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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, November 1, 2011

7:00 p.m.

in

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

- Hugh Russell, Chair
- Thomas Anninger, Vice Chair
- William Tibbs, Member
- Pamela Winters, Member
- Steven Winter, Member
- H. Theodore Cohen, Member
- Ahmed Nur, Associate Member

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

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I N D E X

2	<u>GENERAL BUSINESS</u>	<u>PAGE</u>
3	1. Board of Zoning Appeal Cases	3
4	2. Update, Brian Murphy, Assistant City Manager for Community Development	29
5	3. Adoption of the Meeting Transcript(s)	x
6	<u>PUBLIC HEARING</u>	
7	PB#175, Major Amendment to PUD Special Permit and Project Review Special Permit by	
8	Archstone and ASN Maple Leaf (Office) LLC for	
9	the property located at 1-5, 7-13, and 23	
10	East Street and One Leighton Street. This is the second public hearing pursuant to Section	
	12.37 and 19.25 of the Ordinance.	30
11	PB#263, 168-174 Hampshire Streets, Project	
12	Review Special Permit (Section 19.20) for 15	
13	multi-family dwelling units and Reduction of Required Parking (Sections 6.35.1 and 10.45)	54
14	<u>GENERAL BUSINESS</u>	
15	1. Laura Runkel, Et. Al. Zoning petition to amend the Zoning Map on lot at 41 Bellis	
16	Circle from Residence C-1A to Residence C 134	
17	2. Linda G. Andrews, Et. Al. Zoning Petition to amend the Zoning Ordinance, Section 11.200	
18	Affordable Housing Requirements, Section 11.203.2(a), (b), and (c)	170
19	3. PB#252, 40 Norris Street Extension Request	175
20		
21	4. PB#235, 114 Mount Auburn Street/(Conductor's Building), Extension Request	178

P R O C E E D I N G S

(Sitting Members: Hugh Russell, Thomas Anninger, William Tibbs, H. Theodore Cohen, Steven Winter, Ahmed Nur.)

HUGH RUSSELL: All right. Good evening, this is the Cambridge Planning Board, and the first item on our agenda is the review of the Zoning Board of Appeals cases.

JEFF ROBERTS: Hi, Jeff Roberts. I'm happy to be filling in for Liza doing the BZA cases tonight.

One note, if you have your BZA agenda in front of you, just a procedural note on case No. 10179 which is 11 Brookford Street. That is a case that actually -- it was determined after they had submitted their application to the BZA that the relief they're seeking is actually relief that the Planning Board grants under -- honestly, I don't recall the section offhand, but it's

1 for construction of a second residential
2 building on a lot in the Residence B
3 District. And that case will be coming to
4 the Planning Board at a future date.

5 As to the other cases, there's one that
6 is somewhat interesting to me, which is the
7 case 10174, 1702 Mass. Avenue. That, the
8 need a conditional use permit to start what's
9 basically a small candy manufacturing
10 operation within a small existing retail
11 space along that section of Lower Mass. Ave..
12 The reason it's interesting is that we've
13 started to see in a number of instances cases
14 where, kind of what I think of is sort of
15 cottage industries, little, small, kind of
16 pop-up businesses that may have started as
17 home-based businesses where people are doing
18 some packaging of foods or special types of
19 food preparation or other types of small
20 manufacturing that's looking for places to
21 establish in business districts. And in some

1 cases, depending under what use they fall
2 under, they may require a use permit, or in
3 some cases a Variance. So there is that
4 project.

5 And then Li za pointed out to me that
6 there are two signs that are on the BZA's
7 agenda, and I'm happy to show any of those
8 cases to you.

9 HUGH RUSSELL: So on the Mass.
10 Avenue candy manufacturer, would that
11 operation be visible through storefront
12 windows and add to the life of the street?

13 JEFF ROBERTS: Yes, I'll show you.
14 It's actually planned for a currently vacant
15 retail space, and I'll pass around the
16 picture of where the space is.

17 (Pamela Winters seated).

18 WILLIAM TIBBS: This is the one with
19 the paper in the windows?

20 JEFF ROBERTS: Yes.

21 THOMAS ANNINGER: Which number is

1 this?

2 JEFF ROBERTS: 10174, 1702
3 Massachusetts Ave. And it's -- yes, it's in
4 an existing one-story retail space which I've
5 been by there a few times. And it looks like
6 they've been looking for a tenant for a long
7 time.

8 PAMELA WINTERS: I know where that
9 is. That's right down the street from me.

10 JEFF ROBERTS: And there would be
11 sales on premises, and that's typical of
12 these types of uses where they have a small
13 manufacturing or packaging operation in the
14 back and a small sales area.

15 HUGH RUSSELL: Yes. I think the
16 only comment I would make is to keep the
17 storefront as a storefront so the activities
18 inside are visible. And if you want to make
19 it something there and sell it, that's
20 probably more interesting than just selling
21 it; right?

1 AHMED NUR: You said it was going to
2 be a candy store?

3 PAMELA WINTERS: Is it going to be a
4 candy store?

5 JEFF ROBERTS: Yes.

6 THOMAS ANNINGER: What are they
7 manufacturi ng? Candy?

8 JEFF ROBERTS: I don't have any more
9 detai ls. If I had samples, I would pass them
10 around. But I don't have any other
11 information about what type of candy. I
12 assume it's of the homemade variety.

13 HUGH RUSSELL: And there was, as a
14 busi ness (i naudi ble) whi ch i s now housed i n a
15 10,000 square foot metal bui ldi ng, but i t
16 started out as a storefront i n the Harmony
17 parki ng lot, you know, and Sally was on one
18 side of the store sel li ng the chocol ates and
19 Tom was on the other side of the store maki ng
20 them. And Tom and Sally' s Chocol ates. And
21 gradual ly thei r operati on grew and grew, but

1 it was sort of utterly charming to go in and,
2 you know, you talked to them while they were
3 making stuff. And we did beta testing on
4 their chocolate body paint. But it can be
5 quite interesting. But I think if they were
6 to move in there and then block up all the
7 windows, which doesn't seem like that's what
8 their intention is, but that would be a bad
9 idea. So we might want to condition the
10 permit of maintaining the conformance with
11 the Overlay District requirements which I
12 don't think they wouldn't comply with at the
13 moment based on the picture.

14 PAMELA WINTERS: You know, it sort
15 of reminds of remember Steve's Ice Cream,
16 when you saw the ice cream maker in the
17 window? You know, if they were making, you
18 know, little chocolate things in the window,
19 that would be okay. But I think just having
20 that storefront used and occupied is really a
21 positive for that area of Mass. Ave.

1 JEFF ROBERTS: I can certainly
2 communicate that to the Board.

3 HUGH RUSSELL: I think both of those
4 ideas are important to communicate.

5 The signs?

6 JEFF ROBERTS: So the first one we
7 have is at 99 Prospect Street. That's the
8 Christ the King Presbyterian Church, and
9 there are a couple of pictures. I can
10 probably get both of them out.

11 One shows where the sign would be
12 located relative to the street, and the other
13 shows what the sign will look like. And the
14 reason for the Variance is that they're
15 proposing to internally illuminate the sign.
16 It's a free-standing sign that will be facing
17 parallel to the street about a few feet away
18 from the sidewalk in their current lawn area.

19 WILLIAM TIBBS: Why do they need a
20 sign?

21 PAMELA WINTERS: That's a good

1 questi on.

2 HUGH RUSSELL: I think there are at
3 least two di fferent congregati ons that use
4 that church and so I think, you know, just to
5 identi fy who i s there. And so the pedestri an
6 at night, the church i s a dark hol e as you' re
7 wal ki ng along the street, and then there are
8 wi ndows i n the church. The church i s often
9 -- who knows i f i t' s used at night or not.
10 You can' t see acti vi ty.

11 THOMAS ANNINGER: Thi s i s a
12 terri fi cal l y hel pful pi ctur e.

13 JEFF ROBERTS: The i mages?

14 THOMAS ANNINGER: It doesn' t show
15 you what i t' s goi ng to l ook l i ke.

16 JEFF ROBERTS: The one i mage shows,
17 the one photo si mul ati on where i t' s put i n
18 the photo shows i t from the side, and the
19 other one i s unfortunatel y not i n col or. But
20 otherwi se, as Li za' s tol d me, I bel i eve the
21 si gn i s conformi ng i n terms of si ze and

1 location. It's just the illumination that
2 they're seeking a Variance for.

3 THOMAS ANNINGER: Internally?

4 JEFF ROBERTS: Internal
5 illumination, yes.

6 THOMAS ANNINGER: Forgive me, it is
7 obvious to everybody else. Internal
8 illumination means the's a light inside,
9 there are letters, and you see the light
10 through the letters?

11 JEFF ROBERTS: Yes, it means that
12 the light shines through the letters of the
13 sign. It's a light that's interior to the
14 structural part of the sign.

15 THOMAS ANNINGER: And that's not
16 what we have in the Ordinance?

17 JEFF ROBERTS: That's not allowed in
18 that -- internally illuminated signs are not
19 allowed.

20 THOMAS ANNINGER: But if they put a
21 spot light on it --

1 JEFF ROBERTS: External illumination
2 would be allowed.

3 THOMAS ANNINGER: That's okay?

4 HUGH RUSSELL: Right. I think the
5 intention was to get rid of the Pepsi and
6 Coke signs that were maybe a little smaller
7 than the red wall hanging off storefronts in
8 the fifties and sixties. They were kind of
9 tacky. I think that's they just felt
10 basically the aesthetic matter that
11 internally illuminated signs could be very
12 intrusive because you can put 16 fluorescent
13 tubes inside those signs. And you could read
14 it a block away from the light. This is
15 clearly not in that category. So I think
16 we've been allowing -- we as a city have been
17 allowing tasteful internally illuminated
18 signs by Variance. I think that's kind of
19 the standard.

20 Is the background opaque or colored?
21 Can you tell?

1 JEFF ROBERTS: You know, I can't
2 tell from the picture myself, but I think --
3 it could be either way. It's probably some,
4 you know, based on the tone of the image, it
5 looks like it's some dark color, but it may
6 still -- it may still allow the light to
7 shine through it.

8 HUGH RUSSELL: Well, I have no
9 trouble leaving this to the Zoning Board.

10 WILLIAM TIBBS: Me, too.

11 HUGH RUSSELL: Okay.

12 JEFF ROBERTS: And would you like to
13 see the Cambridge Savings Bank in Harvard
14 Square, the other sign?

15 HUGH RUSSELL: Yes.

16 JEFF ROBERTS: So this one I think
17 has a slightly better picture that's coming
18 around. And in this case they required
19 historical review from the Historical
20 Commission, and they received their
21 Certificate of Appropriateness from the

1 Historical Commission. And, again, the
2 request is similarly, they have an internally
3 illuminated projecting sign. So it's a sign
4 that sticks out from the wall, which is not
5 allowed to have internal illumination under
6 the sign ordinance.

7 PAMELA WINTERS: The letters are
8 rather small, but, I don't know if I were
9 putting a sign up there, I guess I would have
10 done something a little different, but --

11 HUGH RUSSELL: They still have that
12 huge sign up on the roof?

13 PAMELA WINTERS: That's true, too, I
14 forgot.

15 WILLIAM TIBBS: They have another
16 sign over the door.

17 JEFF ROBERTS: I think this has more
18 than one issue and, of course, since it has
19 the large historical sign on the top of it,
20 it will never have the additional sign area
21 allowed to have an additional sign. So

1 that's another element of the Variance.

2 WILLIAM TIBBS: I, too, wonder why
3 they really need it.

4 PAMELA WINTERS: Yes, really.

5 WILLIAM TIBBS: The building is
6 definitely a sign. It's protecting it.

7 THOMAS ANNINGER: Historical was
8 okay with this?

9 HUGH RUSSELL: The interesting thing
10 is the pedestrian level --

11 JEFF ROBERTS: If you flip a little
12 bit ahead or a little bit back, included in
13 that packages is a Certificate of
14 Appropriateness from the Historical
15 Commission.

16 THOMAS ANNINGER: I would defer to
17 them. I find it a little strangely garish.

18 WILLIAM TIBBS: I do, too.

19 THOMAS ANNINGER: I wouldn't call
20 that tasteful. The blue is ugly by my likes,
21 but who cares.

1 HUGH RUSSELL: I mean, they're sort
2 of officially the taste police for Harvard
3 Square at this point.

4 AHMED NUR: I was going to say they
5 have that giant sign on the roof. They need
6 a Variance because they have no square
7 footage at all of signage available?

8 JEFF ROBERTS: That's one of the
9 problems with the sign. But as before,
10 probably the more salient part of their
11 Variance is to have an internally illuminated
12 projecting sign.

13 And here the illumination issue's a
14 little bit different because illuminated
15 signs are -- in a business district
16 illuminated signs are allowed, but an
17 illuminated projecting sign is not allowed.
18 It's a finer point of the sign ordinance.

19 STEVEN WINTER: Tom, I concur with
20 you that I think there's something wrong with
21 that sign. And as we know, the devil is in

1 the detail.

2 AHMED NUR: It's horrible.

3 THOMAS ANNINGER: While we're on
4 signs, do you happen to know what happened to
5 Mount Auburn Hospital on Concord Avenue?

6 JEFF ROBERTS: I don't. You mean in
7 the decision on that BZA case?

8 THOMAS ANNINGER: On the sign that
9 they wanted to put on the both sides of the
10 building relatively high. I would be
11 interested to know how they come out on that
12 one. That one was not a, to me, that touched
13 on a bigger issue than what we've been seeing
14 tonight.

15 JEFF ROBERTS: I don't know the
16 outcome of that case. I can communicate and
17 find out and make sure that's communicated to
18 the Board.

19 THOMAS ANNINGER: I think that would
20 be interesting because that touched on a
21 somewhat raw nerve because of all we went

1 through with the Zoning change and so on.

2 HUGH RUSSELL: I suppose it would be
3 not tactful enough that we're surprised that
4 they got a Certificate of Appropriateness.

5 WILLIAM TIBBS: Yes, I think that
6 would not.

7 THOMAS ANNINGER: I was not
8 suggesting that.

9 STEVEN WINTER: Well, it would be
10 interesting to know the value behind the
11 Commission's thinking.

12 PAMELA WINTERS: I mean, I'd like to
13 know if the sign is even necessary, you know,
14 given the other signage on the building.

15 THOMAS ANNINGER: You're talking
16 about Cambridge Savings now?

17 PAMELA WINTERS: Yes.

18 WILLIAM TIBBS: I mean, they've been
19 there a long time. It's not like it's....

20 HUGH RUSSELL: They could get
21 windows directly adjacent to where that sign

1 is, but they could put signs on the glass or
2 behind the glass.

3 JEFF ROBERTS: Maybe it would help
4 me to read this. Sorry to interrupt, but it
5 says in the Certificate, (reading) The
6 Commission's approval was conditioned on the
7 change in color of the frame to a dark brown
8 as on the adjacent spandrel and the
9 elimination of the decorative dentals.
10 Details of the amended design are to be
11 reviewed and approved by the Commission
12 staff.

13 So apparently they did have some
14 changes. I assume there was probably more
15 conversation with the applicant at the
16 Historical Commission and they suggested some
17 changes to the design.

18 HUGH RUSSELL: So we could send a
19 comment we don't see why the sign is needed.

20 PAMELA WINTERS: Is necessary,
21 right.

1 HUGH RUSSELL: I s necessary.

2 PAMELA WINTERS: Ri ght.

3 THOMAS ANNINGER: I guess I woul dn' t
4 do that.

5 ROGER BOOTHE: Maybe I coul d make a
6 di screte call to the staff and find out what
7 was going on wi th that and tell them the
8 Board was concerned?

9 HUGH RUSSELL: To Charl i e.

10 ROGER BOOTHE: Yes.

11 HUGH RUSSELL: That might get our
12 i ssue before then.

13 THOMAS ANNINGER: I woul d prefer
14 that. I' m havi ng trouble gi vi ng you real ly
15 good reasons, but my i nstincts tell me i t' s
16 not a good i dea. I guess one i s, when the
17 Hi stori cal Commi ssi on i s that i nvol ved, I
18 tend to want to recede because of the
19 juri sdi cti on.

20 And second, I consi der some of these
21 deci si ons busi ness deci si ons. And unl ess

1 there's a real violation of bad taste, which
2 I don't think this crosses quite that line, I
3 would suggest that maybe there is a reason
4 for it, and I'm not sure I would second guess
5 them on that.

6 WILLIAM TIBBS: I don't think, one,
7 we're just kind of giving some advice to the
8 -- we're not acting on it. We're just giving
9 some advice. And I don't -- I think it's --
10 I think your concerns are definitely okay,
11 but I think our question as to why the sign
12 is needed is also okay. We don't have to do
13 it uniformly. We can just say that --

14 H. THEODORE COHEN: I guess I'm not
15 necessarily in support of the -- you know,
16 obviously we have the comments of questioning
17 its need. You know, if you're in Harvard
18 Square, if you're walking along the street,
19 you're not going to see their sign up on the
20 top of the building. And certainly almost
21 all the other stores walking along Harvard

1 Square -- well, not all, but many of them
2 have projecting signs. So I think, you know,
3 it's a business decision for them, you know.
4 The issue is why Historical said it was okay
5 may be a different issue. And then it gets
6 more to a question of design and, you know,
7 it looks like they're using their corporate
8 logo. And then so we get to question the
9 aesthetics of the corporate logo and passing
10 on the sign or not. I'm just -- I don't
11 know, I personally defer to the Historical
12 Commission.

13 AHMED NUR: And I understand why
14 we're so concerned about this particular
15 thing because it's in the middle of Harvard
16 Square. You know, I was driving through two
17 weeks ago, and I noticed how giant that sign
18 is up there. And, you know, I think that
19 stuck in my head is if they ever come down
20 for a sign to the Planning Board again, and
21 here it is. No, seriously.

1 WILLIAM TIBBS: You got your wish.
2 It's your fault.

3 AHMED NUR: But, like, along with
4 what my colleagues say, I don't, you know,
5 that's if they need it or not, that's their
6 thing, but definitely I agree with Roger's
7 conditions.

8 WILLIAM TIBBS: I guess I would tend
9 to agree with you. Maybe need is not the
10 right way, but even though there are other
11 projecting signs there, other people don't
12 have that big sign and the sign over the
13 door. And as Hugh said, they have plenty of
14 glass to let you know it's there. Maybe need
15 isn't the right one, maybe just
16 appropriateness. But I tend not to -- on
17 something like this, I think my sense is
18 Historical Commission is working and looking
19 at this from a very specific angle, and we're
20 looking at it from a slightly different
21 angle. I wouldn't just defer to them. But I

1 would agree that the use might not be the
2 most appropriate thing for us to decide.

3 THOMAS ANNINGER: We want Mr.
4 McKinnon to know we're just warming up for
5 the Maple Leaf sign.

6 WILLIAM TIBBS: Oh, yes.

7 HUGH RUSSELL: So are we sending an
8 official communication to the Zoning Board or
9 not?

10 WILLIAM TIBBS: Based on all of our
11 conversations.

12 HUGH RUSSELL: I think that -- I
13 mean, I could have a private conversation
14 with the Chair of the Zoning Board, because I
15 had a conversation with the Chair of the
16 Zoning Board at the reception for the boards
17 and commissions, and he said, you know,
18 sometimes we don't hear from the Planning
19 Board when we'd like to. And I said, well,
20 you know, any time you see a case that you
21 have in several weeks in advance, give me a

1 call and I'll make sure we talk about it. So
2 that's not the process isn't in gear yet,
3 but --

4 H. THEODORE COHEN: Actually, I
5 would prefer that not occur, but I would
6 prefer that we are going to make comments
7 that the comments be made and available so
8 the Petitioner could respond to them if they
9 chose. I mean, I see nothing wrong with
10 saying we had a discussion about it and there
11 were questions about its appropriateness, the
12 need, you know, the fact that there are other
13 signs available and other things you can look
14 at. And we can tell the BZA what the
15 substance of our conversation was.

16 PAMELA WINTERS: I feel okay about
17 that.

18 HUGH RUSSELL: Okay, good. Let's do
19 it that way.

20 JEFF ROBERTS: So to summarize,
21 you're submitting your summary of your

1 di scussi on on thi s case to the BZA or are you
2 not submi tting anything to the BZA?

3 HUGH RUSSELL: We are submi tting a
4 statement to the BZA that says we had a
5 di scussi on that hi t several of the i ssues
6 that have been enumerated, we don' t have a
7 speci fi c recommendati on for them, and the
8 i mpli cati on i s that they coul d pursue these
9 i ssues knowi ng that we -- thi s i s the way --
10 thi s i s how we were thi nki ng about i t, but we
11 di dn' t -- we had enough i nformati on to make a
12 recommenda ti on.

13 JEFF ROBERTS: And the i ssues you
14 wanted to comment on were the necessi ty of
15 the addi ti onal si gn or the --

16 WILLIAM TIBBS: Appropri ateness.

17 HUGH RUSSELL: Ki nd of, yes, how the
18 si gn fi ts wi thi n the overall si gnage on the
19 enti re bui ldi ng and to questi on does thi s
20 fi ll a gap somehow? Or i s i t j ust somebody
21 feel i ng l i ke oh, we want a si gn here?

1 Everybody else has one, we want one.

2 THOMAS ANNINGER: Can we also go so
3 far while we are going down this road to say
4 in terms of design we wondered whether it fit
5 well within the character of the building?

6 HUGH RUSSELL: I think that's what
7 the Historic Commission is doing. While
8 you're accurately describing what we said, we
9 do wonder that.

10 WILLIAM TIBBS: Yes.

11 HUGH RUSSELL: The discretion would
12 be to --

13 THOMAS ANNINGER: Well, then maybe
14 you just obliquely say we discussed this
15 design as well.

16 WILLIAM TIBBS: Yes.

17 THOMAS ANNINGER: That's right.

18 AHMED NUR: I think, Tom, you said
19 you had problem with the blue.

20 THOMAS ANNINGER: Well, the whole
21 thing didn't seem -- it's a bit of a

1 discordant note. I had trouble seeing.

2 WILLIAM TIBBS: Me, too.

3 HUGH RUSSELL: It's a colonial
4 revival office building in muted tones of
5 brick and dark metal and stone trim and, you
6 know, the Commission is now trying to impose
7 some conditions that will try to bring it in,
8 but the boundary of the surround --

9 H. THEODORE COHEN: I'll tell you,
10 it is Harvard Square and it does have a
11 historic, you know, jumble of signs and
12 styles and things. And contrary to Ahmed, I
13 really miss the billboards that used to be on
14 the roofs of the buildings there because I
15 thought they made a landmark and a fun place.
16 And I've been opposed to the bricking over of
17 Harvard Square that's gone on for the past
18 many years. So, too good taste may kill
19 something, too.

20 JEFF ROBERTS: So we're leaving it
21 as the Board discussed the design?

1 HUGH RUSSELL: Yes.

2 JEFF ROBERTS: Thank you.

3 Are there any additional cases that
4 you'd like to see from that list? There
5 weren't any others that seem to Liza or me
6 that required Planning Board attention.

7 HUGH RUSSELL: Right. They're
8 altering window, doors, mud rooms, which is
9 the kinds of things the Zoning Board. . . .

10 * * * * *

11 HUGH RUSSELL: All right, so can we
12 go to the next item on our agenda which
13 should be an update from Brian.

14 BRIAN MURPHY: Sure. Just to let
15 you know that on November 15th we've got a
16 public hearing for 210 Brattle Circle as well
17 as for general business 75-125 Binney Street
18 design review; 251 Binney Street
19 construction management plan approval.

20 Planning Board No. 247, 22 Water Street
21 design revision, and Planning Board 141

1 restaurant at 500 Kendall Street.

2 For December 6th we've got a public
3 hearing on Novartis, as well as the building
4 design review for Watermark II which will be
5 the housing. And that means closed with
6 those two items.

7 And on December 20th, for now, we've
8 got two public hearings on 40 Norris Street
9 and 11 Brookford Street.

10 And then just to let you know some
11 things actually do come to fruition. We had
12 a ground breaking last week for Biogen with
13 both Alexandria and Boston Properties, and
14 there will also be a ground breaking in a few
15 weeks for Pfizer coming into the Timco
16 Property. So there are some signs of
17 development as well.

18 HUGH RUSSELL: Thank you.

19 * * * * *

20 HUGH RUSSELL: And so I guess we can
21 go straight to our 7:20 public hearing.

1 Planning Board case 175, Major Amendment to
2 the PUD Special Permit and project review
3 Special Permit for the Archstone Maple Leaf
4 building.

5 RICHARD MCKINNON: I'll take a
6 minute to set up.

7 Mr. Chairman, Members of the Board,
8 thank you. My name is Rich McKinnon. I live
9 at One Leighton Street, 1905 adjacent to the
10 subject property. And while we're waiting
11 for the backup laptop or projector to come
12 up, let me begin.

13 We're delighted to be here on behalf of
14 Archstone to request two Special Permits.

15 One is a PUD Special Permit, an
16 amendment to our original one. And because
17 it's a change of use, it required a Major
18 Amendment. As you may recall, last time we
19 presented the development proposal which was
20 approved by the Planning Board with two
21 conditions that they asked us to address.

1 And since then several other matters have
2 arisen, and I'll address those tonight as
3 well.

4 The other permit is the large project
5 review Special Permit. And no vote was taken
6 on that last time. So each of those are
7 votes we would be requesting this evening.

8 The two things that the Board asked us
9 to take a look at in the conditions of the
10 development proposal, No. 1, was to do a
11 better context map. The one that I had
12 produced last time, I'm afraid, just produced
13 a lot of confusion. And as you may have
14 noticed, the one in the new application that
15 was prepared by Icon uses -- that's right,
16 correct -- that uses the template that all of
17 us have been used to looking at since Ken
18 Greenblatt drew a master plan for North Point
19 12 or 13 years ago. I don't know why I
20 didn't use it, but Janis from Icon picked it
21 up. And I hope that using that, as well as

1 having the area on the adjacent properties
2 numbered, makes it a little bit easier for
3 everyone to navigate exactly where we are and
4 who our neighbors are.

5 The second issue that came up was a
6 question of the mechanicals on the building,
7 the heating system on the building, heating
8 and cooling system.

9 Let me just quickly -- we're here
10 obviously for the public hearing. The
11 request of the Board, the request as I just
12 mentioned, this is our site overview. And
13 then this is the one I just spoke about, a
14 better context plan than the wild one that we
15 had last time and the people found hard to
16 navigate.

17 The last time we proposed what we
18 thought were a key traffic findings, and our
19 beliefs that we had property here that
20 complied very well with traffic. Since then
21 we've had the opportunity to go over this

1 with the Traffic Department, and they've
2 spoken for themselves. And so I think all of
3 you have the letter from Sue Clippinger which
4 basically says that this is a project that
5 traffic impacts are less, parking is all
6 right, and there is a TDM set of requirements
7 that we've had a chance to look at. And it's
8 obvious that we would agree to as part of a
9 condition on the Special Permit,
10 Mr. Chairman.

11 Members of the Board, an issue came up
12 last time and it came up again in discussions
13 with staff, and it just gives us an
14 opportunity to be a little bit clearer about
15 taxi service to the building. You can our
16 main entry here. Here's Leighton Street.
17 Glassworks Ave. This is all private way in
18 here. And then this is One Leighton Street
19 which has its loading along this side and its
20 entry and egress from the parking garage over
21 here. This is an awful lot of room, more

1 room than a Cambridge cab usually has the
2 ability to navigate. We would expect that
3 what they would do coming to the building is
4 come in, back into this very large space, and
5 wait for their party to come downstairs. And
6 dropping off, they would come in, drop off
7 here, and then they would be able to make the
8 -- very easily the u-turn and go back out.

9 The most frequent traffic in there are
10 the comings and goings of cars coming in and
11 out of the garage. But compared to even a
12 quiet Cambridge Street, that's not a whole
13 lot of movement during the course of the day.

14 As to the loading docks, these are the
15 doors to our loading docks, but the actual --
16 so the -- to the loading bays, but the docks
17 themselves are deep inside. And so how we
18 load it in our building is we have folks
19 come, pull their trucks into the building,
20 then we close the door behind them. And so
21 there's no loss of space because of loading

1 out here in this area. So, I'm -- you know,
2 I'm pretty convinced that this is going to be
3 more than satisfactory. The people in Maple
4 Leaf are going to have access to the services
5 at One Leighton as well. And one of the
6 services is 24 concierge. We know it's a lot
7 of our tenants actually come over and have
8 the concierges call the cab. Because the
9 cabs pay more attention to the concierges
10 than they individual drivers. So I hope that
11 gives you some understanding of how we've
12 handled the cab drop off.

13 HUGH RUSSELL: Okay.

14 RICHARD McKINNON: The next request
15 is what are we doing about mechanicals;
16 heating cooling. How are we going to deal
17 with the question of sound? And also how are
18 we going to deal with rooftop screening,
19 particularly as it applies to the area
20 residents.

21 We've met with your staff, and Janis

1 Mamayek from Icon, our architect, has been
2 directly in touch and working with Acentic
3 our noise consultants. If I may, I'd like to
4 bring Janis up to tell you exactly where we
5 are and I know that was important to you.

6 JANI S MAMAYEK: Hi. Janis Mamayek.

7 As Rich mentioned, since our last
8 hearing we brought on a noise consultant.
9 We've got Acentic. We're working with
10 Acentic, Doug Stearns, a local Cambridge
11 firm. One of the leading firms in the
12 nation. We're working on measuring,
13 analyzing, mitigating, isolating that sound,
14 particularly as it deals with mechanical
15 equipment.

16 So what have we done since that last
17 hearing?

18 Starting with our mechanical equipment
19 selection steered by our energy efficiency
20 goals, you know, the LEED Silver and making
21 the building as green as possible, that

1 mechanical equipment, we've been collecting
2 data. This data is not standardized in the
3 industry. It's not readily available. So
4 finding the right data. We've been in
5 constant dialogue with Doug to make sure
6 we're getting the correct data, whether it's
7 the composite equipment, not just different
8 components. So as that comes in, we're
9 starting our initial analysis of different
10 equipment, different mitigation solutions,
11 and potentially different equipment
12 selections. So, we're not there yet as far
13 as knowing what that exact solution is. It's
14 a reiterative process. The more we learn,
15 the more it's give and take.

16 What do we know? Back up. As shown in
17 the route plan, we're likely to have some
18 kind of screening which will address kind of
19 a horizontal visual screening and horizontal
20 noise. But as the Maple Leaf sits lower than
21 its neighbors, we know that some of that

1 noise is going to radiate up. And we're
2 going to have to find some screening, but
3 screening above impacts the operation of the
4 equipment. So our number one goal is to find
5 the quietest equipment on the market. Or if
6 not, the quietest equipment, at least isolate
7 what is the noise producer in the equipment
8 so we can either mitigate in a compressor fan
9 or other components. I'm not the mechanical
10 engineer to say exactly what those components
11 are. But with Acentic we can isolate what
12 that noise producer is.

13 So, this is, I think, at a minimum what
14 we believe at a minimum as well as that
15 screen is likely to be a solid screen so that
16 it will be that sound barrier. Likely to be
17 just above the mechanical equipment. And
18 this is actually going down to the roof
19 plane. But it would sit just above the roof
20 plane so we could have actually have rain
21 flowing to roof drains. But beyond that we

1 need to work closely with Acentic, and we
2 will continue to do that. So what we're
3 committed to do is just that, continue to
4 work Acentic, continue to work with your
5 staff, with the CCD, and at the time of our
6 application for a Building Permit, have a
7 letter from Acentic stating that what our
8 final solution is will indeed comply with the
9 noise regulations.

10 HUGH RUSSELL: I guess part of my
11 concern in raising this is that I'm not sure
12 the noise regulations contemplate a 20-story
13 building next to a five-story building, and
14 so I -- and I'm also not sure that the noise
15 regulations contemplate having 50 sources of
16 noise on the side wall or 100 or whatever it
17 is. And so I would frankly like to have the
18 Board receive this information through the
19 Department so we can learn about what these
20 answers are. And if we see that there's a
21 loophole under the regulations, I'm not

1 suggesting that you're seeking a loophole,
2 but, you know, we have occasionally gotten
3 comments on smaller projects where there were
4 wall units, many, many wall units facing
5 other people's residences and the cumulative
6 effect was substantial.

7 JANIS MAMAYEK: We're going through
8 just that analysis trying to determine, you
9 know, what percentage of units would be
10 operational at any one time. So running the
11 numbers at, you know, 50 percent of the units
12 operating on one facade at one time, and the
13 like. Like I said, it's a reiterative
14 process.

15 HUGH RUSSELL: Right. And it could
16 be that you'll find that you can't have
17 rooftop units. That you may have to put the
18 equipment inside the building, and so you can
19 get better control of what's going on.

20 We once did a project in a hotel
21 courtyard and it was very, very difficult to

1 control noise of units inside a courtyard.
2 Unfortunately the project never got built,
3 but it was hundreds of thousands of dollars
4 being spent trying to deal with that problem.
5 And I think your units are probably just
6 quarter makeup there.

7 JANI S MAMAYEK: From the rooftop?

8 HUGH RUSSELL: Yes.

9 JANI S MAMAYEK: That's where our
10 compensation is, the quarter.

11 HUGH RUSSELL: Right. So you've got
12 more flexibility exactly where that equipment
13 goes. It can go right to a different level
14 if they can't solve the problems in a way
15 that you can deal with.

16 Okay.

17 RICHARD MCKINNON: Okay, thanks,
18 Janice.

19 HUGH RUSSELL: Thank you for the
20 explanation.

21 RICHARD MCKINNON: Mr. Chairman,

1 that ends our discussion and our response to
2 those matters that were raised as conditions
3 in the development proposal as well as
4 further discussion on the issue of cab drop
5 off and service to this building. I, on
6 behalf of Archstone, would like to request
7 that we have a vote. That we understand that
8 there are conditions to the permit. There's
9 certainly one of the traffic conditions
10 outlined -- the TDM measures outlined. And
11 the other is that we work with your staff on
12 the issues that Janis just talked about, and
13 that we understand that a design solution
14 that Roger feels he can sign off and ask the
15 Board to look at is important. But as well
16 as a certification from the noise consultant.
17 And we are very aware of the fact that
18 because of the problems Janis and you,
19 Mr. Chairman, outlined, we'll share it as we
20 go along with the Board when we're working
21 with Roger, because it's complex.

1 So that's it. Yes, sir.

2 WILLIAM TIBBS: I just have a
3 question. In the handout we have I was just
4 wondering what's the difference was between
5 the Glassworks Avenue view 1 and view 2?

6 RICHARD MCKINNON: Let me take a
7 look and make sure I'm looking at the right
8 one.

9 HUGH RUSSELL: One of them has a
10 sign and one of them doesn't.

11 WILLIAM TIBBS: Oh, one has a sign
12 and one doesn't.

13 RICHARD MCKINNON: Mr. Chairman,
14 only because the sign --

15 WILLIAM TIBBS: I thought it was a
16 Where's Waldo kind of.

17 RICHARD MCKINNON: Because the sign
18 issue is really separate in terms of asking
19 the Planning Board for a vote on our two
20 requests. We thought the cleanest way to
21 make sure that we weren't speaking for the

1 Board, and were implying anything, is to keep
2 all the signs off the building. So that's
3 intentional.

4 WILLIAM TIBBS: Thank you.

5 RICHARD McKINNON: You're welcome.

6 HUGH RUSSELL: So you're going to
7 seek at a later date a sign that does not
8 conform to the Ordinance --

9 RICHARD McKINNON: We expect and we
10 would have to --

11 HUGH RUSSELL: -- and seek relief to
12 do that.

13 RICHARD McKINNON: -- were happy to
14 hear some good comments, but we'll come back
15 when you think it's a better time,
16 Mr. Chairman, to ask for that. We expect we
17 will be seeking a sign variance, though,
18 similar to what, exactly as you saw last
19 time.

20 HUGH RUSSELL: Okay, so we don't --
21 we would not probably be granting that.

1 RICHARD MCKINNON: No, the granting
2 authority is the BZA.

3 HUGH RUSSELL: Right. We would
4 comment.

5 RICHARD MCKINNON: It's always nice
6 to have a nice letter from the Planning
7 Board.

8 HUGH RUSSELL: Okay, this is a
9 public hearing so there will be an
10 opportunity for the public to speak and if we
11 want to discuss -- any questions you want to
12 ask before the public testimony?

13 (No Response.)

14 HUGH RUSSELL: Okay. So Jeff is
15 seeking the sign-up sheet to see if anybody
16 has signed up.

17 JEFF ROBERTS: Nobody signed up.

18 HUGH RUSSELL: Okay. So this is a
19 public hearing now. Does anyone wish to
20 speak on this proposal?

21 (No Response.)

1 HUGH RUSSELL: I see no one wishing
2 to speak. I'll ask again. Does anyone wish
3 to speak on the Maple Leaf project?

4 (No Response.)

5 HUGH RUSSELL: Okay. So we'll
6 conclude the public hearing portion of this
7 discussion.

8 This proposal is the same as the one we
9 reviewed, I guess, about two months ago. And
10 we thought it was a good project then, and we
11 thought it met the criteria then so I don't
12 imagine we are going to make a radical
13 change.

14 Ahmed.

15 AHMED NUR: I just wanted to speak
16 on behalf of well, actually the rooftop
17 units. I was up at a building at Brandeis
18 and we have three rooftop units, giant ones,
19 made by Aeon, not that I'm advocating for
20 them, but one that I was standing next to was
21 on and I was literally within a foot away

1 from it and I couldn't hear whether it was on
2 or not. Literally I had to put my hand on
3 the wall to see if it was vibrating. So, I'm
4 not too concerned about the noise on the
5 rooftop unit. Presumably that they, you
6 know, you pick the right one. However, the
7 screening more than noise I would probably
8 think is a visual thing. It's, you know, for
9 the public to see the rooftop mechanics from
10 a distance is not a pretty thing. That's all
11 I have to say.

12 HUGH RUSSELL: Are there other
13 comments?

14 Steve.

15 STEVEN WINTER: Mr. Chair, I just
16 wanted to reiterate that Sue Clippinger's
17 letter does indeed indicate that she feels
18 the traffic impacts are mitigated, and that
19 there is nothing that she has to comment on
20 or was a concern to her.

21 HUGH RUSSELL: Bill?

1 WILLIAM TIBBS: I just want to amend
2 that to say other than the TDM requirement
3 which they said they would comply with.

4 STEVEN WINTER: Right.

5 HUGH RUSSELL: So I believe there's
6 a narrative in the submission that we got
7 dated October 13th about a specific
8 requirements for granting the permits. I
9 think it starts on Tab 3 on roughly page
10 three.

11 I read this last week and I found
12 nothing that I wanted to see -- that I felt
13 was incorrect.

14 So I'm just going to read the
15 conclusion of that because -- (reading) as
16 described above, the change in use in
17 exterior renovation on the Maple Leaf
18 building is appropriate for the site and
19 surroundings, has a minimal transportation
20 impact on the district roadway. And agree to
21 it enhances adjacent properties, provides a

1 needed addition to the Cambridge housing
2 inventory, and is consistent with city-wide
3 urban objectives.

4 I'm okay with that.

5 So we need then -- someone should make
6 a motion on the two items before us. So one
7 item being the change of use, the amendment
8 to the PUD Special Permit, the change of use.
9 And then as the Section 12.37 and 19.25
10 Special Permits. 19.25 is the urban design.

11 THOMAS ANNINGER: Do we need to say
12 something about the parking?

13 HUGH RUSSELL: So well, it's I think
14 contained within the 19.25 and the -- we're
15 -- I don't, I don't see that we have to make
16 a specific Special Permit finding on the
17 parking because it's a PUD. And so the
18 general PUD has a parking plan. We have been
19 presented and reviewed by the city staff
20 finds that the parking that is presently
21 under One Leighton Street has sufficient

1 access capacity to candle this building
2 particularly since we granted the Special
3 Permit I guess last -- earlier this year or
4 last year to change the parking ratio to
5 reflect the actual parking usage in the
6 building, and the similar parking usage, plus
7 some with a safety factor in that decision.
8 I think the building has about something in
9 the 60 percent parking, and that the ratio is
10 being --

11 RICHARD MCKINNON: It's about 0.75
12 and heading south.

13 HUGH RUSSELL: So we expect probably
14 a lower ratio for the Maple Leaf building
15 because the size of the units are smaller
16 will appeal to people who are less likely to
17 have cars. So I think that's how parking is
18 handled. And I think there are still spaces
19 in the garage for Phase II.

20 RICHARD MCKINNON: No.

21 HUGH RUSSELL: Have you used up the

1 garage?

2 RICHARD MCKINNON: Absolutely not,
3 Mr. Chairman. But that's not before you yet.

4 HUGH RUSSELL: Right.

5 Okay, so we need a motion to grant the
6 Special Permits, the findings that we've just
7 discussed as our findings. Would you like to
8 make that motion?

9 AHMED NUR: I'll second that.

10 HUGH RUSSELL: That was a second.
11 We need a mover. I don't move.

12 WILLIAM TIBBS: I was going to say
13 so moved.

14 HUGH RUSSELL: Excellent. Now we
15 have a motion and we have a second.

16 Any discussion?

17 WILLIAM TIBBS: I just want to make
18 sure that we -- your concern that the, that
19 you get the acoustical information back as
20 incorporated as part of our routine staff
21 review.

1 HUGH RUSSELL: Right. So that's
2 conditioned that that information be
3 reviewed, be furnished, or reviewed by the
4 Department and the Department will know that
5 we're interested in seeing what that is.

6 And, you know, part of it is really
7 educational. This is a -- we're going to see
8 more projects, more close things, more large
9 things wanting to know what experts tell us
10 to look out for.

11 RICHARD McKINNON: Yes.

12 HUGH RUSSELL: And also we don't
13 want a something bad to happen here. And you
14 don't want something bad to happen.

15 RICHARD McKINNON: We have a lot of
16 very close neighbors.

17 HUGH RUSSELL: Great. And although
18 you're not on that side of the building.

19 RICHARD McKINNON: Not that that's
20 ever an issue, Mr. Chairman.

21 HUGH RUSSELL: Right.

1 So I have a motion and a second. Is
2 there any more discussion?

3 On the motion, all those in favor?

4 (Show of hands.)

5 HUGH RUSSELL: All members voting in
6 favor. And the Major Amendment is granted.

7 RICHARD MCKINNON: Thank you. Thank
8 you very much, members of the Board.

9 Appreciate it.

10 HUGH RUSSELL: So is it the pleasure
11 of the Board to continue straight onto the
12 Hampshire Street?

13 WILLIAM TIBBS: Yes.

14 * * * * *

15 HUGH RUSSELL: Okay, so the next
16 case the Board is going to hear is Planning
17 Board case 263, 168-174 Hampshire Street. So
18 we'll deconstruct Leighton Street and go on
19 to Hampshire Street. It will take a couple
20 minutes to set up.

21 Once you're setup and ready to go we're

1 going to take a little bit out of order.
2 Councilor Toomey has asked to speak out of
3 order. He's not feeling well and would like
4 to go home.

5 COUNCILLOR TIMOTHY TOOMEY: Timothy
6 Toomey, 88 Sixth Street, Cambridge. Thank
7 you, Mr. Chairman, and the members of the
8 public for allowing me to speak out of turn.
9 I am fighting a head cold so I apologize for
10 going out of turn and not being able to stay
11 for the whole presentation. But I'm here
12 this evening because I've heard from several
13 direct abutters of this proposed project who
14 have many concerns, as I do, as to the
15 potential impact on the residential area
16 here. This is a very busy intersection,
17 Prospect and Hampshire Street. And not only
18 is it this site, but I'm concerned about the
19 potential impact. Across the street you have
20 other small stores that could also fall into
21 this type of development in the near future.

1 As we all know, that traffic at Prospect and
2 Hampshire -- or all of Prospect Street is
3 very, very congested. Certainly Tremont
4 Street, Murdock Street, they're cut-throughs
5 for a lot of traffic. So it's a very
6 residential neighborhood, single and
7 two-family homes, very family-oriented
8 neighborhood. So I'm concerned about the
9 density with the parking issues, and just the
10 public safety of this proposed development.
11 So I hope the Board will not take any action
12 this evening. I hope that there's further
13 discussions with the neighbors on this site.
14 And I just ask the Board as they're looking
15 at this site to keep in mind the potential
16 impact of the development on the sites
17 directly across from that area. So I do have
18 a lot of concerns, and hope the Board will
19 take that into consideration. I know the
20 members of the public will be here to
21 testify, and I do apologize that I would like

1 to get home and get some rest.

2 So, I appreciate your taking me out of
3 turn and I thank the indulgence of the
4 neighbors for letting me speak, but I will be
5 in touch.

6 Thank you.

7 HUGH RUSSELL: Thank you very much.
8 Now, would you like to give your
9 presentation?

10 ATTORNEY ANDREW BRAM: Good evening,
11 Members of the Board, my name is Andrew Bram.
12 I'm an attorney here in Cambridge
13 representing David Aposhian who is sitting
14 here who is the proposed developer of this
15 site. With him is Edrick van Beuzekom who is
16 the architect for the project. And Margaret
17 Rosenberg who is Mr. Aposhian's aide to camp
18 as it were. This is before the Board for a
19 project review under Article 19 and we're
20 seeking a Special Permit. This is also
21 impacted by the Prospect Street Overlay

1 District. And the proposal is to replace the
2 fast food restaurant Kentucky Fried Chicken,
3 which is on the site now, with a 15-unit
4 apartment building. The project generally
5 complies with Zoning with a couple of
6 interesting perhaps exceptions.

7 The site as it is shown up there, the
8 site is partially -- the site at the Prospect
9 end of the site is -- anyway, at the Prospect
10 -- at the end of the site where it abuts the
11 house on Prospect Street is a C-1 District.
12 Most of this site, almost all of it, is a
13 Business A District. And housing built in
14 the Business A District is under CB-2 Zoning
15 for development standards. And there is a
16 particular section of the Zoning Code 3.3.21
17 which allows a site that is bisected like
18 this by a Zoning District to extend into the
19 more of a restrictive Zoning District by 25
20 feet by Special Permit of the Planning Board
21 or the Board of Appeals. In this case we've

1 -- since we're here under Article 19 for a
2 project review Special Permit, we're asking
3 this Board for that Special Permit to extend
4 into the C-1 Zone. If that permit is
5 granted, then that basically allows us to
6 meet floor area ratio and not require a
7 Variance to develop these 15 apartments that
8 we're proposing.

9 The other significant section is under
10 the Prospect Street Overlay District under
11 Section 20.204.31. It says that if you have
12 a site that is -- would have frontage on
13 Prospect Street and any other street, that
14 the base zoning allows you to have setbacks
15 of three feet on those two deemed frontage
16 side lines or lot lines. The question is is
17 the base zoning, as it is Business A, that's
18 the -- we believe to be the case, that the
19 interpretation is that it does allow the
20 three-foot setback. And I guess the question
21 for the Board is whether or not we discussed

1 this with the planning staff, whether or not
2 if the base district is CB-2 then, of course,
3 there would be a different setback
4 requirements. Some formulaic, height plus
5 length, with a minimum of 10 feet in which
6 case this project would require variances for
7 though two-dimensional lot lines.

8 If the three-foot setbacks are in fact
9 granted by this Board by Special Permit or
10 interpreted by Special Permit than the only
11 Variance this project needs is a very small
12 side yard setback along the project where it
13 meets, where it backs up to the Murdock
14 Street neighbors. The required setback is
15 about 25 feet and I think what we're
16 proposing is 22 feet or 23 feet. It's very
17 close.

18 One of the reasons that we have
19 designed the site as it is designed, pulling
20 it closer to Hampshire and Prospect Street,
21 is to get it away from the other residential

1 abutters. In addition, we've also asked this
2 Board for a reduction in required parking of
3 one space. The project, with 15 units, would
4 require 15 spaces. We're asking for 14.
5 Based on discussions with Traffic and
6 Parking, there is room on the site to have
7 one or two surface spaces but Traffic and
8 Parking actually preferred that we not do
9 that, that the -- there's going to be an
10 underground garage which will accommodate 14
11 cars, including a handicap space. And that
12 the Traffic and Parking felt that the area on
13 the site where those two surface spaces could
14 go are better used for space and also for a
15 place to put snow in the wintertime. I'm
16 going to let Mr. Aposhian maybe go into this
17 in a little more detail in terms of the
18 architect and in terms of design
19 considerations. But those are the Special
20 Permits that we're requesting from the Board
21 in this proceeding and I'm going to, I think,

1 of these two slides you'll see some of the
2 neighboring residential abutters. The one on
3 the right is a six-family on Prospect Street.
4 And on the left there are neighbors on
5 Murdock Street. And if you go to the
6 proceeding slide, the immediately proceeding
7 one on the left there is the house that's
8 abutting us directly on Hampshire Street.

9 And the background there on the left
10 you can see one of maybe three or four nearby
11 four deckers. And we, the proposed building
12 will be very similar in height from the main
13 cornice of it to the top of that blueish
14 building there on the left.

15 And, again, some more of the site.

16 This shows some of the bus stops
17 nearby. There used to be one right adjacent
18 to the parcel on Prospect Street. That has
19 been discontinued. And actually when we were
20 doing the initial planning for this, we were
21 aware that we could have done, per zoning,

1 two curb cuts, one of which was on Prospect.
2 And it didn't seem to be a good idea at the
3 time both in terms of discharging traffic,
4 directly on Prospect Street. And at the time
5 we didn't know that the bus stop had been
6 discontinued. And, you know, it would be
7 very close to where the bus stop was. We
8 were looking at that, though, because it gave
9 us the ability to put at least two more
10 spaces on the site. Parking spaces.

11 Although we had concerns about doing that
12 because we wanted to maximize open space,
13 green space.

14 Next slide, please.

15 This shows the distance to various or
16 three subway stops with arrows.

17 And this shows proposed site plan. And
18 we hopefully our laser pointer will work.

19 So, what we are proposed doing in part to
20 response with a meeting with Traffic and
21 Parking, they wanted this driveway here as

1 wide as possible for a variety of reasons.
2 They did not want a car to be sitting here or
3 here across the street waiting for a car
4 coming up to the driveway to pull out. They
5 wanted it to be able to -- paths to co-exist
6 in the widening of this driveway there. They
7 actually proposed that we move even closer to
8 Prospect Street than we had originally
9 intended. This has the effect of moving it
10 farther away from our closest residential
11 abutter -- and, again, my laser pointer has
12 failed me -- on Hampshire Street to increase
13 our side yard setback there. And we
14 discovered in the process of doing this that
15 the Prospect Street overlay actually allows
16 for a setback from a street as small as three
17 feet, which actually I think is perhaps more
18 appropriate to the neighborhood than the ten
19 feet that would be the most restrictive
20 interpretation of the Code. A lot of the
21 existing buildings across the street and

1 adjacent to us had zero setbacks. And one of
2 the things that we were looking to do, as I
3 said before, was to maximize green space.

4 And at the bottom of that slide, this
5 area here, we're proposing to be all green
6 space, includes a dog leg here which is
7 currently used as green space by a neighbor.
8 We'd like to keep it that way.

9 So this is where we could have had the
10 curb cut off of Prospect with two spaces. We
11 could -- with this existing footprint of the
12 building, we could have by right conforming
13 spaces, two full-sized right there which is
14 where the Traffic and Parking wants us to
15 leave a space open for snow placement after
16 snow removal.

17 The other potential use of this, which
18 we really don't want to do, would be that
19 area there would be for the dumpster there,
20 and we're committed to keeping up our
21 dumpster inside.

1 This project has been largely driven in
2 design. Unfortunately, as many urban
3 projects are by the traffic and parking
4 issues. Mostly the parking layout. The
5 building just is a little -- the lot is a
6 little too narrow to easily adjust to a
7 double aisle parking in the garage.

8 And this shows our current proposed
9 plan for the parking. And we actually have
10 our storage and our bicycle room on the first
11 floor because we simply cannot fit it in
12 there along with some mechanical areas. And,
13 we in some initial meetings with the
14 neighbors and with the city, and some of our
15 experience with previous buyers in other
16 nearby neighborhoods, we're very aware early
17 on that bicycle storage was going to be a
18 real key issue. So we consciously set out to
19 give a large bicycle room on the first floor
20 which can accommodate, I believe, 16 bicycle
21 spaces. And that's according to the Traffic

1 and Community Development design standards.
2 We also are working with the City to put some
3 bicycle stands on the sidewalk that we pay
4 for which will be available to obviously the
5 entire public. We can't fit them onto our
6 front yards there because we don't have
7 enough room to do that and conform to the
8 traffic and parking standards for the size
9 and bike storage spaces.

10 So this drawing shows where by right
11 building could go and would go versus what we
12 have proposed with -- we would need Special
13 Permits and Variances. One issue is we are
14 -- our lot's bisect by a Zoning District line
15 and that complicates the matters to a great
16 degree. If that wasn't there, it would be
17 easier to extend the building down towards
18 Central Square, in which case we could pick
19 up two garage spaces in the building itself,
20 though, that would be at the expense of green
21 space. And then it would also produce a

1 building mass that's bigger than we really
2 need.

3 So, again, if you look at that, you can
4 see where we in the proposed site plan where
5 theoretically we couldn't fit up to four more
6 spaces, parking spaces, that would have come
7 at a cost to I think the quality of the site
8 in terms of the amount of green space and in
9 some early conversations with direct abutters
10 and it would also come perhaps at a --

11 HUGH RUSSELL: I think we're kind of
12 getting bogged down on this issue. Could you
13 present the proposal, the building, what it
14 looks like, floor plans and things like that?

15 DAVID APOSHIAN: Sure.

16 EDRIK VAN BEUZEKOM: My name is
17 Edrick van Beuzekom. I'm the architect for
18 the project. E-d-r-i-c-k. The last name is
19 v-a-n B-e-u-z-e-k-o-m.

20 This shows the basement level plan
21 which has 14 parking spaces here, including

1 one handi cap space. There' s an el evator
2 here, stair up, there' s a trash room that
3 we' ve located down here so that all trash and
4 recycling can be stored inside the bui lding.
5 There' s a trash and recycling room here. We
6 have just mechani cal spaces for the el evator
7 and fi re spri nkl ers back here.

8 This is the first floor plan where
9 basi cally what we have is a lobby on the
10 corner here. And basi cally what we' ve done
11 is cut this back on the corner a bit at the
12 intersection of Prospect and Hampshi re and
13 we' ve tried to keep the lobby. The lobby' s
14 at ground level , at sidewalk level . We tried
15 to keep it as glassy as we can for vi si bi li ty
16 across this corner.

17 And we have the el evator.

18 The first floor of the bui lding is up
19 three and a hal f feet above sidewalk level .
20 And on this floor we have three apartments;
21 one, two, three. One larger. And the

1 intention is to have affordable units. I
2 think the large one here would be probably
3 one of the affordable units, and we'll have
4 one on the upper floor. And we're offering,
5 although it's not required, we're offering a
6 third affordable unit probably on this floor
7 as well.

8 The other spaces that we've shown here
9 in red is basically to show you spaces that
10 are counting as -- well, they're using a
11 potential liveable space for functions that,
12 you know, ideally you put in the basement,
13 but -- or in the garage. But we don't have
14 room down there.

15 So we have the bicycle storage room.
16 Access to the storage room is from the
17 outside. We have a ramp that comes out to
18 the rear entrance and leads directly to the
19 storage unit.

20 We have some tenant storage and we have
21 some mechanical space. I believe the

1 mechanical space is something we also need a
2 Special Permit for in terms of the Prospect
3 Street Overlay District having that first
4 floor mechanical space.

5 HUGH RUSSELL: Well, I think it's
6 certainly things that you're supposed to put
7 there, the mechanical space and the storage
8 cubicles and arguably the bicycle room don't
9 comply. It's not that we have to permit the
10 mechanical space, it's that you aren't doing
11 what the Ordinance requires in terms of the
12 first floor.

13 EDRI CK VAN BEUZEKOM: Right. And
14 the issue there, again, is just we're finding
15 places to put that, you know, because we're
16 maximizing the parking in the garage. We
17 don't really have room for these uses down
18 there.

19 This is a typical upper floor plan
20 showing four units; elevator, two stairs.

21 This is the fourth floor plan on this

1 side. And basically what we're proposing is
2 a mezzanine level which would be some
3 penthouses attached to each of these units.
4 These penthouses each have a little private
5 deck as well which is part of the area that
6 we've counted for gross floor area, so that
7 works against us in terms of the FAR, but
8 that is included in this.

9 Just to give you a sense of what it
10 would look like from the street. These are
11 preliminary designs. We're still developing
12 this. We are looking into the possibility of
13 some projecting bays along the street. This
14 view is along Prospect Street looking toward
15 the -- that's the tall building on the corner
16 of Hampshire Street across the street from
17 us. And this is the triple, three-story
18 building next-door.

19 What you see here is what we're trying
20 to do is a very strong cornus lines which is
21 about 45 feet of sidewalk level. The height

1 limit in this area is 65 feet. And the
2 penthouses are set back so that they're, you
3 know, minimally visible from the street.

4 The goal with the landscaping here is
5 to basically -- we'll show you some examples
6 of other projects we've done, but basically
7 to plant pretty heavily along the edge of the
8 building here. We're trying to preserve as
9 many of the large trees that are around the
10 perimeter of the site currently, this being
11 one of them, and keep it. And so there are a
12 few other options that we're investigating.
13 One is a trellis, sort of a shallowed trellis
14 pergola type system along the first floor
15 here.

16 So despite the fact that we have
17 mechanical rooms and bicycle storage rooms,
18 the intention is to do the fenestration so
19 that it matches with the rest of the
20 residential use, give it the character.
21 We're also building in trim lines to breakup

1 the mass of the building and using six over
2 one window, double hung windows, heavy trim
3 around the windows.

4 This is a view looking down Hampshire
5 Street away from Inman Square toward Kendall
6 Square. And you see the corner here where
7 it's cut back underneath.

8 This is looking down Prospect Street in
9 the other direction looking towards Central
10 Square.

11 And this is another shot down Hampshire
12 Street looking back toward Inman Square.

13 These are aerial views just to give you
14 a sense of scale.

15 Again, the corner line here is going to
16 be pretty close to the same as the corner
17 line on this building here. Just to give you
18 a sense of that. As far as the setback on
19 the street here, I think, you know, this wall
20 where we're asking to put the building three
21 feet from the lot line is essentially in the

1 same place where the existing KFC wall is to
2 give you a sense of that.

3 And this is another view. Here you can
4 see the driveway coming in here entering the
5 garage down at that level. We would have
6 some street trees along here and the bicycle
7 racks for the short-term bicycle parking
8 along here as well.

9 This is just a sectional view of the
10 building showing the parking underneath and
11 how the first floor is three and a half feet
12 above ground level.

13 These are some elevations, again, flat
14 views of what I was showing you in the 3-D
15 views earlier. And these are some examples
16 of other projects. And I would -- I'll run
17 through it.

18 These are the projects that David
19 Aposhian has developed. I've been involved
20 in some of them, not all of them. But this
21 is just to give you an example of the kind of

1 Landscaping, the type of architecture that we
2 have in mind here.

3 This project on Blackstone Street in
4 Cambridge has some similarities in scale.
5 And, again, landscaping, intensive
6 landscaping is a prominent part of all of
7 these projects. And rich use of materials
8 and trim.

9 This is a project nearby on Prospect
10 Street. The site for this project crosses
11 over to Tremont Street as well. So this
12 building is on Prospect Street. These are
13 townhouses that are in the middle of the
14 block there. And, again, you see the
15 cobblestone walls with the granite bollards,
16 brick paving. They're sort of typical
17 materials that we would be working with.

18 Here are some other views showing the
19 landscaping at Union Place. Union Place is
20 just up Webster Ave. not too far from our
21 site, and you have a fairly large development

1 that we've done there reclaiming former
2 industrial land.

3 This is another building on that site.

4 This is a four-story building.

5 This has the pergola similar to what we
6 were talking about possibly doing along the
7 edge of our building.

8 In this case the planting has overtaken
9 it. It's grown all the way up to the trellis
10 up there. And we'd probably go with some
11 lighter vines than what we did on this
12 project, because the maintenance on this is a
13 little overwhelming. But that's the --
14 basically the idea, the intent of what we're
15 looking to do.

16 . And this is to provide shading for
17 the building, but also to just give it a
18 green feel.

19 And this seems to be another sense.

20 You can see how we let things climb up the
21 building here.

1 This building is hardy plank on the
2 outside, which is a fiber cement siding.
3 Fiber cement trim. You're probably looking
4 at using a combination of that and possibly
5 cedar siding that you've seen in some of the
6 other projects.

7 This is another one of the buildings in
8 the Union Place Project, 80 Webster Ave.
9 Similar in scale to the building we're
10 talking about here. And there's that sense
11 of the landscaping on the street.

12 Let me go back to the landscape plan.

13 I haven't talked about this. This is
14 our proposed landscaping plan. Here you can
15 see we're proposing brick paving or unit
16 pavers for all the paved areas here for the
17 drive down to the garage. Also, walkway and
18 the ramp coming up for the bicycle access for
19 the back of the building here. This is sort
20 of the intent, intensively landscaped area
21 for use of the residents.

1 And these are existing trees along this
2 edge. And one of our goals has been to try
3 to preserve those trees. That is was
4 additionally for one of the reasons for
5 pushing the building farther over this way.
6 And tried to -- this was a balancing act with
7 what Traffic and Parking was requesting us to
8 do with this driveway. I mean, technically
9 for a one way drive, you can go down to a
10 ten-foot wide driveway. But, you know, they
11 have legitimate concerns about cars waiting
12 out here. So, we've widened this part of the
13 driveway to 16 feet. It goes down to 14 feet
14 and then you enter the garage. It gave us
15 enough room here that we feel pretty
16 confident that these trees will be able to be
17 preserved, we'll be able to work with the
18 roots on those. Certainly these two are
19 probably not in any danger. These two we'll
20 have to be careful with. These trees should
21 be fine. This one should be fine. There are

1 two existing large trees here which will
2 probably have to come down. And so part of
3 new landscaping is going to need to replace
4 the caliper of those trees on site to the
5 extent possible. We will also be paying
6 industry funds as part of that.

7 One of the drawings that I brought
8 today which it had not been -- we didn't get
9 until today, was from our civil engineer,
10 which basically shows the plans for drainage
11 on the site and to take care of roof drainage
12 and site drainage. There would be an
13 infiltration system underground in the back
14 corner of the site here underneath the
15 landscaping. It's a difficult site in terms
16 of the soils and the groundwater.
17 Groundwater's fairly high. Soils are
18 contaminated. So there's some issues there,
19 about the cost of removing soil and that
20 limits how far down we really want to go with
21 this as well. There's also limits in how far

1 down we can go in terms of access to get down
2 to the garage. Just the lengths of the ramp
3 that you need to get down low enough. We had
4 in early schemes we looked at a possibility
5 of keeping the existing entrance into the
6 site which is more in this area right here,
7 and trying to just ramp down inside the
8 building to the parking. But what happens is
9 your ramp takes up half of the parking area,
10 so you couldn't get very many parking spaces
11 in there.

12 If anybody has any questions.

13 HUGH RUSSELL: Okay, are there
14 questions by the Board on what we've heard?
15 We haven't gotten to the public testimony
16 yet.

17 UNIDENTIFIED FEMALE: Hugh, should
18 I?

19 HUGH RUSSELL: Not right now. We're
20 at the point of this hearing if we're asking
21 if Board Members have an issue or questions?

1 So now we can go to public testimony.
2 There's a sign-up sheet there, but I'd be
3 happy for you to speak first, Nancy.

4 UNIDENTIFIED FEMALE: No, I'm on the
5 sheet but let others go first, please. I'll
6 get all my thoughts together.

7 HUGH RUSSELL: Okay, the first
8 person on the sheet is William Nugent.

9 UNIDENTIFIED MALE: Could I go a
10 little bit later?

11 HUGH RUSSELL: We go in the order of
12 the sheet I'm afraid. Otherwise it's just
13 chaos.

14 WILLIAM NUGENT: Do I come up here?
15 I don't know how this works.

16 HUGH RUSSELL: Yes, use the
17 microphone. Address your remarks to the
18 Board. And give your name to the recorder,
19 and you have three minutes to speak to us.
20 And at the end of three minutes Pam will
21 signal you.

1 WILLIAM NUGENT: Okay, thank you.
2 I'm Bill Nugent, N-u-g-e-n-t and I live over
3 at 17 Tremont, No. 2 and thank you for
4 letting me address the Board with my concerns
5 and to add to the parts of letter of concern
6 that I signed last night. I apologize if my
7 comments are both disjunct. I guess I'm just
8 trying to give my additional thoughts of
9 that.

10 I currently live in one of David
11 Aposhi an's developments which is 17 and 19
12 Tremont and 182-190 Prospect. There was a
13 concern about parking. Quite a few of my
14 neighbors do have more than one car. One of
15 my immediate neighbors has three cars. There
16 are people who live over on the Prospect side
17 who cut through to get their second car off
18 of Tremont to use it. I know of at least two
19 that do that. So, having one less car in
20 this development is a concern. The street is
21 already very full. There are people who park

1 from places they live there, are two to three
2 blocks away. And this is done on a routine
3 basis.

4 Previously I rented at another
5 development, the one that was shown earlier
6 over on 432 Norfolk, I lived immediately
7 above the bicycle room. The bicycle room was
8 filled, but we only had one commuter and he
9 was a fair weather commuter. I know this
10 because whenever the door was opened or
11 closed, the floor would bump and you could
12 hear the thud of the door and the buzz of the
13 buzzer to open the door.

14 So, and at work we have many people who
15 are fair weather commuters over at Kendall
16 Square, and we only have two that ride no
17 matter what the weather. Think about the
18 worst of the storms, they still rode that we
19 had last year.

20 Lastly, to me trees are very important
21 part of our community. We need more trees

1 and not less. Please do not decrease the
2 number of trees, especially mature trees
3 which provide very valuable habitat to the
4 wildlife.

5 And I guess if I may can I ask a
6 question?

7 HUGH RUSSELL: You can ask to the
8 Board.

9 WILLIAM NUGENT: Okay. I'm
10 concerned here. I understand the entryway is
11 glass to provide corner view, but the
12 vegetation appears to block a good portion of
13 that view undermining the intent. I think
14 the vegetation designs in Aposhi an's
15 developments are beautiful. It's, you know,
16 very, very attractive but this feels just a
17 little too large for the site.

18 HUGH RUSSELL: Okay, thank you.

19 WILLIAM NUGENT: Thank you.

20 HUGH RUSSELL: Next speaker is
21 Courtney Quinn.

1 COURTNEY QUI NN: I'm Courtney Qui nn,
2 Q-u-i -n-n. My husband Donovan and I live at
3 7 Murdock Street and are di rect abutters to
4 the parcel. I don't have a lot to say except
5 that we are supportive of the project. I
6 think it represents an improvement to the
7 nei ghborhood over what's there now, and I
8 think Mr. Aposhi an's done a real ly nice job
9 to reachi ng out to us and the others in the
10 nei ghborhood to make sure our feedback was
11 taken and heard. Agai n, not a ton to add but
12 that we do support the project. We think
13 i t's an improvement.

14 HUGH RUSSELL: Okay, thank you.

15 Annette Si menas. I apol ogi ze for the
16 pronunci ati on.

17 ANNETTE SIMENAS: Hi. I'm Annette
18 Si menas. I live at 24 Tremont Street. I
19 just want to say that parking on Tremont
20 Street is a li ving, burni ng hell. If I had
21 wanted to drive here today, I woul d have had

1 to have two cars parked because -- two cars
2 towed because they were over our curb cut.
3 It has gotten much worse over the last two
4 years, and I think you need to take into
5 consideration the impact that has already
6 been put upon this neighborhood. It's not an
7 isolated project. If you look at the Oak
8 Ridge website about vehicle use, you'll find
9 out in urban areas the average amount of cars
10 per household is 1.7, and that's for urban
11 areas. That would require 25 parking spaces.
12 I understand that they have tried very hard
13 to get the 15 parking spaces required. I
14 understand it's very difficult, so my
15 suggestion would be to build less units.

16 HUGH RUSSELL: Next speaker is Beth
17 Pendry (phonetic). You don't wish to speak;
18 is that correct?

19 BETH PENDRY: I don't need to speak.
20 I think my neighbors are doing a great job.

21 HUGH RUSSELL: Okay.

1 Then Abl e Si menas. Do you wi sh to
2 speak?

3 ALBI E SIMENAS: I t' s actual l y Al bi e.

4 HUGH RUSSELL: Oh, Al bi e. Oh,
5 sorry, of course, i t i s.

6 ALBI E SIMENAS: That' s our buddy
7 Al bi e, Al bi e Si menas. I coul d al ways tel l
8 when a tel emarketer was call ing because they
9 woul d fi rst try to say Si mon, Si men -- and
10 then they woul d al ways go Abe, Abl e?

11 I l i ve at 24 Tremont Street and I don' t
12 want to go any further into the parki ng i ssue
13 because i t i s real ly bad. I mean, that area
14 i s j ust congested because of Prospect Street
15 not havi ng parki ng. There' s the overflow
16 natural ly from that anyway.

17 But i n general I j ust want to say that
18 anythi ng done i n that area woul d be an
19 i mprovement. I j ust thi nk the scal e of thi s
20 i s too l arge. I mean, I don' t -- even wi th
21 the penthouses on top, i t real ly di dn' t show

1 in the graphics that were used there how much
2 of an impact it would be in there. And as
3 Councilor Toomey also said, if that were to
4 happen in those other lots in that area is
5 that what we want to have happen in other
6 parts of Cambridge? That's really what I
7 have. I mean, the idea of having the trees
8 and the plantings and all that, I applaud
9 that. I'm a member of the Cambridge
10 Conservation Commission, and that's one of
11 the things that -- I'm also on the Community
12 Preservation Act Committee, and it's always
13 something I've been advocating for all those
14 projects. I just think the scale of this
15 project is too large and that's my comment.

16 Thank you.

17 HUGH RUSSELL: Thank you.

18 Mr. Panico, do you wish to speak?

19 ATTORNEY VINCENT PANICO: That was
20 signed in error.

21 HUGH RUSSELL: Okay.

1 Paul Breneman, do you wish to speak?

2 PAUL BRENEMAN: Well, my concerns
3 are more -- my name is Paul Breneman,
4 B-r-e-n-e-m-a-n. I live at 77 Tremont
5 Street. And my concern is more the -- that
6 both the density of the housing that's
7 developing in this immediate neighborhood
8 area and the height and setback of this
9 building, it just seems out of scale with
10 what is in the surrounding area. And like
11 other people have said, if this same model is
12 used in what is now the 7/11 site and maybe
13 the Hess Gas Station site, it's just gonna
14 seem overwhelming in terms of the height and
15 how crowded that whole area is. It will
16 remove any sense of openness in the area.
17 And I'm concerned about the traffic, too,
18 with the increased density. I just -- the
19 traffic at that intersection and Inman Square
20 is already in a pretty horrendous point, and
21 that's my main concerns.

1 HUGH RUSSELL: Thank you.

2 Harvey Halpern.

3 HARVEY HALPERN: My name is Harvey
4 Halpern. And that's H-a-l-p-e-r-n. I live
5 at 73 Tremont Street and have for about 32
6 years. And over that period of time I've
7 seen the traffic get worse and worse, parking
8 go from horrendous to impossible. And this
9 project of this size and this density just
10 does not fit in this neighborhood and will
11 only make the lives of those who actually
12 live here worse. I am happy to see the KFC
13 go, but if the project was a six-unit or an
14 eight-unit, it would be acceptable. It would
15 be welcomed by the neighborhood. But as it
16 is, it's going to be yet another dagger in
17 the back of this neighborhood. And it will
18 be that much more difficult to get through
19 Inman Square. It will be that much more
20 difficult to park on Tremont Street or any of
21 the surrounding streets, and it's becoming

1 untenable and this is only going to make it
2 that much worse.

3 HUGH RUSSELL: Thank you.

4 Campbell Ellsworth.

5 CAMPBELL ELLSWORTH: Good evening.
6 My name is Campbell Ellsworth. I live at 267
7 Norfolk Street and I just wanted to address
8 the Board. I live on the end of Norfolk
9 that's quite close to Hampshire so I'm very
10 close to this intersection. I go through it
11 probably at least once a day. I think that
12 first of all, I just want to say I've admired
13 the work of David Aposhian for many, many
14 years. I think he's done some spectacular
15 things in Cambridge and Somerville, and I
16 applaud him on it. There are a lot of issues
17 tonight about this that a lot of people will
18 speak to, and I am mixed about this
19 particular proposal. I think that there are
20 some positive aspects and negative aspects.
21 One, just to say, I'm a support of density.

1 I think that in the city, I think that the
2 density is sort of a way to sustainability in
3 our culture, larger, you know, generally, but
4 there are some aspects of this, and I -- what
5 I really want to address to the Board, again,
6 I think Tim Toomey said it and a couple other
7 people, this is a very unique quadrant, I
8 think, in Cambridge right now at this moment
9 because of these three open spots. I say
10 open, there's stuff there; the KFC, the 7/11,
11 there's the Hess. But eventually those
12 buildings, those sites will be rebuilt. And
13 I think it's an enormous opportunity for this
14 Board to really look at that as an important
15 node for Cambridge. I mean, there's so much
16 happening. Inman Square is flourishing. I
17 always say it's been, it's been on the up and
18 up for the last hundred years. I mean, it's
19 fantastic. We live very close and enjoy it.
20 This is this kind of gateway, as Peter Martin
21 put it, gateway to Inman Square but right

1 down the street is Kendall Square. Up the
2 street is Union, which is going through a
3 renaissance and with the Green Line. And so,
4 the one thing that I want to address really
5 to this Board is these front yard setbacks.

6 I'd also ask the Board if I could or
7 the Chairman it's kind of unclear about where
8 -- what the Special Permits versus Variances.
9 There's a complexity to what's happening here
10 that's not clear to me, and I'm an architect
11 and I work in this stuff all the time.

12 HUGH RUSSELL: It's not clear to me
13 either.

14 CAMPBELL ELLSWORTH: Okay, wow.
15 Maybe it needs more discussion then.

16 HUGH RUSSELL: Yes.

17 CAMPBELL ELLSWORTH: But -- so the
18 one thing I wanted to say is that because of
19 the importance of this intersection to me,
20 I'll speak personally, that I would, the one
21 thing I would object to is how close this

1 building is to both Hampshire and Prospect.
2 Now, I understand, and I've been in
3 conversation or communication with the
4 architect. And I understand sort of where
5 this is generated and why. And it's to
6 achieve the parking underneath. And I
7 applaud all of the work that's actually gone
8 into trying to figure this out, but this
9 Board, I think, has enormous opportunity
10 right now to establish a set of guidelines
11 for this area that will really change over
12 the next 10 or 20 or 30 years.

13 PAMELA WINTERS: You need to wind
14 down your comments, sir.

15 CAMPBELL ELLSWORTH: Yep, sure.
16 Well, that's it. I'm really sort of looking
17 to this Board to look at the larger urban
18 fabric about what this site means to the
19 entire set of quadrants there. And my
20 general objection is to the close setbacks.

21 Thank you very much.

1 HUGH RUSSELL: Thank you.

2 Marjorie Jacobs.

3 MARJORIE JACOBS: Thank you. I'm
4 Marjorie Jacobs, 11 Tremont Street. I've
5 been a resident here, homeowner since 1980.
6 And I, too, want to just reiterate what other
7 neighbors have said, that this area has
8 gotten increasingly dense. We've been
9 looking for some kind of relief from Traffic
10 and Parking, enforcement of laws. We haven't
11 been able to get any kind of relief at all,
12 and there is no parking. Because people have
13 bikes, doesn't mean that they don't drive.
14 And as a neighbor said so wonderfully, some
15 people have three cars. I live behind the --
16 David Aposhian's last project that
17 transformed four parcels of land, put them
18 together, and we have this enormous
19 development behind us that's kind of
20 oppressive. There isn't, there's open space
21 but every space there are the cobblestones

1 and there's the vegetation, but there's no
2 space for snow removal. And when the snow
3 starts to fall, neighbors are on each other
4 and it isn't fun. There's a lot of tension
5 in the neighborhood because of the mosque,
6 the synagogue, the funeral home, and this
7 latest development.

8 Another one like this, I think it's
9 just too large. We need to have -- I'm not
10 opposed to him developing, but getting
11 Variances, exceptions, I'm against because of
12 the densification and the problems. It will
13 generate more problems. And if you notice,
14 people from Norfolk Street and our end of
15 Tremont, which is near Broadway, have turned
16 out for the meeting. We didn't receive any
17 letter about the project, it was just
18 fortuitous that a neighbor told us this was
19 going on otherwise we wouldn't have known.

20 Another concern I have is that I went
21 to a bunch of public process meetings for the

1 Prospect Street urban overlay and I thought
2 the idea was that develop Prospect Street,
3 pedestrian walking, and businesses and so
4 that the first floor wouldn't be a hostile
5 frontage just with windows that you can't see
6 through and that there would actually be
7 families living in the first floor,
8 businesses, offices, and that did not take
9 place on his other development on Prospect
10 either.

11 Thank you.

12 HUGH RUSSELL: Thank you.

13 Peter Martin.

14 PETER MARTIN: My name is Peter
15 Martin, M-a-r-t-i-n and I live at 11 Tremont
16 Street. I helped put together the letter of
17 concern regarding this development. I think
18 what I -- the main thrust of the letter --
19 there are a number of things that we want to
20 point out. A number of us participated in
21 the public process for Prospect Street. We

1 came to a number of meetings. And, you know,
2 what -- I'm an architect. I'm an urban
3 designer. I began working at Inman Square 30
4 years ago so I know this area pretty well and
5 I've watched Prospect Street actually evolve
6 into what is a very, very vital pedestrian
7 way. And it's improving almost every year.
8 But first talking about the Zoning, the
9 Zoning Ordinance is put together, I believe,
10 by really skilled professionals in this town.
11 We're very lucky to have such good people
12 working. And also with a good community that
13 really understands and gets involved. So
14 this, the Zoning Ordinance was put together
15 really to protect the built-in environment.
16 And that's what we expected to do. And I'm
17 thinking about this little cut where the C-1
18 cuts across the site. Well, yeah, it should
19 really alert us to issues because where you
20 have a business district abutting
21 residential, there have to be concessions

1 made. And I think my basic feeling is that,
2 you know, I look at the design and I can't
3 argue, you know, the design's competently
4 done. It's really just an extrusion of the
5 parking. And the parking is driven by a
6 maximized -- I assume, and I don't begrudge
7 people making money, but it's maximizing
8 profit. And to talk about urban design
9 issues narrowing the street, to me it's a
10 little disingenuous. The idea with a 10-foot
11 setback is to provide more space. Anybody
12 that walks Prospect, and I do now and again,
13 and when I worked in Inman Square, I'd walk
14 -- I -- I'd walk up to the restaurants. I
15 usually cross over and walk up Hampshire.
16 Because once it gets across Hampshire, it's
17 oppressive. The relationship between the
18 pedestrian and the car, you're too close.
19 And I think that that space is important.
20 That ten feet is important, the public in the
21 public realm. And that was recognized in

1 earlier schemes down the road. In fact, one
2 by the same developer where it is, I believe,
3 it is barely ten feet but it is ten feet.

4 The other thing I'm concerned about,
5 and I'm concerned about it as an urban
6 designer in cities generally, is the blank
7 facade or in this case the state facade. And
8 we're seeing it's becoming a pattern in
9 Cambridge. I think the Vinfen 10 building is
10 an example on Cambridge Street. There's
11 another one up on the corner of Beacon I
12 believe, maybe that's in Somerville, Dal i,
13 the restaurant, it's becoming a pattern where
14 the parking is being stuck on the ground
15 floor. We're raising it up here. It's a
16 little more sensitively handled. But we have
17 a blank facade on the other side of the
18 street, which I don't think is a well
19 designed development. We have the other
20 development by David further down. We have
21 the power building. Prospect Street it's

1 kind of dead. And I think from I accepted
2 the idea of public, the eyes on the road, is
3 important to the city. This is what makes
4 Cambridge, Cambridge. I mean, we're not
5 going to have bike racks outside of a
6 tenement coveting growers. And I mean as for
7 landscaping, I think the landscape is very
8 beautiful in certain context. But I think on
9 an urban avenue like this, I don't think it's
10 appropriate.

11 HUGH RUSSELL: Thank you.

12 Our next speaker is Nancy Messom.

13 NANCY MESSOM: Thank you, Hugh.

14 Nancy Messom, M-e-s-s-o-m. 166

15 Hampshire Street. I always thought that the
16 last battle in Cambridge would be fought
17 between Harvard and MIT and it would end on
18 my property and my house would go kaboom, no
19 more house, no more chance to live here. I'm
20 excited to live next to this project although
21 it is going to be big and overwhelming and

1 there will be a lot of concerns as things go
2 along.

3 First, I'm so glad the restaurant is
4 going. The food is tasty but evil. People
5 sit out on the wall and make obscene comments
6 to women. People -- the dumpster, people
7 climb in the dumpster to see what's in there.
8 They're also urinate and defecate in the back
9 and around the dumpster. So I'm hoping your
10 dumpster will be encompassed in a safe place
11 where the public can't get at it when they're
12 not supposed to.

13 Also, we'll have concerns about that
14 ugly wall facing my house which is actually
15 attached to my house. We'll have to have an
16 engineering report, I hope, to evaluate what
17 should be done with the wall. And at
18 minimum, we should have a fence or a pretty
19 facade over it.

20 The matter of the trees, what the trees
21 along my house line are doing to the house, I

1 don't know. I've tried to have a conference
2 with the forester, the arborist but he hasn't
3 called me back. So if anybody knows him,
4 tell him to give me a call.

5 Parking, I'll let other people fight
6 the parking issue. I'm one of those year
7 round bike people as long as there's not too
8 much ice. Otherwise I take the bus or the
9 car. I don't have a car. You wouldn't want
10 me to drive a car anyway. My skills are bad.
11 My intentions are good.

12 I appreciate the people looking out for
13 my best interest. I'm probably naive because
14 I find Mr. Aposhi an easy to talk to and good
15 company. But maybe I'm being fooled. But
16 I'm looking forward to a successful project
17 that would be something acceptable to the
18 neighbors, too, and something financially
19 adequate for you.

20 So good luck to us all and may we have
21 a little bravery here.

1 Thank you.

2 HUGH RUSSELL: Jeff Purcell

3 (phonetic).

4 JEFF PURCELL: Hi. My name is Jeff
5 Purcell. I'm a lucky guy because I live on
6 20 Tremont Street and these are my buddies
7 here most of whom have testified and I love
8 them all, particularly these two ones with a
9 new silence back there. And, you know,
10 Mr. Aposhian has done some good work in
11 Cambridge so I, you know, I give him credit
12 for that. But this is a massive project
13 which is stuck into -- wall to wall into a
14 lot and there's no need to put something this
15 big in something that small. Okay? And it
16 goes right up to the edge of the property.
17 And if you look at what's gonna happen to the
18 lots across the street, suppose that happens
19 to the lots across the street, and is it just
20 one big building, building, building? Is
21 that what we want in Cambridge? I don't

1 think so. I do agree we want a new building
2 and the Kentucky Fried is gonna go, okay?
3 The question is what are we gonna put in its
4 place? And I agree with these two builders
5 over here, let's put something reasonable in
6 its place. I think these guys should build
7 it. These guys are great carpenters.
8 Anyway, why do we need 15 units? We don't.
9 Okay? And --

10 HUGH RUSSELL: Excuse me, could you
11 address the Board.

12 JEFF PURCELL: Sorry. These --
13 well, these are my buddies. I'm sorry.

14 HUGH RUSSELL: Right.

15 JEFF PURCELL: They're tripping all
16 over themselves -- I'm sorry -- explaining
17 why we have to decide between green space and
18 parking. Well, you know, that just shows
19 that there needs to be less, okay? There's
20 no reason we have to have this many units.
21 Why did anybody say there has to be so many

1 uni ts? It violates Zoning Code. Everybody
2 says it's too big. There's too much jam
3 parking in Cambridge. My wife is upset
4 because in the last project Mr. Aposhi an did
5 he promised a fence to keep the people from
6 going back and forth which isn't there. And
7 the last project people feel jammed in, and I
8 think that's true. Okay? His projects are
9 jamming people in. And the last one on
10 Tremont Street did that. And this is another
11 one. Okay? There's just too much building
12 in Cambridge and there's no reason for it. I
13 haven't seen one reason to that, for that
14 need. We need something to replace it, fine,
15 okay? But you don't need a monstrosity like
16 this. But Mr. Aposhi an has done good work.

17 HUGH RUSSELL: Okay, thank you.
18 Does anyone else wish to be heard, wish to
19 speak?

20 ATTORNEY ANDREW BRAM: I would like
21 to add some comments at the end before the

1 Board di scusses.

2 HUGH RUSSELL: I t' s okay wi th me.

3 Okay.

4 ATTORNEY ANDREW BRAM: Thanks.

5 I' d like the Board to j ust take into
6 account we' ve heard a number of speakers talk
7 about the pri nci pal concern whi ch i s parki ng,
8 and then some concern about densi ty. As I
9 expressed when I fi rst opened, thi s project
10 essenti al ly compl i es wi th densi ty, dwelli ng,
11 number of feet per dwelli ng uni t. FAR
12 setbacks, except for one setback on one si de.
13 And thi s project coul d be bui lt total ly in
14 conformi ty by bui l di ng a tal ler bui l di ng.
15 The bui l di ng i s 54 feet. The hei ght l i mi t i n
16 thi s Zone under the Overlay Di stri ct i s 65
17 feet. So, whi le we understand what the
18 nei ghbors are sayi ng, i f a project l i ke thi s
19 i s not approved, a di fferent project may be
20 worse. We' ll come back. One of the thi ngs
21 that we di scussed as a group i s what thi s

1 building should look like trying to address
2 and balance competing concerns. The project
3 that we could build as of right is not
4 something that David wants to build because
5 it would be far worse than what's --

6 HUGH RUSSELL: I guess threatening
7 the Board is not a great strategy.

8 ATTORNEY ANDREW BRAM: It's not a
9 threat. It's not a threat. This is
10 addressing neighbors who say --

11 HUGH RUSSELL: Right. I think
12 you're out of line in this just general
13 argument.

14 ATTORNEY ANDREW BRAM: I would --
15 I'm asking the Board to look at, and I know
16 the Board knows Section 19.30 it talks about
17 balancing these competing interests. And so,
18 that's what I'm asking for. That the --
19 again, with parking, yes, we could have
20 compliant parking, but the Traffic and
21 Parking has asked us not to do that. So, it

1 is a balancing test, and that's what we're
2 asking the Board to look at in considering
3 the Special Permit --

4 HUGH RUSSELL: Okay, thank you.

5 ATTORNEY ANDREW BRAM: -- requesting
6 Special Permits.

7 HUGH RUSSELL: As I said in response
8 to one of the speakers, I'm very not at all
9 certain about the statements that have been
10 made about conformity, what Zoning rules
11 actually apply. It appears to me that
12 they're kind of picking and choosing
13 different numbers out of the various things,
14 and that it really doesn't -- it's not an
15 almost as of right project. They've picked
16 the density of number of units per dwelling
17 units and then they've picked the height.
18 Those are the things that conform, and the
19 rest of the things are not necessarily in
20 conformance. So that concerns me. And I
21 think we need to have the staff look more

1 carefully and help us understand how the
2 various things relate to each other.

3 We had a terrible long, messy case that
4 centered on the 25-foot Zoning Line language
5 and it does not allow you to change every
6 requirement. It doesn't allow you to move
7 the district line. It allows you to do
8 certain things and not other things, and it
9 has to be looked at carefully. You know, you
10 -- the FAR, you say well, if you look at it
11 one way, we conform. On the form you sent us
12 you said you don't conform.

13 EDRICK VAN BEUZEKOM: We don't --

14 HUGH RUSSELL: And so you're asking
15 apparently for an FAR Variance.

16 EDRICK VAN BEUZEKOM: We are --

17 HUGH RUSSELL: Which we can't grant
18 you but the Zoning Board could.

19 EDRICK VAN BEUZEKOM: It's only if
20 the exception is taken which requires a
21 Special Permit from the Zoning Board to

1 extend the Zoning rules of the --

2 HUGH RUSSELL: Yes, but that's not
3 the way the rules work.

4 EDRI CK VAN BEUZEKOM: I agree. So
5 we are looking for a Variance --

6 HUGH RUSSELL: Sorry, if you could
7 let me speak?

8 EDRI CK VAN BEUZEKOM: There's no
9 questi on.

10 HUGH RUSSELL: So it's really not an
11 as of right project. And, you know, I guess
12 the other thing that parti cularly annoys me
13 is the setback. I think as you go back a few
14 blocks in ei ther di recti on on Prospect and
15 Hampshi re Street going down to the east, ten
16 feet is a fai rly common setback of the mai n
17 plan of the bui lding. Most bui ldings have
18 bay wi ndows that project forward of that ten
19 feet, but, you know, three feet is pretty
20 uncommon. The forced four decker di rectly
21 across the street is pretty uncommon. There

1 are several -- a few buildings like that
2 scattered throughout the area, but there are
3 houses like, you know, one and a half story
4 house which is the abutting house, it's quite
5 mixed but I was sort of, you know, looking
6 and riding my bicycle down the street saying,
7 okay, what is the typical setback? And it's
8 ten feet, it's not three feet.

9 WILLIAM TIBBS: Do you want to close
10 the hearing?

11 HUGH RUSSELL: Well, is that the
12 pleasure of the Board to close the hearing to
13 verbal testimony and leave it open for
14 written?

15 (All members in agreement).

16 HUGH RUSSELL: Okay.

17 I guess I'm also very surprised by
18 building plans that do not show what's inside
19 the apartments. It gives us no way to judge
20 the nature of what's going on in the
21 building. They're just blank, some blanks.

1 There are 1300 feet, some blanks are 400
2 feet. Everybody else fills in the apartments
3 let's us know what's going on.

4 I think the -- I think I've looked at
5 very closely at the Prospect Street overlay,
6 it doesn't appear that this building is
7 paying much attention to the Prospect Street
8 overlay.

9 On the other hand, you know, we have a
10 developer that's done a lot of quality work.
11 It would be nice to replace the Kentucky
12 Fried Chicken with an appropriately scaled
13 residential project. And the Zoning permits
14 a building that is more or less the size of
15 what they're proposing if you can manage so
16 solve the setback problems, the parking
17 problems. And of course the Zoning Ordinance
18 isn't a pick and choose thing. It's you've
19 got to do everything. And so some sites may
20 be the setback becomes the defining thing and
21 another site it may be a floor area ratio.

1 And so my sense is that you have to go back
2 to the drawing board and you've got to go to
3 -- and there's got to be a very careful lead
4 by the city as to what the rules really are.
5 So I'm going to -- I think I saw your hand
6 first, Ahmed.

7 AHMED NUR: Yes. Mr. Chairman, I
8 agree with what you said. And I guess I'll
9 just set up a few points that I'm very
10 unclear about with regarding to this project.
11 And those are just for them to take a note
12 and maybe we can answer it next time.

13 One of them being where exactly are the
14 curb cut is on Prospect Street? Is it the
15 front? It looks like the M-shape may be from
16 -- traffic can comment on that. And I can
17 see people cutting through to ignore the
18 traffic light onto Hampshire.

19 HUGH RUSSELL: I don't think there
20 is a curb cut on Prospect.

21 WILLIAM TIBBS: There's none on

1 Prospect.

2 AHMED NUR: Did you say you were not
3 requesting a curb cut?

4 EDRI CK VAN BEUZEKOM: No.

5 AHMED NUR: Sorry. I mi sheard.

6 That clears that up.

7 The balconies on the penthouse what
8 their view is like for privacy purposes on
9 the abutters.

10 It looks like there is a raised
11 elevation from the existing elevation right
12 now is the Kentucky Fried Chicken seems to be
13 elevated with the curb, but right now one of
14 views that I saw in elevation along Prospect
15 it looks like there was a stone wall and some
16 sort of a raised -- you filled it with grass
17 and so there's an elevation difference. And
18 I would like to know whether this stone wall
19 is either tripping hazard for the blind or is
20 something that seems to be separating the
21 pedestrians from being close to the building.

1 Just a little more detail on the landscape on
2 that.

3 And lastly, you talked about a water
4 detention on the back towards Murdock Street.
5 And if that water detention is tied into the
6 city or is it just going to infiltrate into
7 the ground and contribute to the neighbor's
8 in the back.

9 That's all.

10 HUGH RUSSELL: I think probably best
11 to go and put all the concerns on the table
12 and then we'll see where we go from there.

13 So, Steve.

14 STEVEN WINTER: Thank you,
15 Mr. Chair. I also have a lot of unanswered
16 questions about this and I think that they
17 all converge where all of the Zoning
18 Regulations converge. I think I -- we really
19 need to sort out an inventory, an index of
20 all what is possible on this site because
21 it's, it's obfuscated right now and we have

1 to get that cleared up. For instance, there
2 are rooftop mechanicals. There are
3 mechanicals on the first floor and penthouses
4 on the rooftop and no mechanicals, and I just
5 think that's one of the these issues we have
6 to sort out. Why is all that happening?

7 I think that I share the values of many
8 of the neighbors, which is it's okay to build
9 here but we have to be very, very careful
10 what we build here. And I think that the
11 Board is capable of doing that and we
12 certainly feel that also.

13 I think that it's very important that
14 the building -- that we understand what that
15 neighborhood looks like now, and that we are
16 able to vision what that neighborhood could
17 look like if the parcel across the street was
18 built upon so that we can, we understand how
19 they might fit together. I think that's very
20 wise advice that we received, and I'd like to
21 keep thinking about that bigger picture.

1 It's significant to me that a petition
2 with 34 signatures came in asking us to
3 really stop and take a look, and that's
4 significant to me.

5 I think that another thing that
6 concerns me tremendously is that I don't
7 understand the relationship between the
8 three-foot setback and what Traffic and
9 Parking has asked or requested and whether or
10 not there's room to wiggle around. I don't
11 understand that whole relationship, and I
12 feel like the proponent presented it as a
13 given, that it must happen this way, and
14 there may be other ways that that could
15 happen. And I also, Mr. Chair, I wanted to
16 indicate directly to the proponent that I do
17 not take kindly to being threatened by a
18 legal counsel as a Board Member.

19 Thank you.

20 HUGH RUSSELL: Thank you.

21 Ted.

1 H. THEODORE COHEN: Well, I concur
2 in most everything that's been said. I
3 really would like to know from staff, you
4 know, what could be done here as of right.
5 Because if we're considering three corners, I
6 mean, you know, we're not rezoning things
7 right now. And so obviously the owner of the
8 property, the developer, can do certain
9 things without our say at all, so I'd like to
10 know what those things are. And a clearer
11 understanding of what is requested for either
12 Variances or Special Permits. The project
13 does seem big, very big for that particular
14 corner, and I'm not sure what is allowed. It
15 also feels very monolithic to me, and I would
16 certainly be more interested in a much more
17 varied facade, you know, with bay windows,
18 you know, and balconies. But, you know, just
19 something that would be of more interest.
20 I'd also be curious whether there could be
21 some retail on the first floor. And I

1 certainly have questions about all the
2 mechanicals being on the first floor and that
3 we're just going to have a dead area right on
4 the street as people are walking by.

5 I understand the parking issues. I
6 think probably the only benefit of this is
7 traffic. I think almost certainly improved
8 from having a fast food restaurant with
9 traffic going in and out all the time,
10 everyday.

11 You know, I think it's an important
12 site. And I think the whole intersection is
13 very important, and I would not like to see,
14 you know, the three remaining corners really
15 built up because I think it would close down
16 the whole intersection and close down the
17 whole entry into Inman Square.

18 I, you know, I do think it needs to be
19 rethought.

20 HUGH RUSSELL: Bill.

21 WILLIAM TIBBS: Sure. I concur with

1 everything that has been said before me. I
2 mean, I literally I made notes and I'm just
3 picking them off as you're all going through
4 them. The Zoning clarity is important, the
5 -- I, too, am confused about the Special
6 Permits and the Variances. I -- when the
7 staff looks at that, look at their
8 dimensional form, it is very confusing. I'm
9 not quite sure if they're actually filling it
10 out in the right way as I try to look at it.
11 And, you know, they mention the three-foot
12 setback and it has a five-foot setback. It's
13 confusing to me. It's adding to the
14 confusion. I would like clarity and
15 correction on that form if need be.

16 I think my biggest issue is context.
17 This, I just found this very dif -- even
18 though it was -- I'm an architect so I can
19 understand what you were doing. I didn't get
20 a -- other than your site -- what's happening
21 within your site boundaries. It's very

1 unclear what's happening in the rest. So we
2 are Planning Board and we need to look at
3 this in the context. So I think minimally
4 we'd like to see a site plan that at least
5 shows the buildings that go a few blocks in
6 either direction. I think the elevations in
7 some kind of rough way need to do that, too,
8 so we can understand it.

9 These, your model would at least give
10 some sense of a massing of what's going on.
11 But the materials here just don't give hardly
12 anything. Your presentation did a little bit
13 better, but I think you need to work on that.

14 I'm concerned about the, you know, the
15 mindset that this tells me. As I read -- and
16 it goes back to Hugh's comment earlier about
17 the -- I called it selective criteria,
18 meaning not every -- you know, the Zoning
19 Ordinance gives all kinds of criteria and
20 dimensions and requirements, and not every
21 site can do everything with the Zoning. So I

1 agree with Hugh, it looks like you selected
2 what you wanted to do and then said it was a
3 hardship if this site didn't allow you to do
4 it. But you have to look at the whole and
5 see what you can do and what you can't do.

6 And if you your hardship description
7 here, it bothered me. I mean, because you're
8 saying this site is terrible. This site,
9 it's trapezoid. It's a site. So you just
10 have to build to the -- you have to design a
11 project on the site within the criteria that
12 the Zoning and the building allows. But that
13 got to me.

14 Your comment about the fact that
15 Traffic and Parking, you wanted to put, you
16 know, 15 cars but they said you couldn't,
17 that's bogus. That's bogus. You have
18 designed the site where you just couldn't fit
19 it in. Traffic and Parking doesn't say --

20 HUGH RUSSELL: I think the two extra
21 things with the parking spaces at the bottom

1 of the ramp, and I suspect Traffic and
2 Parking felt that backing up the ramp out
3 onto Hampshire Street wasn't a very good
4 idea.

5 WILLIAM TIBBS: Yes. And I agree.
6 But that doesn't mean -- but don't come and
7 tell us THAT we wanted 15 but traffic and
8 parking only allowed us to 14. You designed
9 it so you can only get 14 on the site. So
10 that got to me a little.

11 I, too -- so this whole parking with 14
12 versus 15 I think is an issue that we really
13 need to work out.

14 I think this is just not quite ready
15 for prime time. I, too, felt that the plans
16 were lacking in terms of clarity and lacking
17 in terms -- just windows. I mean, showing
18 where the windows were. I mean, this is
19 very -- and so that we can see which ones
20 were set design and what works, you know,
21 stage set facade. Somebody called and which

1 one wasn't. So there's just a lot of stuff
2 here that I went -- I just -- and the whole
3 setback issue. You know, that's one thing
4 we're looking at is 10 okay, is 5 okay, is 3
5 okay? And I think you can help us out there
6 by at least understanding what the context of
7 some of the setbacks are. You should know
8 that. And I mean make some cases as to why
9 you think it is. I think you're just so
10 focussed on your own site that it's, it just
11 shows very, very clearly to me.

12 Let me just go over my list one more
13 time just to make sure I've hit everything.
14 Also the Traffic and Parking, obviously we
15 will get a report from them before this is
16 over, but, you know, it is close to the
17 intersection. Obviously it's a given.
18 Obviously there's turning at the intersection
19 now with the Kentucky Fried Chicken that's
20 there, but I'm just interested in how that
21 works.

1 And I just wanted to make a comment
2 that I think that when you showed the other
3 projects that this developer has done, I
4 think in some cases it just emphasized to me
5 what some of the issues are for this
6 particular project that because of some of
7 those projects they seem, you know, to do
8 better -- the flatness of the facade and the
9 closeness to the street, I'm not sure if
10 that's a good or bad. I need to be
11 convinced. So, you know, I'll just leave it
12 at that time.

13 HUGH RUSSELL: Pam.

14 PAMELA WINTERS: Yes. So I just
15 wanted to say that I agreed with Ahmed's
16 comments about the balconies and where the
17 balconies are. Are they going to be
18 overlooking the abutters and taking away
19 privacy and so forth? I didn't get a clear
20 idea of that.

21 Parking, of course. The neighbors

1 testified how congested the area is and how
2 difficult it is to park.

3 Cambridge is one of the ten, if I
4 believe correctly, it's one of the ten most
5 dense cities in the country with the
6 population of 100,000 people. So we have a
7 very dense city here. I'd like to see a
8 better visual of the neighbors, you know, the
9 neighboring houses to see how close they are
10 and to see whether or not this building will
11 overwhelm the neighbors. And I'm not an
12 architect, but I'd like to see more of maybe
13 like a townhouse feel to this building. More
14 of a feeling of domesticity rather than one
15 large building kind of put here. And after
16 saying all of that, I have to say that I am
17 very familiar with Mr. Aposhian's buildings
18 and his landscape work and it's always been
19 -- I've always viewed it as being very
20 excellent. I really have to say good things
21 about landscape and his architecture. So I'm

1 sure with a little bit more work, perhaps
2 with the staff, I think that something
3 wonderful can be done here and certainly
4 better than the KFC.

5 HUGH RUSSELL: Tom.

6 THOMAS ANNINGER: I don't have
7 anything major to add to what my colleagues
8 have said. I thought the hearing was one of
9 the best hearings we've had in a long time
10 because we got a lot of different
11 perspectives. It wasn't as if there was only
12 one theme. I thought it was interesting,
13 some people liked the trees, some people
14 didn't. Some people thought it was an
15 improvement, some didn't. Some emphasized
16 parking, traffic, others the setbacks. In a
17 way that's helpful. It's confusing. This is
18 not an easy one. I guess the theme that I
19 was in a way most interested in was the one
20 where people said this building was going to
21 set the tone for this intersection. What

1 happens across the street to a certain extent
2 will depend on what happens here, and this
3 intersection, which I don't know well and
4 which I will visit promptly now that I've got
5 a chance to hear these different
6 perspectives, has an opportunity almost to be
7 a square in its own right, a small one
8 perhaps, not a major one, but I would have
9 liked to see in terms of architecture whether
10 it's of that size or smaller, I don't know.
11 But I would have liked to see something that
12 took advantage of this opportunity because I
13 think it's a major opportunity. And I think
14 the building falls short of what it can
15 represent. I think it lacks energy. It
16 lacks interest for me. I think there's yet a
17 lot left to set the tone for the
18 intersection, and I think there's a chance
19 for some major improvement. Just what that
20 energy should look like, I leave to you, but
21 I think you can be bolder and more

1 interesting than what you've done here. I
2 get the feeling that you're trying to almost
3 do a background building because there's
4 controversy here and that makes it perhaps
5 easier to glide through. I think that's a
6 mistake to take that path. I think you've
7 got an opportunity and I think you should
8 take it and make this an interesting spot for
9 all of us.

10 HUGH RUSSELL: Thank you.

11 Anyone else want to make some closing
12 comments?

13 (No Response.)

14 HUGH RUSSELL: So we've set out
15 things that we want the proponent to address,
16 and I think we've asked the city to address
17 the Zoning question. I think that probably
18 means a sit down with Ranjit and so that we
19 get a coherent, as you talked about, trying
20 to establish a new policy on sites where the
21 regulations are complicated to make sure that

1 all the people who have to ultimately look at
2 this are sitting at the same table coming up
3 with those interpretations.

4 Was there anything else we wanted to
5 add?

6 AHMED NUR: I just had, I'm sorry, I
7 probably missed the answer to this, but so
8 for the next meeting is it closed to the
9 public? We closed the public hearing?

10 HUGH RUSSELL: We closed the
11 hearing, but of course we can always decide
12 if we wish to hear from people who are in the
13 audience.

14 AHMED NUR: Okay.

15 HUGH RUSSELL: And if there's a
16 substantially different proposal, I think
17 that's what we'll probably end up doing. And
18 we're saying we want to see substantial
19 changes.

20 Okay? Thank you very much.

21 This portion of the hearing is over.

1 And we'll take a brief break and then address
2 the rest of the items on our agenda.

3 (A short recess was taken.)

4 * * * * *

5 HUGH RUSSELL: Okay, let's continue
6 the meeting. Last items on our agenda is
7 general business for consideration for the
8 Laura Runkel Zoning petition.

9 We received a letter today from Vincent
10 Panico saying he represents the landowner,
11 which as you may recall, was not represented.
12 Was not represented in the public hearing.
13 And I think I'd like to ask him if he'd like
14 to say anything to us.

15 ATTORNEY VINCENT PANICO: Please.
16 My name is Vincent Panico, P-a-n-i-c-o. I'm
17 attorney and I represent the petitioner.
18 First by way of apology, on the notice that
19 went out, the property is on a triple net
20 lease and the tenants do everything. It's
21 owned by a 97-year-old woman. She has a son

1 in Chicago who tries to manage it from there.
2 She lives in a retirement home. And when she
3 got the certified letter, there's certified
4 something dramatic about certified mail. She
5 immediately called her son and that's when he
6 called me. Just let me tell you a little bit
7 about this property.

8 The property is leased to the
9 Montessori School and part of it is leased to
10 a Mexican restaurant. The lease runs to the
11 year 2016. The client has authorized me to
12 turn over a copy of the lease to the Board to
13 show you the terms of it. If the property is
14 sold, any buyer has to accept the terms of
15 the lease. The Montessori School is in there
16 until the year 2016, and we are hoping
17 eventually that they will buy it.

18 Now, I had talked to Ms. Runkel if I
19 pronounced that correctly, last night and she
20 raised a valid question. And she said well,
21 what's the difference if they rezone it now?

1 Well, the difference is that the property has
2 a value, a certain value under its present
3 zoning. So if the Montessori School buys it
4 we peg it at that value. Or, and don't think
5 this is remote, if the city takes it for
6 housing or any other reason, that's the value
7 that they have to take it. So we do have a
8 valid reason for keeping the present zoning.

9 Now, it went to the -- the issue went
10 to the Council and the Council -- I have a
11 report from the Council, declined to hear it
12 because they did not have any report from
13 you. But in their notes they said, the
14 Council suggested that the proposed Zoning
15 change could be used in negotiations with the
16 property owner, which of course we're
17 certainly open to talking to anybody.

18 Now, in addition to the client willing
19 to turn over the lease, he's willing to sign
20 any kind of agreement, and we can get the
21 Legal Department to make it a binding

1 agreement that this property is going nowhere
2 before the year 2016. And we hope, as I
3 said, we hope that at some point along the
4 line Montessori will buy it because I haven't
5 seen a Special Permit. I did check with
6 Zoning, there's nothing over at Zoning. But
7 I was told that in order to use the
8 Montessori site, they have to have this
9 property. They have to have the parking. I
10 tell you that not of firsthand knowledge, but
11 what I was told.

12 So what I'm suggesting is that the
13 property can -- nothing can be done with the
14 property. It's going to go nowhere. The
15 owners will bind themselves to do nothing
16 until the year 2016 and hope in the meantime
17 that Montessori will come along and purchase
18 the property.

19 And the other thing that was raised at
20 this -- at the Council discussion was that
21 the possibility of this being a spot zoning

1 since it's only for one lot.

2 Those are my comments and I'll be happy
3 to answer any questions.

4 HUGH RUSSELL: Does anybody have any
5 questions?

6 AHMED NUR: I'm a little unclear
7 actually. Is this Bellis Circle we're
8 talking about?

9 HUGH RUSSELL: Yes.

10 AHMED NUR: Okay, so we have
11 received all the signatures from the
12 neighbors, so on and so forth, that's what
13 we're talking about the same property?

14 HUGH RUSSELL: That's right.

15 AHMED NUR: And then I'm hearing
16 from the lawyer that nothing's going to
17 happen until the year 2016 and no one bought
18 the place and there's no proposed Zoning
19 change?

20 HUGH RUSSELL: Right. So I mean, I
21 think it's fair to say that the neighbors

1 aren't in communication with the owner
2 because of the situation of the ownership
3 that's been described, and so they didn't
4 know that.

5 AHMED NUR: Okay.

6 HUGH RUSSELL: They saw the building
7 go up across the street and they said what
8 could happen --

9 AHMED NUR: I see.

10 HUGH RUSSELL: -- with this
11 property, and they got worried.

12 AHMED NUR: Right.

13 HUGH RUSSELL: So I think that's the
14 genesis of it. It's not a response to a
15 threat or a proposal as some of the things
16 were.

17 AHMED NUR: Okay. So if the --
18 okay, that's fine. Okay, thank you.

19 WILLIAM TIBBS: I think they
20 actually said that when they did their
21 presentation, that they were anticipating --

1 they were looking at the site in anticipation
2 having seen what happened in the neighborhood
3 to see -- in fact, I think they made a
4 comment why don't we try to zone it now and
5 wait until a project is being proposed.

6 HUGH RUSSELL: Okay. So what do we
7 think about the proposal to down zone this
8 parcel?

9 THOMAS ANNINGER: I guess while
10 Mr. Panico is up here maybe we should address
11 his arguments and then he can sit down.

12 The only comment I would make to what
13 you're saying is you understand that the
14 neighborhood is anxious.

15 ATTORNEY VINCENT PANICO: Yes.

16 THOMAS ANNINGER: It's anxiety that
17 is driving this. And your answer is well,
18 for another four years there's no need to be
19 anxious. It could -- we know that somebody
20 -- if somebody came along and made your owner
21 and the son a financial offer that was

1 lucrative and interesting, you could easily
2 buy out the Montessori School's lease if you
3 wanted to and immediately sell. So these
4 permanent arrangements for four years are
5 never permanent. It's all just a matter of
6 money and those things can always be
7 arranged. So while it is some comfort it is
8 not iron-clad comfort to the neighborhood.
9 I'm not saying that I necessarily agree that
10 that's the path it should go down, but I'm
11 saying your argument I don't think really is
12 iron-clad. I don't think it takes us all the
13 way home.

14 ATTORNEY VINCENT PANICO: I think
15 your point is well taken and I would add
16 another element of comfort. My client will
17 sign a binding agreement not to sell that
18 property before the lease ran out.

19 HUGH RUSSELL: Okay. Any other
20 questions for Mr. Panico?

21 STEVEN WINTER: No, not for him.

1 HUGH RUSSELL: Okay, thank you.

2 So you have comments?

3 STEVEN WINTER: I wanted to thank
4 Mr. Pani co for coming to the Board tonight.
5 Thank you very much.

6 Jeff, is this your memo to the Planning
7 Board?

8 HUGH RUSSELL: There is a memo from
9 Jeff.

10 JEFF ROBERTS: Yes.

11 STEVEN WINTER: Do you want to walk
12 through that memo just in case there's things
13 there that I haven't seen or I don't get at
14 the moment? I would really appreciate that.

15 JEFF ROBERTS: I will be very brief.

16 I guess the one update on the front
17 page, the Ordinance Committee did hold their
18 continued hearing on this petition and
19 forwarded it to the full Council with a
20 positive recommendation. So it is at the
21 full Council at this point just in terms of

1 timing.

2 The next two pages has information that
3 we provided to the Ordinance Committee about
4 different sites in the area of the Zoning
5 proposal. We looked at just some of the
6 characteristics in terms of density and unit
7 density and floor area ratio. And we did a
8 little comparison looking at different,
9 looking at the different options if you were
10 to consider a wider universe of possibilities
11 for Zoning on this particular site, then it
12 shows, you sort of look at the numbers and
13 you can get a little bit of a sense in terms
14 of the scale of what the comparison is. So
15 for instance, on that page the 39 Bellis
16 Circle site with the floor area ratio of
17 about 1.04 and the lot area per dwelling unit
18 of 1,834 puts you in terms of floor area
19 density, around the C-1 district because the
20 FAR is close to one is when you include the
21 inclusionary housing components. And then in

1 terms of the number of units it's a little,
2 it's a little less dense. It would be
3 somewhere around what would be allowed in a
4 Residence C District.

5 So we were just doing that to help
6 illustrate what some of the existing
7 development was and give it a little sense of
8 how you might compare that with a different
9 Zoning district options.

10 Also, you know, we also looked at
11 height because that was an issue that was of
12 concern to the petitioners and noted that the
13 C-1A District which is currently zoned at now
14 allows 45 feet. If you wanted to go down to
15 35 feet, that could be done by going to
16 Residence C-1, C or B.

17 Back on page three we included a little
18 bit of information, and then it has to be
19 taken I think in a little bit of a very rough
20 picture of what kinds of sale prices have
21 been observed for projects that have

1 ultimately had residential development on
2 them. And as you can see, it ranges for 2419
3 Mass. Ave., that's the Rounder Records site
4 which the Board saw recently. So that's
5 relatively close to transit, along Mass.
6 Ave., and also sold at sort of an earlier
7 time in the economy, sold for a price that
8 puts it at about \$100 per residential square
9 foot that was ultimately built. Some of the
10 other sales that we've seen come close to or
11 closer to maybe \$50 per square foot. Those
12 are 87 New Street and 70 Fawcett Street in
13 areas that a little further from transit and
14 sold at different times.

15 And then the final page has some
16 information that the Planning Board asks for.
17 We did a little -- went back to do a little
18 bit of research and to some of our
19 neighborhood plans and the city-wide rezoning
20 which established the current C-1A Zoning.
21 And while there isn't, there isn't a lot of

1 -- we weren't able to find a lot of
2 discussion, and I wasn't around at this time
3 so I did some research and talked to some of
4 my colleagues. There wasn't much specific
5 discussion of this site. I think the general
6 discussion in the neighborhood, both in the
7 neighborhood study and the city-wide
8 rezoning, was a desire to see those areas
9 along the railroad tracks switched to housing
10 use over time. Many of them were industrial
11 or parking uses at some point in the past,
12 and we've seen most of those sites over the
13 past maybe 20 years, kind of develop over
14 time. Many of those projects have been in
15 front of the Planning Board that have
16 occurred along those, along that railroad
17 line.

18 So that I think summarizes just about
19 what's in the memo. If there's any
20 questions, I'm happy to go into more detail.

21 H. THEODORE COHEN: I have a

1 question, it's not in the memo, but it was
2 just raised. Would changing the Zoning have
3 any impact on the ability of the Montessori
4 School to use the lot as a parking area?

5 JEFF ROBERTS: I don't believe so.
6 If it were just -- if the proposal were to
7 continue -- if they were to buy it in order
8 to continue the current use, then they would
9 be able to obtain their existing
10 non-conforming status of the site.

11 H. THEODORE COHEN: Would the change
12 in Zoning prohibit parking?

13 JEFF ROBERTS: Well, parking as a
14 primary use is already prohibited in a
15 residential district. So the proposed change
16 is simply a change from a higher density
17 residential district or moderate to high
18 density district to a lower density district.

19 H. THEODORE COHEN: So parking is
20 already a non-conforming use?

21 JEFF ROBERTS: Yes. Assuming it was

1 legally established at the time.

2 THOMAS ANNINGER: Can you remind,
3 Jeff, because I've forgotten. The Bolton
4 Street project that we worked on maybe a year
5 ago, what Zoning is that area?

6 JEFF ROBERTS: That is the same
7 district, Residence C-1A.

8 THOMAS ANNINGER: That's a C-1A,
9 too?

10 JEFF ROBERTS: Yes. And ultimately
11 when it was developed and then the
12 petitioners talked about this a little bit in
13 their presentation, what we developed was
14 slightly less, slightly smaller in density
15 then would have been allowed under C1-A. But
16 then it also lowers in height. I think that
17 was a key issue. They took it from a
18 four-story building to a three-story
19 building.

20 THOMAS ANNINGER: What we approved
21 on Bolton fit within C?

1 JEFF ROBERTS: No, it would be, it
2 would be higher density, higher floor area
3 ratio, and lower lot area per dwelling unit
4 than allowed in the Residence C.

5 THOMAS ANNINGER: Say that again.
6 It would be --

7 JEFF ROBERTS: So the --

8 HUGH RUSSELL: There are two ways to
9 answer that. One way to answer it is because
10 it's so much larger a lot, yes, you can put
11 those buildings under the Residence C rule.
12 On the 41 Bellis Circle you can put 20 units
13 there.

14 JEFF ROBERTS: That's true, yes.

15 HUGH RUSSELL: But if you say well,
16 because it's a bigger lot, there's room for
17 four Bolton Street buildings, you couldn't do
18 that under Residence C. There are each of
19 those buildings has -- one street is ten
20 units; is that right?

21 JEFF ROBERTS: Bolton Street has 20

1 total units. So 10 units in each building I
2 believe.

3 HUGH RUSSELL: Right. Under the
4 present zoning you could get 52 units. So in
5 theory you could put five of those buildings.

6 THOMAS ANNINGER: Maybe I'm losing
7 my footing here. I'm just talking about on
8 the Bolton Street site.

9 JEFF ROBERTS: Yes.

10 THOMAS ANNINGER: The context of
11 that lot. Not the Bellis Street lot. Would
12 C have worked with what they built?

13 JEFF ROBERTS: No.

14 THOMAS ANNINGER: No.

15 STUART DASH: It's half as much in
16 terms of the amount allowed.

17 JEFF ROBERTS: Yes.

18 HUGH RUSSELL: Even C-1 would not
19 have worked.

20 JEFF ROBERTS: That's also true.
21 It's maybe 50 percent more dense than what

1 would be allowed in a C-1.

2 AHMED NUR: One thing I would be
3 concerned about personally was Bolton Street
4 had an entrance, the garage entrance was in
5 Sherman; wasn't it?

6 HUGH RUSSELL: Not on the final
7 result.

8 AHMED NUR: Oh, okay. So they
9 changed that. But one thing that I'm
10 concerned with if we were to change the
11 rezone this, and the Montessori School would
12 have a higher elevation than the allowed in
13 Zoning than it is the condition now. So
14 perhaps they're under agreement to buy the
15 place in four years as long as you can get it
16 approved to go as high.

17 HUGH RUSSELL: I don't believe
18 that's the case.

19 AHMED NUR: Okay.

20 HUGH RUSSELL: Otherwise Mr. Pani co
21 would have advised us to that. There isn't a

1 deal on the table at this point.

2 AHMED NUR: All right. Thank you
3 for clarifying that.

4 PAMELA WINTERS: So, I have a
5 question.

6 HUGH RUSSELL: Yes.

7 PAMELA WINTERS: Was the Law
8 Department asked whether or not this would
9 constitute spot zoning or not or is that not
10 an issue? It had come up at some point.

11 JEFF ROBERTS: Not officially. You
12 know, and as usual, we don't have a -- we
13 never have a clear answer as to whether
14 something is or is not spot zoning. There
15 are many different issues that come into
16 major factors that come into play and make
17 that determination, and it's ultimately
18 played out in court if it comes to that
19 stage. Generally speaking the Board and the
20 Council will want to look at the public
21 purpose to making a particular Zoning change.

1 That's a key factor in determining whether
2 the Zoning change was made as part of a plan
3 for the area versus whether it was done
4 specifically to advantage or disadvantage the
5 owner.

6 PAMELA WINTERS: Yes.

7 STEVEN WINTER: So where does that
8 leave us? I'm confused about what our
9 actionable item would be on this issue right
10 now.

11 HUGH RUSSELL: So we're asked for
12 our opinion as to whether the current zoning
13 is correct or some lower density zoning is
14 correct. And we have examples of what the --
15 what each one would look like that can guide
16 us, but there hasn't been, you know, a big
17 study.

18 WILLIAM TIBBS: Correct.

19 HUGH RUSSELL: And this site is
20 roughly twice the size of the Bolton Street
21 site. And so the question is so if you're

1 saying well, Bolton Street looks fine. Also,
2 we could have four of those buildings on 41
3 Bellis Circle, and four of those buildings
4 would be 40 units and you could look at the
5 chart, and it falls somewhere between the
6 current zoning and C-1. Now that's kind of
7 an anecdotal way to approach it, but at the
8 same time it does strike me that 52 units on
9 that site would have a very serious impact on
10 the traffic on Bellis Circle and would be
11 visually very different than the character of
12 Bellis Circle.

13 STEVEN WINTER: Mr. Chair, I would
14 ask you can we, can we make that assumption,
15 is that a defensible assumption?

16 HUGH RUSSELL: What?

17 STEVEN WINTER: That 52 units would
18 -- that we would imagine that 52 units is too
19 many for that site and that the traffic and
20 impacts would be so great that they would be
21 -- they would negatively impact?

1 AHMED NUR: That's not in front of
2 us right now, is it?

3 WILLIAM TIBBS: Well, sure.

4 HUGH RUSSELL: I think we have to if
5 we're going to respond to this. But can we
6 do it with certainty and, you know, that's --
7 I think that's really your question.

8 STEVEN WINTER: Yes, I guess. Yes.

9 HUGH RUSSELL: In some ways I'm less
10 interested in the question of equity to the
11 present landowner because I think that's
12 really the -- somewhat the domain of the
13 Council. They really have to -- they tend to
14 look at those issues. And it's a pretty one
15 sided discussion, however, if you have an
16 absentee landowner and a bunch of
17 neighborhood residents on the other side.

18 AHMED NUR: That's majority, you
19 know. The whole street is opposed.

20 HUGH RUSSELL: You don't do Zoning
21 in terms of majority votes except for the

1 Council has to have a supermajority.

2 H. THEODORE COHEN: I have a
3 question for staff or whoever has the maps.
4 If I'm looking at the colored maps that are
5 attached to your memo --

6 JEFF ROBERTS: Yes.

7 H. THEODORE COHEN: -- are we, is
8 the proposal to rezone just the area that's
9 highlighted in red and leaving the rest of
10 the C-1A District that's part of the same
11 larger rectangle as C-1A?

12 JEFF ROBERTS: I believe what you're
13 looking at is the petitioner's slide show.
14 And I'm just looking at the petition itself.

15 WILLIAM TIBBS: Yes.

16 H. THEODORE COHEN: I mean, it says
17 the 41 Bellis Circle.

18 WILLIAM TIBBS: So your question is,
19 is this the whole C-1 area that's there or is
20 this some part of it?

21 H. THEODORE COHEN: Yes. And it

1 goes to the spot zoning issue, but it sort of
2 goes to the whole planning issue. We think
3 it's appropriate to change that area. Is
4 there a reason why we don't think it
5 appropriate to change the whole thing or why
6 we're treating one part different from the
7 other part?

8 THOMAS ANNINGER: So if we did, if
9 we included the Bolton Street project, we
10 would make it non-conforming?

11 H. THEODORE COHEN: Well, I'm --

12 THOMAS ANNINGER: Or the petition
13 would make it non-conforming.

14 HUGH RUSSELL: But there's also big
15 threats on the other side of the tracks.

16 THOMAS ANNINGER: Just taking one
17 example.

18 H. THEODORE COHEN: I'm actually
19 thinking more in terms of the one side of
20 Sherman Street that basically is a rectangle
21 that's bisected by the tracks of which this

1 is a part. I mean, yes, the Bolton Street is
2 a --

3 THOMAS ANNINGER: Is part of that.

4 H. THEODORE COHEN: It is part of
5 it, but it's separate, and for the moment for
6 my question I'm really separating that out
7 from the --

8 AHMED NUR: Bellis Circle -- Bellis
9 Court. The Bellis Court across the street
10 from Bellis Circle.

11 H. THEODORE COHEN: Well, the
12 Court's already B now as I understand it.

13 WILLIAM TIBBS: Yes.

14 AHMED NUR: Is it B?

15 H. THEODORE COHEN: If this map is
16 correct.

17 JEFF ROBERTS: That is correct. And
18 for anyone who doesn't have the petition, the
19 petition itself has a -- well, the text of it
20 says that the lot to be rezoned, 41 Bellis
21 Circle. But then it also shows an

1 illustration with a red box.

2 WILLIAM TIBBS: Yes. And it doesn't
3 include the whole area.

4 JEFF ROBERTS: It does not include
5 the whole area.

6 THOMAS ANNINGER: It does not.

7 WILLIAM TIBBS: I guess I'm -- I'll
8 just tell you what I feel right now. I'm
9 inclined to leave it where it is. That did
10 bother me, the fact that it is a portion of
11 it, so we would have a C and then a little
12 tails of C-1A kind of around it, little
13 pieces around it.

14 I guess I tend to look at this to see
15 am I convinced that there's a -- am I
16 convinced that there's a positive reason to
17 change? And the other thing I was trying to
18 get a sense of, and it's hard to tell from
19 these maps, we've had this small little tiny
20 C pocket and there's not very many C's
21 anywhere else around even though there's

1 plenty of C-1A's because that's when it was
2 down zoned they went to C-1A. It just seems
3 in my mind I'm not convinced that I would
4 tend to just leave it as it is at this point.
5 I'm not convinced that they made a case for
6 me to make this change at this time. That's
7 just where I am.

8 THOMAS ANNINGER: I'm attempted to
9 jump in after Bill. I think I agree with
10 Bill but I'm not sure. I feel like this area
11 is over zoned. I think that's correct. I
12 think across the street the Bolton Street
13 project was over zoned. The problem is that
14 by down zoning it to C we may limit the
15 flexibility of a project so much that it may
16 become under zoned, and we may go too far I
17 think. And that's why I asked the question
18 about Bolton Street and the new project. How
19 would that have worked under a C? And I
20 think we would have had a very small project.
21 As you said, I think you said it would be

1 about half of what it is there now, and that
2 to me is too small --

3 WILLIAM TIBBS: Yes.

4 THOMAS ANNINGER: -- for that size
5 lot and for what it's going to cost. Well,
6 of course, it would have cost a lot less.
7 But I think the chances of having nothing
8 built there would be much greater. So I
9 think it's delicate to swing the pendulum all
10 the way to a down zone to the point where it
11 may -- it may remain a parking lot forever,
12 which is I don't think the right goal.
13 That's point No. 1.

14 And point No. 2, which I think is
15 similar to that, is how we handle the Bishop
16 petition. I don't quite see if we down zone
17 this because of the anxiety of the
18 neighborhood, I don't see why we wouldn't
19 feel the same way about Bishop? It seems to
20 me that they're identical in their motives
21 and in this pendulum between over zoning and

1 under zoning. And the way we handled Harvey
2 Street and Bolton was to have a very active
3 Planning Board trying to find the right
4 balance. It puts a tremendous amount of
5 pressure on us to do the right thing.

6 I'm kind of proud to say for all of us
7 that I think Bolton and Harvey came out
8 right. I'm not sure they always would come
9 out right, and I'm not sure it's going to be
10 this Board or maybe some other Board maybe by
11 the time it comes in 2016 or 2020. But
12 that's sort of the way we've handled it in
13 other situations. And I think those
14 arguments go to what Bill is saying. And so
15 I think agree with him.

16 HUGH RUSSELL: On the other hand,
17 the actual permitted density Special District
18 2 is where the FAR bonus is under 1.0. It's
19 like 0.65 plus 30 percent. It's 0.9 or
20 something; right?

21 So that, from a railroad track with a

1 density of floor ratio of 0.9 is getting
2 redeveloped. This thing and we'll have to
3 say well, because the trains actually come
4 down above ground here, you need a density of
5 1.63 to get that one redeveloped. I'm not as
6 comfort to that. I think the Bishop
7 petition, because the density wasn't that
8 great, it was easy to say, you know, come on,
9 there's no need to cut it farther. Here I
10 think it is over zoned.

11 I mean, I've been looking at my maps
12 here, the C-1A Zoning is coming along a lot
13 of the industrial property along this
14 railroad track. So mostly it's the parcels
15 that were actually deemed to sort of be
16 inflexible were left industry A-1 when it was
17 rezoned.

18 So from Porter Square even back to this
19 where the development went, what's the name
20 of that housing development next to Jefferson
21 Park?

1 STUART DASH: Bri ckworks.

2 AHMED NUR: Bri ckworks?

3 HUGH RUSSELL: Yes.

4 THOMAS ANNINGER: Say i t agai n?

5 STUART DASH: Bri ckworks.

6 THOMAS ANNINGER: Bri ckworks, that' s
7 i t.

8 HUGH RUSSELL: That' s an exampl e
9 what you get i n terms of densi ty at FAR of
10 0.63. You tend to get tall blocks of
11 bui l di ngs.

12 WILLIAM TIBBS: I thi nk, well , i n a
13 lot of ways you' re j ust agreei ng, you' re
14 agreei ng because you both agree that i t' s
15 over and i t mi ght be over zoned. So the real
16 questi on i s what i s the process -- what i s
17 the vehi cle that we use to determi ne what the
18 right zoni ng woul d be, and i f you' re goi ng to
19 do that, I thi nk we shoul d do that i n a --
20 parti cularl y i n l ooking at that map, you can
21 get a l i ttle broader context than j ust thi s

1 little parcel here. And maybe that's what we
2 recommend that we, that the City, I mean, the
3 Council or we -- let me just take that on, as
4 a, you know, as an alternative to really try
5 to determine what we think might be
6 appropriate.

7 THOMAS ANNINGER: A planning study.

8 H. THEODORE COHEN: I would
9 certainly agree with that because, you know,
10 I think most of us have been opposed to the
11 individual proposals to rezone in response
12 to, you know, a project that's in the works
13 or a project that they fear is in the works.
14 And, you know, like Tom, I'm not really
15 convinced one way or the other. I'm willing
16 to, you know, be convinced that it is indeed
17 over zoned and should go to something else.
18 But I'm uncomfortable just picking out one
19 small piece of the C-1A and say all right,
20 let's rezone this now especially, you know,
21 obviously agree that things can change

1 overnight. But there is no immediate threat
2 right here, and I think, you know, we do have
3 time to consider what is the right zone.
4 What does give us the flexibility to be able
5 to reach the end result?

6 WILLIAM TIBBS: And it kind of
7 allows us to be responsive to the concerns
8 that the people have, which I think we agree
9 with in some way, but let's do it in a way
10 that's much more mindful of in a better
11 process, I think.

12 HUGH RUSSELL: I would be happy to
13 sign on to a recommendation like that.

14 AHMED NUR: A recommendation that
15 Bill initiated with regarding to leave it the
16 way it is right now?

17 HUGH RUSSELL: No. The one that Ted
18 just announced.

19 AHMED NUR: Okay.

20 WILLIAM TIBBS: Which is to suggest
21 that we actually look at it to see if it's

1 the better zoning might be.

2 HUGH RUSSELL: So are we done with
3 this?

4 PAMELA WINTERS: Yes.

5 THOMAS ANNINGER: That's the
6 difference with Bishop. The difference with
7 Bishop is that there is an immediate project.

8 WILLIAM TIBBS: Yes, yes.

9 THOMAS ANNINGER: And so the timing
10 is quite different. And to talk about a
11 planning study there was awkward.

12 JEFF ROBERTS: Just to chime in a
13 bit. Is that the Board's recommendation or
14 would you like to see some of the draft for
15 the language before making that final
16 recommendation?

17 STUART DASH: Is that including
18 concerns saying there's some concern about
19 it's over zoned and some concern that it's
20 under zoned and it needs more study to over
21 look the area?

1 HUGH RUSSELL: I think there's a
2 concern that C-1A may be over zoned. It's C
3 would be under zoned. We're not quite sure
4 what's right, but we do think the whole block
5 that are on both sides of the tracks probably
6 should be treated the same way.

7 H. THEODORE COHEN: If not a larger.

8 WILLIAM TIBBS: If not a larger --
9 right.

10 And I think in my mind I think we, in
11 my mind at least I'd like to make a positive
12 suggestion that we actually do it as opposed
13 to saying it needs more study and it could
14 just sit somewhere.

15 AHMED NUR: What about with what
16 Steve Winter was saying with regarding to
17 proposal at 58 units or a fifty-something
18 units would be too big for Bellis Circle. Is
19 that --

20 HUGH RUSSELL: Right. I think Steve
21 was saying he's not certain. Not quite

1 certain of that. But I don't know what the
2 right number is. And there's a -- we sit in
3 a spectrum I think, Bill might say well, give
4 me a proposal for 52. And if it's okay, I
5 want to have the ability to approve it.

6 AHMED NUR: Sure.

7 JEFF ROBERTS: Exactly.

8 HUGH RUSSELL: We're at somewhat
9 different points.

10 AHMED NUR: I understand.

11 HUGH RUSSELL: I feel like you're so
12 good at drafting these things, I don't feel
13 -- no, I mean that we really don't need to
14 bring it back here for another discussion.

15 JEFF ROBERTS: Okay.

16 HUGH RUSSELL: I'll read it if there
17 are questions or if I think there are -- if
18 you find problems and want to send it to us,
19 that's another route. But I think we've -- I
20 think we've said what we want to say. And
21 you've been able to convert what seems to be

1 aimless discussion into clear policy before,
2 and I'm sure you can do it again.

3 JEFF ROBERTS: Okay, thank you.

4 HUGH RUSSELL: So now we have two
5 requests for extensions.

6 WILLIAM TIBBS: No we have the
7 Andrews.

8 HUGH RUSSELL: Oh, the Andrews. Oh,
9 that's easy.

10 WILLIAM TIBBS: Yes, that's easy.

11 HUGH RUSSELL: If we get a letter
12 from Susan Schlesinger former head of the CD
13 Department.

14 STEVEN WINTER: Jim Stockard.

15 HUGH RUSSELL: Jim Stockard who has
16 -- you know, he had a national reputation in
17 affordable housing. Flory Darwin, a former
18 member of this Board who we were very sorry
19 to see leave. And Peter Daly and Michael
20 Heron who were very experienced developers of
21 affordable housing, saying this doesn't make

1 any sense. I think it's easy for us to
2 say --

3 STEVEN WINTER: We agree.

4 H. THEODORE COHEN: We agree.

5 HUGH RUSSELL: We agree.

6 PAMELA WINTERS: We agree.

7 I just have one --

8 WILLIAM TIBBS: I'm sorry. I have
9 one, too.

10 PAMELA WINTERS: I just had one
11 question. What prompted --

12 THOMAS ANNINGER: Yes, that's my
13 question, too.

14 PAMELA WINTERS: Who prompted this?
15 Why, why?

16 THOMAS ANNINGER: Who are they? And
17 why?

18 PAMELA WINTERS: And why?

19 HUGH RUSSELL: I asked Jeff that
20 question one night when nobody else was here.
21 And if I can characterize his answer, it was

1 people were concerned about the density of
2 affordable housing projects and the density
3 bonus making projects bigger. So they wanted
4 to address that issue by essentially getting
5 rid of the density bonus. And then they sort
6 of thought through some things, but it's not
7 the way this works and from a legal point of
8 view. You have to have the bonus to oppose a
9 requirement.

10 WILLIAM TIBBS: I think I do want to
11 state for the record that particularly as you
12 look through the staff's memo, that the
13 interesting piece that was the legal piece
14 that I thought was very interesting, it's not
15 just a matter of language or whatever, that
16 you have to be very careful about how all
17 these things or are crafted to make sure you
18 don't take it which I thought was very
19 interesting.

20 The other thing I wanted to make, the
21 comment I wanted to make, I was a little --

1 at the end you had this proposed language for
2 clarity. And on that one my feeling was --
3 well, one, if anything, even the proponents
4 made clear when they did this was that I
5 think the language, that's there, was clear
6 enough. And developers seem to understand it
7 as well as the people involved. So I wasn't
8 sure if the staff, were you just trying to
9 give us something as an out if we needed to
10 or did the staff feel the language needed
11 clarity?

12 JEFF ROBERTS: I wouldn't put it
13 that way. But I'm glad you brought that up.
14 I think the staff view is the same as you
15 described it. That, you know, our feeling is
16 that as was described in the rest of the
17 memo, that it's been complied consistently
18 over time. Developers have been able to
19 understand it. It's been very successful.
20 Here that implements the zoning when projects
21 receive -- their Building Permits, they can

1 talk about it more if you want them to. But
2 the language was intended to address maybe
3 some of the points that among the public,
4 sometimes caused confusion or clarity. We
5 don't necessarily feel that there's a
6 pressing need to make a language change.

7 HUGH RUSSELL: I think the one point
8 I think we need to train the City Council to
9 not say that every project is affordable
10 units. But it's a -- unit is 15 percent
11 affordable housing. But the truth is the
12 Ordinance requires fewer, somewhat lower
13 percentage than that eleven and a half or
14 twelve or something like that.

15 AHMED NUR: Eleven and a half?

16 HUGH RUSSELL: Yes. But I think
17 that's their problem of having to reform
18 their language when they speak about this.

19 Okay. Now can we go on to the --

20 THOMAS ANNINGER: Norris Street?

21 HUGH RUSSELL: -- the two requests

1 for extensions?

2 AHMED NUR: 40 Norri s. Just so the
3 first, this is the --

4 THOMAS ANNINGER: There are two.

5 HUGH RUSSELL: Two requests.

6 STUART DASH: Two requests.

7 HUGH RUSSELL: 114 Mount Auburn
8 Street is the building that includes the
9 conductor's building. And --

10 STEVEN WINTER: Charles Hotel .

11 Across from the Charles Hotel .

12 HUGH RUSSELL: Across from the
13 Charles Hotel ; right. And they have not been
14 able to proceed and they've given us an
15 explanation as to how they go in, and it's
16 also a case where -- they don't trust the
17 permit extension act. They want us to say
18 it.

19 STUART DASH: A belt and suspenders
20 approach.

21 AHMED NUR: Is this where Chile's

1 used to be?

2 HUGH RUSSELL: Yes. And it's a very
3 chal l engi ng proj ect because i t al so uses ai r
4 ri ghts over the T substati on and has the bus
5 l ane goi ng through i t. And i t's not, you
6 know, i t's not a very -- i t's not a hot
7 proj ect. But few i nvestors are l ooki ng at
8 proj ects to l ook at somethi ng that's not that
9 smal l .

10 THOMAS ANNINGER: I thi nk another
11 compl i cating factor here i s that you have two
12 owners. I woul dn' t be surpri sed i f the two
13 owners go thei r separate ways as ti me goes
14 by. I t's not enti rely cl ear to me j ust what
15 Mr. Schl ager owns and what Mr. Freedman owns.

16 PAMELA WINTERS: That woul d be too
17 bad because I thought i t was a neat proj ect.

18 THOMAS ANNINGER: I t i s too bad.
19 Thi s i s a great j oi nt proj ect. But I thi nk
20 i t' s an unl i kel y proj ect.

21 PAMELA WINTERS: That' s too bad.

1 HUGH RUSSELL: Right. If somebody
2 -- a tenant came along and wanted to make it
3 work, barring that, it's not likely to
4 happen.

5 But in any case, I don't see any reason
6 why we wouldn't extend the permit because I
7 don't think that --

8 THOMAS ANNINGER: That's right.

9 PAMELA WINTERS: That's right.

10 HUGH RUSSELL: -- the neighborhood
11 hasn't changed.

12 H. THEODORE COHEN: And I also think
13 the Permit Extension Act does apply.

14 HUGH RUSSELL: Right. But the
15 Permit Extension Act, that's probably not
16 been litigated; right.

17 AHMED NUR: How long do you have?

18 HUGH RUSSELL: One year.

19 THOMAS ANNINGER: Interestingly
20 enough I don't think you need good cause for
21 the extension act. I think it applies

1 automatically, yet they're asking for good
2 cause. I think we should just do it.

3 H. THEODORE COHEN: I think we have
4 granted it to others because some people came
5 before us.

6 HUGH RUSSELL: That's correct.

7 STEVEN WINTER: It also is a gesture
8 of respect in some ways, even though they
9 have that option by state. Mr. Rafferty has
10 come forward and says I'm asking you if I
11 could have this.

12 THOMAS ANNINGER: I move that we
13 grant the extension.

14 STEVEN WINTER: I second.

15 THOMAS ANNINGER: As requested.

16 HUGH RUSSELL: All those in favor?
17 (Show of hands).

18 HUGH RUSSELL: All board members
19 voting in favor.

20 Next one is to extend the date by which
21 we make a decision on the case until January

1 15, 2012. And as I recollect, they're going
2 to be before us in December; right?

3 BRIAN MURPHY: Correct. December
4 20th, right.

5 HUGH RUSSELL: So I would -- it
6 seems to me --

7 WILLIAM TIBBS: Is that tight?

8 HUGH RUSSELL: Oh, yes.

9 THOMAS ANNINGER: We're going to see
10 this extension again.

11 WILLIAM TIBBS: Yes.

12 HUGH RUSSELL: But that's the
13 appropriate thing to do at this point in
14 time.

15 THOMAS ANNINGER: I move that we
16 grant the extension requested for this
17 project as well.

18 WILLIAM TIBBS: Second.

19 HUGH RUSSELL: All those in favor?

20 (Show of hands).

21 HUGH RUSSELL: And it is a vote.

1 All in favor.

2 WILLIAM TIBBS: Are we adjourned?

3 STUART DASH: Actually, just for a
4 brief minute very briefly. A question came
5 up recently or over time about the various,
6 the planning staff that's been before you,
7 and I just wanted to mention that about three
8 years ago we put together what we called the
9 Barber Bench; and that was Jeff Roberts, Taha
10 Jennings, and Li za Paden who all worked three
11 years prior to Les's retirement and working
12 with Les to write decisions and zoning and
13 Special Permits. And I think they're doing
14 an outstanding job. And they're continuing
15 to do an outstanding job. As you noticed
16 with Jeff very much rising to the occasion,
17 but Taha Jennings who has appeared before
18 you, and Li za you know very well, all
19 continue to do that work. So I just wanted
20 to let you know that's what's been going on
21 behind the scenes. And sometimes we're in

1 front of the scenes, sometimes we're sitting
2 in the way back and sometimes up front. But
3 we value their work quite a bit and they
4 appreciate the fact that you seem to as well.

5 So thanks very much.

6 THOMAS ANNINGER: Here. Here.

7 PAMELA WINTERS: And we value your
8 work, too, Stuart.

9 HUGH RUSSELL: My colleagues don't
10 see most of the decisions. But I read every
11 decision, and not being flattering, Jeff, to
12 say the quality of his decisions and also
13 Taha's are absolutely first rate. And they
14 go beyond kind of the factual thing to be
15 clear and nicely written, and it's -- so, we
16 thought we couldn't replace Les, but it turns
17 out at least in part of what he did we've
18 been able to do that greatly.

19 WILLIAM TIBBS: And I just have to
20 say we've all said it, but the staff memos
21 have been excellent and extremely helpful.

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H. THEODORE COHEN: Very helpful.

PAMELA WINTERS: Yes. Bien.

BRIAN MURPHY: Thank you.

HUGH RUSSELL: Meeting adjourned.

(Whereupon, at 10:40 p.m., the
Planning Board Meeting Adjourned.)

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11 I further certify that the testimony
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15 IN WITNESS WHEREOF, I have hereunto set
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