and that's okay. And there's the
12 old mulch trick for parking within the front
13 yard setback.

14 Here's parking on the green open space.

15 Here's parking after going to the BZA
16 and trying to get a Variance to park here and
17 he didn't get it, so he's parking there
18 anyway. And he's not shoveling the sidewalk
19 but we can fine him for that.

20 Here's the guy that dug up -- it's the
21 absentee landlord, dug up the green open

1 space and paved it over and then asked for a
2 curb cut.

3 Here's the Silver House you guys asked
4 about. Undersized lot on Res B. They sold
5 it. They built a 16-foot wide house.
6 Started it, and just threw out the basic
7 structure. They did get a stop work. That
8 was obeyed. But the tear down order was not,
9 and the neighbors sued for years. Graffiti,
10 blue tarps, kids, animals, exhaustion,
11 settlement. Sort of the stages of grief. So
12 there we go. I don't know. It's too late,
13 we should all go home.

14 H. THEODORE COHEN: I have a
15 question. Has the Solicitor's office looked
16 at this?

17 JEFF ROBERTS: Yes, they have. They
18 have been -- we've discussed it. What
19 they've advised is that essentially what's
20 being proposed is a concept, a non-criminal
21 disposition of fines for a Zoning offense is

1 something that is within the power of the
2 City Council to authorize. They would like
3 to look at it a bit further, and the City
4 Council did forward an order to the City
5 Solicitor's office to look specifically at
6 the language and the mechanisms that would be
7 required to do that.

8 H. THEODORE COHEN: All right. That
9 was my concern, because I think there is a
10 state statute allowing for a non-criminal
11 disposition, and then there's provisions for
12 criminal dispositions that I just don't think
13 upon the discretion of the superintendent
14 would comply with the state standards. And
15 so I just want to see what comes out the
16 Solicitor's office.

17 JEFF ROBERTS: Right, I believe that
18 the City Solicitor had with the community.

19 CHARLES STUDEN: I'd agree with that
20 question because that was what I was
21 concerned about as well. I would be

1 interested in the city attorney's opinion on
2 it.

3 I'd also like to know what is the
4 maximum specified in the Mass. General Laws
5 Chapter 40A? What would it be? It's \$100 an
6 hour.

7 JEFF ROBERTS: The last I checked
8 that which was a few weeks ago, it was \$300
9 per day, yes.

10 STEVEN WINTER: Mr. Chair, are we
11 having -- entertaining public testimony?

12 HUGH RUSSELL: We will in due
13 course. Has that time arrived?

14 Would anyone like to speak about this
15 petition?

16 Lizzy deRham, it's your name on the
17 petition.

18 LIZZY deRHAM: I would ask to head
19 the petition and I was happy to do that. 20
20 Middlesex Street. I'm a very close neighbor
21 of that particular example. And one thing

1 which I did forget to say before, but it
2 applies in this case, and I think that this
3 informs a lot of what is important about the
4 city somehow expediting ways to get problems
5 resolved, is that there's so much stress
6 involved in these situations. There are
7 health concerns, there are stress concerns
8 which leads to other problems. And it
9 definitely affects the quality of life in the
10 City of Cambridge. So I think it's really of
11 paramount importance that things are
12 simplified, expedited, and we have, you know,
13 reasonable solutions available to citizens,
14 because people who are determined to break
15 the law or determined to get what they want
16 by holding neighborhoods hostage and people
17 hostage, really need to be stopped. And just
18 common sense ways. I think it would help the
19 city tremendously.

20 So, thank you.

21 HUGH RUSSELL: Thank you.

1 Heather.

2 HEATHER HOFFMAN: Hi, my name is
3 Heather Hoffman. I live at 213 Hurlley
4 Street, and I'm here to speak in favor of
5 this petition. In my neighborhood we've had
6 various zoning violations and other related
7 violations. Like, for example, the Noise
8 Ordinance. And I would point you to an
9 important lawsuit against the City of
10 Cambridge, this relating to the Noise
11 Ordinance, that should make you think about
12 why we want to have ways to enforce things
13 other than going to court. The Idenix
14 corporation has been a very noisy and
15 unpleasant neighbor to a lot of people, and
16 they finally went to the Licensing Board and
17 the Licensing Board told Idenix to be quiet.
18 And Idenix said you can't make us. And the
19 City said, sure we can. And Idenix went to
20 court and said, you know what, there's no
21 enforcement mechanism in the law, you can't

1 make us. That's a really lousy way to run
2 things. And it creates things like
3 St. John's. It creates things like one of my
4 neighbors who was next to One First Street
5 that had signs up everywhere that said you
6 can't start work until seven a.m. And so I
7 guess that the construction workers just
8 didn't bother to look at them because they
9 started work before seven a.m. everyday.

10 We have all of these things going on,
11 and without a real enforcement mechanism.
12 And I would submit to you that this is an
13 insufficient enforcement mechanism, because
14 without the ability to do something other
15 than issue a fine, you can't actually make
16 them pay without going to court. And as I
17 recall, Councilor Toomey raised this with
18 the snow tickets, and he wanted to find a way
19 to put liens on the property to enforce the
20 snow shovelling. And I would suggest that
21 since this is also real property based, that

1 that would be a really good mechanism to put
2 in there, because otherwise people just thumb
3 their noses at us. And, you know, just
4 because they're bad neighbors, you know, we
5 really ought to be able to make them live
6 like civilized people.

7 Thanks.

8 HUGH RUSSELL: Thank you.

9 Councilor Kelley.

10 COUNCILLOR CRAIG KELLEY: Thank you.

11 My name is Craig Kelley. I live at Six St.
12 Gerard Terrace. I think this also is a
13 Zoning Petition where you can have a much
14 more useful conversation. One of the
15 frustrations we get is exactly what you hear
16 from some of the people that spoke already.
17 And I mean, I feel absolutely helpless, and
18 I'm just simply not knowledgeable enough
19 about this stuff. And I think as a body, the
20 Council really isn't either, to figure out
21 the best solution. And we're probably not

1 the most effective way to get there. And I
2 suspect that you all can get us very, very
3 close in that way. I mean, you walk around
4 St. John's and you see what the neighbors are
5 putting up with. And I'm just kind of lost.
6 And we're gratified by the enormity of the
7 challenge, but it doesn't make it go away by
8 the people who are impacted. I'm desperately
9 asking for you to solve this problem for me.

10 So, thank you much.

11 HUGH RUSSELL: Does anyone else wish
12 to be heard? Michael.

13 MICHAEL BRANDON: Michael Brandon,
14 27 Seven Pines Avenue. Together with Charlie
15 I went through the process of trying to get
16 the sanitary code in zoning some of the
17 zoning violations addressed through the court
18 system and it's ridiculous. You know, it's a
19 waste of the city's money the way it's
20 happening. Somebody mentioned the stress
21 level on neighbors. I know one of the

1 neighbors, their family's lived there for
2 almost 200 years in a house on -- not that
3 long, but for generations, have lived on Van
4 Norden Street which abuts it, and the
5 problems at that site have been going on for
6 year after year after year.

7 Charlie kind of came on the scene and
8 brought some new energy to, you know, try to
9 push it, but all it resulted in was a lot
10 more jumping through hoops. And I know
11 Ms. deRahm turned out at several of the
12 hearings and the case would be continued. It
13 did ultimately result in the site for
14 particular violations being addressed, but
15 it's too little too late.

16 And the woman I was going to mention
17 virtually had a nervous break down or she got
18 to the point where, you know, she couldn't
19 talk about it. She couldn't, you know, even
20 file complaints anymore. It was so
21 upsetting. And they were, they cut down

1 trees in her yard. They -- it was one of the
2 fence properties where they changed the grade
3 and flooded out her basement for the first
4 time in 50 years even despite the heavy
5 rains. This was after it. So, providing a
6 mechanism for civil disposition, I think, is
7 great. I think your suggestion of asking the
8 Law Department to come up with a more
9 appropriate mechanism and language that would
10 be enforceable, and although some developers
11 still might need to be taken to court, I
12 think the threat of a daily fine will make
13 them, in general, address the problem more.
14 So I'm in support of the principle behind
15 this petition and hope you will help
16 Councilor Kelley and others find a way to
17 make the Zoning Law more enforceable.

18 So, thank you.

19 HUGH RUSSELL: Thank you.

20 Anyone else wishing to be heard?

21 (No Response.)

1 HUGH RUSSELL: We'll close the
2 hearing for oral testimony and leave it open
3 for written testimony?

4 (All Board Members in Agreement.)

5 H. THEODORE COHEN: Can I make one
6 comment? Having done Town Council work for
7 30 plus years, people ought to realize there
8 is no magic bullet to this problem. That the
9 entire legal system, you know, the
10 enforcement mechanism within the city legal
11 system, the judiciary is all premised on
12 people complying. And the violator who
13 consistently refuses to comply is the
14 toughest person for anybody to deal with
15 because, you know, you can put a fine and
16 they can keep fighting it and keep fighting
17 it, and ultimately a court will send someone
18 to jail for, you know, a zoning violation or
19 a building code violation. And ultimately it
20 can happen, but it's very frustrating to
21 everybody, and it requires an enormous amount

1 of time on everybody's part. And that, you
2 know, I think that we ought to make sure that
3 our ordinance is as strong as possible and
4 can be as enforced as much as possible. But
5 it's, you know, a statewide, a nationwide
6 problem that someone who is consistently
7 going to oppose you and fight you will just
8 drag it out indefinitely. And I know it's
9 frustrating to everybody, it's frustrating to
10 me over the years of, you know, going to
11 court time after time after time and not
12 getting anywhere.

13 HUGH RUSSELL: Pam.

14 PAMELA WINTERS: I think that
15 Cambridge has a noise ordinance if I remember
16 correctly. And --

17 WILLIAM TIBBS: It does.

18 PAMELA WINTERS: -- and I know that
19 we had an issue with the firehouse near our
20 house. And it was sort of this high
21 shrieking whistle thing that would go off.

1 And myself and another neighbor called the
2 city and we got an immediate response and it
3 was checked out. And in fact, the decibels
4 were, you know, higher than it should have
5 been. However, it would have -- there was no
6 way that they could change the mechanism in
7 the firehouse. It would have cost too much
8 money and it was just impossible to do. So,
9 it was something that I actually didn't hear,
10 but it was driving my husband crazy. But I
11 was very impressed with how quickly the city
12 responded to it, and so I know we do have a
13 noise ordinance.

14 HUGH RUSSELL: So, quite a few years
15 ago I got a call from one of my clients
16 saying they had this big problem and it was
17 going to be a fine of \$100 a day if they
18 didn't give a response instantly, would I
19 please go out and do something about that?
20 And so I won't go into the particulars of
21 what caused this, but I will say that for

1 someone who dismissed a, basically complaint
2 of a tenant because the tenant was a
3 troublemaker, you know, this fine got him the
4 action and got him over his lethargy of
5 responding to the situation. And so I think
6 that this mechanism is just another -- it's
7 another arrow in your arsenal. And truly bad
8 people will, as you said, aren't going to pay
9 too much attention, but many people will.

10 All right. So are we done tonight?

11 STEVEN WINTER: I have a few
12 comments if I may. I'll be very brief.

13 HUGH RUSSELL: Steve.

14 STEVEN WINTER: How does
15 municipality structure defensible criteria
16 for fines? Are there examples out there?
17 Are there municipal industry standards
18 involved of how municipalities do this? If
19 it's not defensible, it really will be in
20 some court for years. That's one. It's one
21 arrow in the quiver. And I think we need to

1 understand that there's a time when we might
2 need a little tiny ball pain hammer and we
3 might need a mallet and wedge at another
4 time. You don't want to use it at the wrong
5 time. It's just not cost efficient when
6 we're talking about fines and fining people.
7 Is that -- when do we take that step? When
8 do we go there? I don't mean to be glib
9 about the issues people have with the
10 construction folks, but I've seen
11 neighborhoods who have established working
12 relationships with the contractor, with the
13 proponent, with the unions, and monitor when
14 the starting points are. And so, in other
15 words, have we exhausted everything that we
16 need to do before we go into what will turn
17 out to be a battle of wills with the daily
18 fines and things like that? And I think
19 Cambridge is smart enough and thoughtful
20 enough to do that before we say we're going
21 to fine you a hundred bucks a day. We need

1 to say have we tried every other approach to
2 make this work? And there are people for
3 whom it would be the only approach to take
4 them to court, I agree. But is that the step
5 -- when do we take that step?

6 Let's see. That was it.

7 Thank you very much.

8 HUGH RUSSELL: Okay. Anything
9 further? We're complete.

10 (Whereupon, at 10:35 p.m., the
11 Planning Board meeting Adjourned.)

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