

1
2 PLANNING BOARD FOR THE CITY OF CAMBRIDGE

3 GENERAL HEARING

4 Tuesday, January 3, 2012

5 7:00 p.m.

6 in

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

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

13
14 Community Development Staff:
15 Brian Murphy, Assistant City Manager
Susan Glazer
16 Liza Paden
Stuart Dash
17 Jeff Roberts

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P R O C E E D I N G S

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

HUGH RUSSELL: Good evening. This is the meeting of the Cambridge Planning Board. The first item on our agenda is a review of the Board of Zoning Appeal cases and Liza's highlighted one case that she knows we'll want to talk about.

LIZA PADEN: Right. So Rich McKinnon is here and can give you a very short overview of the sign variance that they're going to request from the Board of Zoning Appeal. And this is on the Maple Leaf building which you just granted the conversion from office to residential.

Introduce yourself to the stenographer.

RICHARD MCKINNON: Thank you, Liza. Good evening, Members of the Board, and Happy New Year to all of you.

1 As you recall last time we were here,
2 we did the vote on the change of use, but it
3 was a busy night so we decided to push this
4 off until tonight. Janis is going to run
5 through just a quick set of slides to show
6 you why we're asking for the Planning Board's
7 vote to send a letter to the BZA on our
8 behalf of the sign variance.

9 Just a couple of things to bring you up
10 to date. A permit was not appealed. So
11 we're going to begin construction second
12 quarter this year, and that dusty old thing
13 called Phase II, we're starting our design
14 review with Roger and we've got an okay from
15 Archstone in New York to go ahead and we're
16 going to start construction on that fourth
17 quarter 2012. So, a good year for us. Busy
18 year.

19 Anyway, let me sit down and turn it
20 over to Janis. Okay?

21 JANIS MAMAYEK: Hello. Janis

1 Mamayek from ICON Architecture. Really
2 briefly, I'm just going to show you a couple
3 images, some that we presented in our initial
4 presentation which would be this one, the
5 September 20th, when we first came that had
6 the sign that we were looking at.

7 That would be the view from the Gilmore
8 Bridge.

9 That would be the view from the
10 Glassworks Ave.

11 At the later November 1st meeting we
12 had presented it without the signage, looking
13 at what would be actually compliant with the
14 Article 7 as a residential structure.

15 Following those guidelines the signage in
16 this view wouldn't even be seen because it
17 would be on the first level and underneath
18 the bridge, but on the Glassworks Ave. side.
19 You could see, you know, something more along
20 those lines within like a 10-square foot on
21 the building. I think we all agreed in our

1 earlier presentations that the projected sign
2 does have a certain presence on the building,
3 and these are the images that we are -- the
4 sign that we would like to get the variance
5 for.

6 So, again, from the Gilmore Bridge
7 side. We had viewed this with Roger and Liza
8 just before the holiday break and had made
9 some minor changes from what you saw, Roger.
10 Raising it slightly above the bridge level,
11 because it was getting too close to
12 pedestrian contact, but then that same sign
13 size on the Glassworks Ave. side is more on a
14 lower scale geared more towards the
15 pedestrian. And then I just got, you know,
16 it would be a projected sign, stationary,
17 non-illuminated, permanently attached to the
18 building, and at those two locations.

19 PAMELA WINTERS: Was the staff happy
20 with those suggestions?

21 JANIS MAMAYEK: Yes, absolutely.

1 And then responding to it size-wise and being
2 aware of those urban climbers.

3 HUGH RUSSELL: So, these signs --
4 this is a business district; right? So
5 you're allowed to have more signage than just
6 a building in a residential district. So
7 what are you permitted to have and why is
8 that not enough?

9 JANIS MAMAYEK: Our interpretation
10 was that a residential use and the PUD of the
11 North Point residential area is that we would
12 have to comply with the residential signage
13 criteria of Article 7. And so we would be
14 looking for a variance from the Article 7
15 residential signage.

16 HUGH RUSSELL: And Liza?

17 LIZA PADEN: So, what that would
18 mean is on a projecting sign, they're allowed
19 one projecting sign per building entrance.
20 They're allowed to put the sign lower than
21 the 20-foot height level or the second floor

1 sill. And that the total area is limited to,
2 I believe, 10 square feet.

3 AHMED NUR: What's the square
4 footage on the one that they're proposing?

5 JANIS MAMAYEK: As currently drawn
6 in elevation it would be -- the total area is
7 86 square feet. It's like a three-foot, six
8 projection from the building, and it's about
9 28 foot in height. But it would be
10 individual panels with air and, you know,
11 visible through it.

12 THOMAS ANNINGER: To understand this
13 sign, it would help me if you explain just
14 why you're doing this because it is unusual
15 for a residential building to have a sign
16 like this. I don't -- I can't think of
17 another one like it in Cambridge. I can't
18 tell whether it's because it adds to the
19 design and gives it character, whether it's a
20 business decision. Why are you doing this?

21 JANIS MAMAYEK: When we did our

1 initial analysis of the building, you know,
2 existing six-story building surrounding from
3 some very tall structures, 20 stories,
4 etcetera. The site lines across the bridge,
5 the existing building kind of gets lost.
6 It's trying to create a marker, an identity
7 point, both in that view corridor as well as
8 you're coming down Glassworks Ave. and
9 Leighton Ave. getting some kind of a visual
10 marker for the existing buildings. Give it a
11 new look and a fresh face to the
12 neighborhood.

13 HUGH RUSSELL: Pam.

14 PAMELA WINTERS: I have to say that
15 I like it. I would like it better than if it
16 were lower and it sort of adds to the design
17 of the buildings and just -- but that's just
18 my personal opinion. I like it. I think it
19 gives it a little sort of a funky quality to
20 it that I like.

21 JANIS MAMAYEK: You would like it

1 better if it were lowered?

2 PAMELA WINTERS: No, no, no, I like
3 it the way it is rather than if it were
4 lower.

5 JANIS MAMAYEK: Okay.

6 AHMED NUR: Does it light up at
7 night?

8 JANIS MAMAYEK: No, it is not the
9 intention to be illuminated at all.

10 HUGH RUSSELL: Ted.

11 H. THEODORE COHEN: I, too, like the
12 signs. I've liked it from the initial plans.
13 I think, you know, whether you can justify it
14 because it was a historic building and it was
15 -- it had a name and you're carrying forward
16 the name simply like the Squirrel Building is
17 similar. There's another building I think
18 you see on Broadway that has the name painted
19 on the side of the building.

20 STEVEN WINTER: Squirrel Nut?

21 H. THEODORE COHEN: Yes, Squirrel

1 Nut. I think it certainly adds to the design
2 of the building, which is a simple building
3 and you've simply updated the old factory
4 facade and I think it adds something to it.
5 I also think from -- am I correct from this
6 facade, from this view, you hardly see it
7 because of the buildings that are in front of
8 it.

9 JANIS MAMAYEK: Right. And in fact
10 we're playing with, you know, whether it's
11 actually on the Glassworks Ave. or just 90
12 degrees on the other side of that column more
13 facing the Leighton Street view. So, if it
14 were on this side of that pier.

15 THOMAS ANNINGER: Can you show it
16 again, just the two?

17 JANIS MAMAYEK: Show you it --

18 THOMAS ANNINGER: The two signs, the
19 two sides. That one one more time. That
20 one.

21 JANIS MAMAYEK: You mean that one,

1 the Gilmore Bridge? Yes.

2 THOMAS ANNINGER: Yes. Is that the
3 same size as the other one?

4 JANIS MAMAYEK: The signs are the
5 same size, obviously they're in different
6 locations. This one's got a much broader
7 view corridor coming across the bridge so
8 it's higher. And I flip back to what was
9 shown in the initial, you know, back in
10 September. It was bigger as well as closer
11 to the bridge walkway, and too close. I
12 mean, it would be an attractive nuisance.
13 So, right sizing it a bit in response to
14 those kind of -- is where we're at currently.

15 RICHARD MCKINNON: Mr. Chairman, if
16 I might, I've been attending HYM's meetings,
17 they represent their plan down at the East
18 Cambridge Planning Team, and as it turns out,
19 the first building they're planning to do is
20 directly behind us, another 220-foot
21 building. So it's gonna be a very short

1 opportunity to see the building. And we
2 think that this sign does a good job, and
3 it's probably the single sign that's going to
4 give it the most identity.

5 JANIS MAMAYEK: Right. As a
6 rendering, this is looking at the building in
7 isolation. But in actuality you're really
8 just getting slivers of views of that.

9 STEVEN WINTER: Mr. Chair?

10 HUGH RUSSELL: Yes.

11 STEVEN WINTER: I concur with my
12 colleagues. I feel like I'm hearing people
13 say that the signs are appropriate. I feel
14 the signs are appropriate. The building is,
15 in-fill development, it's redevelopment of an
16 existing building. The building itself has
17 been made very -- it's very -- it has great
18 manners and it's not unassuming but it's nice
19 and it's attractive. I think the sign, once
20 you're in North Point, I think it's -- it's a
21 different part of town. I think it's

1 perfectly appropriate to have those kinds of
2 signage even if we don't see them in other
3 places. I think it works just fine.

4 JANIS MAMAYEK: Thank you.

5 HUGH RUSSELL: Well, I'm troubled by
6 this, you know. I would agree with my
7 colleagues that these are attractive signs
8 and they're in scale with the building, but
9 what troubles me is that they are quite a
10 long way -- they have nothing to do with the
11 ordinance essentially. They just say we'd
12 like these signs, and the ordinance doesn't
13 permit anything like this, and I, you know --
14 so, and there are -- as someone said, I don't
15 think there are any apartment buildings in
16 the city that have signs like this. So
17 that's troublesome.

18 (William Tibbs now seated.)

19 H. THEODORE COHEN: I don't know --
20 well, obviously you could be troubled by a
21 number of different things, but I don't know

1 why it's philosophically troublesome because
2 it is going through a variance procedure, and
3 clearly variances are in existence to allow
4 for a variance from the ordinance in
5 particular circumstances where applying the
6 ordinance is not necessarily in the best
7 interest of the owner and I would say of the
8 city. And certainly when we had the entire
9 lengthy debate about the sign ordinance
10 itself and branding, people were, many people
11 were in favor of retaining the variance as a
12 policy so that it could be -- each individual
13 building or each individual sign would be
14 addressed on its own merits rather than
15 having its own Special Permit process where
16 we could change things. So, I don't see it
17 troublesome, troubling philosophically. Now,
18 maybe you just don't think this is an
19 appropriate sign for this particular building
20 in this particular location, and certainly
21 that's, you know, you're entitled to that

1 opinion, but I don't see it troublesome as to
2 policy.

3 HUGH RUSSELL: Okay. Ahmed.

4 AHMED NUR: I am, too, not -- I do
5 like the sign and, you know, I like the color
6 and the way it blends in, but I'm somewhat
7 troubled by the current zoning existing 10
8 square feet versus 90 square feet we're
9 asking for here. In the future there are
10 more buildings to be built in the area, and
11 if we do go ahead with this, are we prepared
12 to -- where do we draw the line as of to when
13 do we actually do 800 times what's allowed by
14 the zoning versus what's not? I mean, if you
15 like the sign, perhaps instead of 37-inch
16 projection off the face of the facade we
17 could work with it and make recommendation as
18 of to, you know, less -- at least the 50
19 percent of what's allowed as opposed to
20 what's in front of us.

21 HUGH RUSSELL: Yes, I mean, I'm also

1 puzzled by the interpretation that this
2 building can only have a sign that is for a
3 building in a residential district because
4 this clearly is a mixed use district. I
5 think the total signage on the building is
6 less than what would be permitted if it were
7 a non-residential use because it's got a lot
8 of street frontage, it's one square foot per
9 every linear feet of street frontage, and the
10 total signage is probably half of that, maybe
11 less than half, I don't know exactly how much
12 street frontage there is, but there's streets
13 on three sides of the building.

14 So, Liza.

15 LIZA PADEN: Even using that
16 business district office/industrial, the
17 building -- the sign program they have here
18 proposes two projecting signs and you're
19 allowed one per building. And also a
20 projecting sign is limited to 13 square feet.
21 So it's also oversized from that point of

1 view.

2 HUGH RUSSELL: Right.

3 And it's located --

4 LIZA PADEN: And the height.

5 HUGH RUSSELL: And the height.

6 I mean, I think you can make a
7 reasonable argument that the Gilmore Bridge
8 is not a primary pedestrian district, and the
9 signage provisions of the ordinance are
10 basically geared to walkable pedestrian
11 streets. So and, you know, clearly the
12 height -- the distance of the bridge means
13 that if you're going to put a sign there, it
14 needs to be put up at a different place. I
15 mean, it's intriguing. I'm not going to
16 oppose this, but I'm having trouble
17 supporting it.

18 Liza.

19 LIZA PADEN: Well, there's one more
20 point. Because these are projecting signs,
21 they're limited to 13 square feet. If they

1 were wall signs, they could be up to 60
2 square feet. The height on the building is
3 still a problem, but the area increases
4 significantly for a wall sign.

5 HUGH RUSSELL: Right. And I think I
6 can see a real argument for saying on this
7 building in this location a projecting sign
8 is not inappropriate to the building,
9 particularly on the Gilmore Bridge sign you
10 don't project, you don't really -- you don't
11 have the ability to be seen because of the
12 envelope for the adjacent building.

13 THOMAS ANNINGER: That's right.

14 HUGH RUSSELL: I mean, that being
15 seen for what it is.

16 LIZA PADEN: Right.

17 HUGH RUSSELL: So anyway, I don't
18 want to prolong this unnecessarily.

19 Bill.

20 WILLIAM TIBBS: I just want to say
21 that I too just don't really have a problem

1 with the sign for this particular building in
2 this location in this context. And to answer
3 your question as to where we -- I don't think
4 we draw lines. I think we just have to deal
5 with each thing in its context to see how we
6 feel about whether or not the ordinance makes
7 sense, but on this particular building I just
8 don't have a real problem even though it is
9 significantly different than what the
10 ordinance calls for. I just wanted to let
11 you know what my opinion is.

12 HUGH RUSSELL: Tom.

13 THOMAS ANNINGER: When I saw this
14 sign or these signs when you were presenting
15 the building, I was skeptical, but I think
16 you have right sized them. And I'm coming
17 around to agreeing with my colleagues. The
18 building has been refurbished I think
19 beautifully, showing great restraint. And
20 that restraint risks being boring.

21 PAMELA WINTERS: That's right.

1 WILLIAM TIBBS: I agree.

2 THOMAS ANNINGER: And I think this
3 adds just a touch of humor and the flourish
4 which you haven't done elsewhere and I'm
5 grateful that you didn't do it elsewhere and
6 I think we ought to allow this because I
7 think it does no harm and I think it actually
8 does some good. I'm beginning to see exactly
9 what you're trying to say.

10 I think it also does tell a little bit
11 of the story of the building. You have to
12 know it perhaps to understand it, but it does
13 tell you how this is somewhat of a retro
14 building and it does have a story behind that
15 sign and the building and so I'm, I think
16 it's intriguing and I think we ought to
17 support it and --

18 RICHARD MCKINNON: Some of us old
19 relics remember its former use.

20 THOMAS ANNINGER: Well, I think we
21 ought to send a letter of support.

1 HUGH RUSSELL: Okay.

2 PAMELA WINTERS: I would agree to
3 that.

4 HUGH RUSSELL: Okay. We don't
5 usually vote on these things, so is it
6 agreeable that we send a letter of support
7 and containing all the positive statements
8 that people have made, and omitting the
9 questions that are either positive or
10 negative?

11 STEVEN WINTER: But very thoughtful.

12 THOMAS ANNINGER: Just that we
13 considered all of these questions and then
14 came out.

15 LIZA PADEN: Okay.

16 RICHARD MCKINNON: Thank you all for
17 your time.

18 (All members in agreement).

19 LIZA PADEN: Do you want to do the
20 rest of the BZA cases or go to the hearing?

21 HUGH RUSSELL: Let's go to finish

1 the BZA case as.

2 LIZA PADEN: Okay.

3 HUGH RUSSELL: If there are any.

4 LIZA PADEN: I didn't see any. The
5 last three cases on the agenda for the Board
6 of Zoning Appeal have to do with your public
7 hearing this evening.

8 HUGH RUSSELL: So we could --

9 THOMAS ANNINGER: We should sweep
10 those into them.

11 HUGH RUSSELL: Into our discussion.

12 THOMAS ANNINGER: Into our
13 discussion.

14 HUGH RUSSELL: Windows, skylights.

15 THOMAS ANNINGER: What's Chipotle
16 doing?

17 LIZA PADEN: The Board of Zoning
18 Appeal approximately two or three years ago
19 was granting Special Permits for the fast
20 order food establishments in Harvard Square
21 but they limited them to a period of time.

1 So the Special Permit that was granted is now
2 being reviewed by the Board of Zoning Appeal
3 again. They want to continue the operation
4 that they had the Special Permit for.
5 There's no changes in the operation or
6 anything else.

7 HUGH RUSSELL: Okay. Are there any
8 other matters?

9 (No Response.)

10 HUGH RUSSELL: Let's move on to the
11 other item on our agenda which is an update
12 by Brian.

13 BRIAN MURPHY: Thank you.

14 On the 17th you've got hearings for the
15 re-filed Bishop and Teague petitions, as well
16 as under General Business, Planning Board No.
17 141 Building G design review; Hampshire
18 Street, 90 days from January 30th; North
19 Mass. Ave. zoning language; 11 Brookford
20 Street discussion and possible decision; 40
21 Norris Street, further discussion and

1 possible decision.

2 February 7th will be Town Gown at the
3 Central Square Senior Center.

4 February 21st will be design review for
5 210 Broadway where we are now.

6 I do expect at some point in the near
7 future folks from North Point will be in to
8 give an update in terms of where things are
9 but that has not been scheduled as of yet.

10 HUGH RUSSELL: Okay. I noted in the
11 revised ordinances that the Council had
12 adopted the Basement Overlay District.

13 LIZA PADEN: Yes.

14 HUGH RUSSELL: More or less as
15 final; right?

16 LIZA PADEN: Yes.

17 HUGH RUSSELL: Okay. Then the next
18 item on the agenda is the adoption of meeting
19 transcripts.

20 LIZA PADEN: And we have the
21 November 1st and 15th transcripts have

1 arrived and --

2 HUGH RUSSELL: And they are properly
3 sworn to as being accurate?

4 LIZA PADEN: They are, yes.

5 HUGH RUSSELL: Is there a motion to
6 accept those?

7 STEVEN WINTER: So moved.

8 WILLIAM TIBBS: Second.

9 HUGH RUSSELL: All those in --

10 H. THEODORE COHEN: I thought we
11 adopted a policy that we didn't have to vote
12 on them? What did we do?

13 LIZA PADEN: I don't have to read
14 them all.

15 PAMELA WINTERS: She doesn't have to
16 read them.

17 H. THEODORE COHEN: Oh, she doesn't
18 have to read them?

19 LIZA PADEN: We're accepting the
20 sworn statement of the stenographer.

21 H. THEODORE COHEN: Okay, sorry.

1 HUGH RUSSELL: Did we vote?

2 All those in favor?

3 (Show of hands.)

4 HUGH RUSSELL: All members voting in
5 favor.

6 * * * * *

7 HUGH RUSSELL: Okay, so it being
8 after 7:20, we will hold a hearing Planning
9 Board case 267, 22 Cottage Park Avenue and 27
10 Cottage Park Avenue.

11 ATTORNEY MICHAEL OVERSON: Good
12 evening. My name the Michael Overson. I'm
13 with the law firm of McDermott, Quilty and
14 Miller. I'm here tonight on behalf of the
15 owner/applicant Cottage Park Realty Trust.
16 With me this evening is Mr. David O'Sullivan,
17 project architect from O'Sullivan Architects.
18 And also present tonight are Alissa Devlin,
19 who is general counsel for the developer,
20 along with two of the three property owners,
21 Brad Spencer and also Mr. Lavelle, Brian

1 Lavelle. Mr. Marc Resnick unexpectedly
2 delayed this evening and will probably not be
3 able to attend the hearing. He sends his
4 apologies.

5 A quick summary of this application.
6 This is an application for Special Permits
7 necessary to convert an existing building, a
8 commercial building at 22 Cottage Park Avenue
9 into residential use. This is an existing
10 building that's been used for commercial
11 purposes, the proposal is to renovate this
12 building into 16 residential units. And also
13 to provide accessory parking for a total of
14 25 vehicles. Three of those parking spaces
15 would be located on the 22 Cottage Park
16 Avenue parcel, and 22 of the spaces would be
17 located directly across Cottage Park Avenue
18 on the western side of the street in a
19 separate parcel 27 Cottage Park Avenue. That
20 parcel is currently occupied by a quonset hut
21 structure that we're proposing to remove and

1 replace with the accessory parking lot. The
2 parking lot complies with setback
3 requirements of the Zoning Ordinance.

4 David, do we have a site plan? This is
5 a site plan that shows both the properties in
6 question. This is Cottage Park Avenue
7 running here from north to south. The 22
8 Cottage Park Avenue building which is the
9 site of the proposed residential building is
10 on the eastern side. Across Cottage Park
11 Avenue is this parcel, again, currently
12 occupied by a quonset hut structure that
13 we're proposing to remove. And situated here
14 are the 22 proposed accessory parking spaces.
15 The three parking spaces that would actually
16 be located on the same parcel as the dwelling
17 are proposed at this location at the rear of
18 the property. This proposed design, which
19 was included in the application materials, is
20 the result of fairly long community process
21 that actually began over a year ago. Marc

1 Resnick and the property owners began meeting
2 with neighbors and abutters as well as the
3 North Cambridge Stabilization Committee
4 originally with a proposal -- slightly
5 different proposal that actually involved not
6 just accessory parking on the 27 Cottage Park
7 Avenue, but four townhouse units as well.

8 After meeting with the community, it
9 was determined that the neighbors were not in
10 favor of the townhouse units and also
11 requested that the number of proposed units
12 in the No. 22 Cottage Park building, which
13 was originally 23 as proposed, be reduced to
14 18. Subsequently we've actually reduced that
15 to 16 units and have done away with the
16 townhouse unit proposal across the street.

17 So what we have now is a proposal for
18 16 units in 22 Cottage Park Avenue, 22
19 accessory parking spaces across the street at
20 27 Cottage Park Avenue, and I'll mention it
21 simply because there are applications

1 slightly related to this that are pending,
2 the adjacent property which is a two-family
3 dwelling at 18 Cottage Park Avenue,
4 historically has been a completely separate
5 property and will continue to exist as a
6 two-family which the owners are proposing to
7 renovate, but because they were owned by the
8 same entity prior to being conveyed out to
9 two separate trusts, which are related to
10 these applicants, they've been combined for
11 Zoning for purposes into one parcel.

12 We're also seeking from the Board of
13 Zoning Appeal relief necessary to basically
14 re-divide these parcels and remove that
15 property from the proposal with 22 and 27
16 Cottage Park Ave.

17 That's a summary. The two Special
18 Permits that we're requesting are, No. 1, a
19 Special Permit for the residential conversion
20 of the existing commercial building Section
21 5.28.2.

1 And No. 2, Section 5.23, subsection 2
2 which we subsequently determined was
3 necessary due to some roof structures that
4 are proposed. The building having some
5 non-conformities with respect to height,
6 we're proposing some roof structures
7 inclusive of an elevator penthouse.

8 In discussing this with the architect,
9 we weren't sure if we complied with the
10 necessary plane requirements. We thought we
11 might have, but to be safe, we applied for
12 the Special Permit anyway which would, if
13 granted, would waive the requirements with
14 respect to that penthouse.

15 HUGH RUSSELL: And also I understand
16 there's a series of applications before the
17 Zoning Board relating to an 80-square-foot
18 addition?

19 ATTORNEY MICHAEL OVERSON: That's
20 correct.

21 HUGH RUSSELL: I think we would like

1 to have that explained to us.

2 ATTORNEY MICHAEL OVERSON: Sure.

3 The existing building at 22 Cottage
4 Park Avenue has a gross square footage of
5 approximately 35,510 square feet. Because of
6 the existing lobby which is concrete masonry
7 unit structure, I don't know if we have -- we
8 should have a photo of it. It's on the
9 south. It appears to be the southwest corner
10 of the building. Because that isn't
11 currently accessible, handicap accessible, in
12 order to make the lobby accessible, a very
13 small 80 square foot addition is actually
14 being proposed. And because that triggers an
15 increase in gross floor area, we need relief
16 from the Board of Zoning Appeal basically for
17 the increased FAR, the increased gross floor
18 area.

19 In addition to that we're also
20 requesting relief from the Board relating to
21 the subdivision. There is a request for a

1 shared driveway. It actually exists now, but
2 we're redividing it and asking for a request
3 for a shared driveway. And the driveway that
4 exists between those two properties at 18
5 Cottage Park and 22 doesn't meet the driveway
6 setback requirement. So there's a request
7 for relief as well.

8 We also are requesting a multi-family
9 use for 27 Cottage Park Avenue. Even though
10 it's going to be used as a parking lot,
11 that's considered multi-family, part of the
12 overall use, so we're requesting a use
13 variance from the Board of Zoning Appeal from
14 that as well.

15 HUGH RUSSELL: Okay.

16 PAMELA WINTERS: Liza, do you have
17 Sue's memo?

18 LIZA PADEN: I gave some to Hugh.

19 PAMELA WINTERS: Sorry.

20 HUGH RUSSELL: They're on their way.

21 PAMELA WINTERS: Thank you.

1 DAVID O'SULLIVAN: Would you like me
2 to quickly run through the building,
3 Mr. Russell?

4 HUGH RUSSELL: Yes.

5 DAVID O'SULLIVAN: In your packet
6 are pictures of the neighborhood, pretty much
7 all two-and-a-half-story houses, some
8 conversion industrial buildings. The
9 existing building is a four-story building.
10 First floor partly below grade, actually
11 based on partly below grade mill building
12 built in the early 1900s. What we're
13 proposing, as Michael had said, this kind of
14 cleaning out the courtyard, creating a new
15 handicap entrance, bike rack, handicapped
16 parking, plus two other visitor parking in
17 the back here. Upgrading the front entrance
18 of the existing building a little bit, and
19 bring that little addition so we can get
20 handicap access into the building to an
21 elevator. All of our parking is basically

1 right across the street. Cottage Park, that
2 ends into this commercial parcel just off of
3 Mass Ave.

4 We're proposing all new drainage.
5 We've worked with Public Works. There's
6 practically no drainage at all in this
7 parking lot. This is totally paved and
8 there's no drainage here. We're putting in
9 and upgrading that.

10 Presently the roof drains drain to the
11 building drain out onto the surface, onto the
12 sidewalk. We're putting that into the system
13 as well for it. We're upgrading quite a bit
14 of work.

15 The outside of the building, we've been
16 to Historic. We're re-doing windows,
17 re-pointing, cleaning the structure, adding a
18 little identification signage right above the
19 front door there, putting in the handicap
20 ramps in the back. So both entrances will be
21 handicapped to the building code.

1 AHMED NUR: That handicap ramp you
2 just showed was it 80 square foot?

3 DAVID O'SULLIVAN: No. I'll show
4 you that right here.

5 What happens here is we have this
6 existing lobby that's at grade. We have an
7 existing stair that exits out through that
8 lobby and enters into the lobby. So we've
9 located a new elevator next to the stair and
10 we've added 80 square foot addition of one
11 story that kind of extends the lobby back
12 allowing us to come in at grade at a half
13 level on the elevator and then go up or down
14 and enter into the building corridor. So
15 that is this little piece on this end here.
16 Lower floor, we've got indoor bike storage,
17 trash, storage place, utility, some units.
18 Most of the units are duplex on it. There's
19 a variety of duplex units based on location
20 and size and amenities. The back lower level
21 here abuts homeowners on the back. There are

1 existing windows. We're actually going to
2 put those as glass block because they're
3 right at grade to preserve the privacy of the
4 homeowners behind it.

5 And then we basically have put a couple
6 new openings at the in-filled ramp. There's
7 a loading dock recessed into the building.
8 So -- and then the other thing that falls
9 under the Special Permit, we are putting a
10 series of skylights on the roof of the
11 building to light the top floor better. And
12 some of those are within the side yard
13 setbacks based on the fact that we're right
14 on the side yard, we're right on the rear
15 yard property lines, a few couple feet off of
16 it. So we're non-compliant with those and,
17 therefore, that falls partly under our
18 Special Permit request.

19 So we have basically 16 units. You can
20 see our skylights on the roof are kind of
21 just scattered where appropriate for inside

1 the building. We don't think that will be an
2 issue on privacy for the neighbors or
3 anything like that. And then we have the 16
4 units that vary from basically about 1100 to
5 1200 on up to 2,000 square feet depending on
6 the location within the building. And we did
7 do an area count to make sure we met the
8 Special Permit requirement of a certain
9 percentage of the building being common space
10 versus usable.

11 HUGH RUSSELL: Okay, thank you.

12 ATTORNEY MICHAEL OVERSON: I just
13 wanted to add a comment about the number of
14 parking spaces because I know it was an issue
15 raised by transportation. The number that we
16 eventually came up with, a total of 22
17 accessory plus the three on-site for 25 is
18 something that was very important to the
19 community. It was expressed to us that the
20 major concern with this proposal initially
21 and up to now was a potential impact on

1 available off street parking, on street
2 parking. And the community expressed over
3 the past year quite consistently the desire
4 to have as many off street parking spaces in
5 connection with this project as possible.
6 And although the unit number is 16, we
7 believe that the 25 spaces are necessary in
8 order to address the neighborhood's concern
9 and also to account for the fact that with
10 the various unit sizes and the fact that
11 these are proposed for home ownership,
12 condominium units, that we think that there
13 could be a variety of family sizes and uses
14 that would necessitate this number of spaces.
15 So although we are aware that the
16 transportation memo suggested a lower number
17 of spaces, we just want to point out to the
18 Board that that number was directly in
19 response to the concerns of the community.

20 HUGH RUSSELL: Okay. Anything else
21 you want to present?

1 DAVID O'SULLIVAN: Just to comment
2 on the parking. We did make sure that this
3 lot more than meets all the setback
4 requirements for the Zoning, for buffering.
5 And we have the buffering and we've actually
6 talked with the abutter here, that's to the
7 side of our parking lot that's most directly
8 affected, and we've kept that off actually
9 more than zoning in agreement and we have a
10 15 off instead of a 10 required by zoning.
11 Even if we did -- I mean, there would be no
12 planning benefit to having this. We already
13 have some open space. We maximize the open
14 space next to the two-family home, one or two
15 family home next to it, and all the parking
16 spaces are compliant. So we don't see a real
17 benefit from a planning standpoint either to
18 just add more open space that's not really
19 going to benefit or be used by anybody.

20 ATTORNEY MICHAEL OVERSON: So,
21 overall we think this is an economic reuse of

1 the building that allows for really a more
2 appropriate use in this very residential
3 section of the zoning. It's a split
4 district, so it's located both in the Special
5 District 2 and the Residence B District. We
6 think that by converting this existing
7 building, using really what's there for the
8 most part, converting it to residential use,
9 will bring it more in keeping with the
10 surrounding community and that these parking
11 facilities would make it an appropriate use
12 for the neighborhood.

13 HUGH RUSSELL: Okay, thank you.

14 Are there any questions from the Board
15 at this time?

16 WILLIAM TIBBS: I just have one
17 clarification. Can you explain what's going
18 on with the existing entrance?

19 DAVID O'SULLIVAN: We're -- this is
20 existing entrance that comes up in. We're
21 leaving it the recess that it is and putting

1 windows in there. There was no way to really
2 keep the historic character to the building
3 and then provide handicap access there. And
4 where we had this already mostly handicapped
5 accessible entrance --

6 WILLIAM TIBBS: I'm not concerned
7 about using it as an entrance. I just want
8 to know what your treatment of it is.

9 DAVID O'SULLIVAN: Basically we're
10 leaving the steps in and then we're putting
11 in a planter and we're enclosing the glass
12 doors that are there with windows.

13 HUGH RUSSELL: Ahmed.

14 AHMED NUR: Did you get any
15 recommendations to change the size of the
16 underground utilities, potable water, and
17 sewer and things?

18 DAVID O'SULLIVAN: We have
19 everything submitted in to Public Works.
20 They have not given us a final approval, but
21 we're on round three of revisions with them.

1 HUGH RUSSELL: Pam.

2 PAMELA WINTERS: I'm just curious
3 it's such an odd looking little building.
4 What's in the quonset set hut?

5 ATTORNEY MICHAEL OVERSON: What's
6 currently in there?

7 DAVID O'SULLIVAN: It's used for
8 storage right now. It was actually granted
9 by the Planning Board as a temporary building
10 in the forties I think it was.

11 PAMELA WINTERS: It looks really
12 hold.

13 DAVID O'SULLIVAN: And then was
14 asked to continue it for ten more years.
15 It's basically been in violation of zoning
16 because of the use of the Special Permit for
17 a zoning variance was under long ago expired.
18 It was used for part of the manufacturing
19 process, but it was also used for storage.
20 This building, the Emerson Building was
21 actually where the iron lung was developed.

1 PAMELA WINTERS: Wow, interesting.
2 Thank you.

3 ATTORNEY MICHAEL OVERSON: You can't
4 necessarily see it from there, but the name,
5 an L above the proposed entrance, which is
6 Emerson lofts is a reference to that prior
7 use.

8 DAVID O'SULLIVAN: We also have
9 several relics, signs, and other things that
10 we've taken from the building and we're going
11 to kind of try to put a display in the lobby
12 working with Historic Commission and getting
13 some old photos and things to tie the
14 building to its history.

15 PAMELA WINTERS: I think the
16 carriage house on Mass. Ave. also did that.
17 They did a really nice display. That long
18 brick building up by Porter Square. They
19 have a nice display in there, too. And I
20 think it's nice to honor the historical
21 aspect to the building.

1 ATTORNEY MICHAEL OVERSON: Thank
2 you.

3 HUGH RUSSELL: Okay, shall we
4 proceed to ask people who wish to speak?

5 (All members in agreement.)

6 HUGH RUSSELL: So this is a public
7 hearing, and James Williamson is the only
8 name on the sign-up sheet.

9 JAMES WILLIAMSON: Thank you. My
10 name is James Williamson, 1000 Jackson Place.
11 I understand that there is an agreement that
12 has not yet been signed, but that is
13 presumably hopefully about to be signed and
14 that many of the neighbors are satisfied with
15 this agreement. And I'm glad to hear that
16 some kind of an agreement has been worked
17 out. I really wanted to ask about the
18 quonset hut, and I'm glad you brought it up.
19 For anyone who's interested, and I think you
20 may have had this before you already. The
21 Historical Commission did prepare one of the

1 nice studies about the quonset hut. It goes
2 back to the second world war. And there's an
3 interesting history there.

4 There was back and forth about what
5 might happen to the quonset hut, whether
6 there was a way to preserve it. There were
7 overtures to a museum in Rhode Island that
8 has quonset huts and vintage World War II
9 vintage structures.

10 And so I just would like for the record
11 to -- could we have clarification of what is
12 going to be the final dispensation? My
13 understanding is that there was a report that
14 the museum weren't interested and I just look
15 for clarification. And for the record what
16 is going to happen to the quonset hut
17 structure if that's all right.

18 HUGH RUSSELL: Thank you.

19 JAMES WILLIAMSON: And it is online,
20 the report, the staff report is online.

21 HUGH RUSSELL: Thank you.

1 Does anyone else wish to speak?

2 CHARLES TEAGUE: Hi, I'm Charles
3 Teague, 23 Edmunds Street. We've been going
4 back and forth with the developers. We've an
5 agreement that it is not signed though.

6 HUGH RUSSELL: Who is we?

7 CHARLES TEAGUE: The community.
8 There are several individual members and the
9 North Cambridge Stabilization Committee. So
10 I would actually -- I was actually hoping to
11 come up and say that, you know, everything is
12 all done and we actually support something
13 wholeheartedly for once. And I thought that
14 would be a very pleasant surprise and you all
15 would be happy. But one of the partners,
16 Marc Resnick is not here. He was going to
17 sign it. So here we are. We have things
18 that would be conditions of the variances and
19 the Special Permits within that document. We
20 -- it's -- we have, you know, it's -- we're
21 very supportive of the size and scope and the

1 parking lot which there's been some questions
2 of having too much parking. We've got a ton
3 of support from the community for that
4 individual topic.

5 So anyways -- but it's not signed and
6 so we ask you to, like, not make a decision
7 tonight and we'll come back and keep the
8 public comment open and hopefully we'll just
9 come back and, you know, singing everybody's
10 praises. And that's about that. You know, I
11 was hoping to be even more positive. I'm
12 trying to be positive.

13 So, thank you.

14 HUGH RUSSELL: Okay, thank you.

15 Does anyone else wish to speak?

16 RICHARD CLAREY: My name is Richard
17 Clarey, 15 Brookford Street. Many months ago
18 our committee had a presentation by the
19 applicant, and as a result of that, we
20 appointed a subcommittee of five or six or
21 eight concerned residents to negotiate with

1 the developer and that negotiation if you
2 added all the time spent by all the members
3 of the committee -- subcommittee on the
4 details of it, would certainly total some of
5 them between 100 and 200 hours I would
6 imagine, and it culminated in a heroic series
7 of efforts considering the fact of the
8 holiday intervened over the last two weeks, a
9 great deal of time was spent and several
10 drafts exchanged. And the result, the
11 resulting in a seven-page draft with four
12 exhibits that looks pretty good to me,
13 although I wasn't directly involved in it. I
14 don't know if we're on the 10 yard line or
15 the 20 yard line, but I think the efforts of
16 the community would be assisted if the
17 Board's decision were postponed for a time, a
18 short time for the parties to get over the
19 goal line.

20 Thank you.

21 HUGH RUSSELL: Okay, thank you.

1 Does anyone else wish to speak?

2 (No Response.)

3 HUGH RUSSELL: I see no one.

4 Frankly I'm quite troubled by the last two
5 speakers because they're basically saying we
6 are negotiating this deal, not you, and you
7 have to wait until we finish so you can
8 endorse our deal. They've not told us what
9 are items of concern and so it's troubling.
10 So the only interpretation I can make is
11 there are no items of concern as we've held a
12 hearing and no items have been brought to our
13 attention. And it may not have been what you
14 wish, but that's what you said. You know,
15 now we have to consider the facts before us.

16 I will say my own view is that this is
17 a proposal was a great deal of merit. I
18 think there is -- they've gone overboard on
19 the parking. It's not, the data provided
20 under the traffic study, the data provided by
21 the city indicates the parking will be

1 significantly less than 25 spaces and there's
2 no -- essentially very little usable open
3 space on either side of the street and
4 there's no real communal usable space inside
5 of the building. And I think there are ways
6 directed by it, but I think we should address
7 that. I won't go into it, I'll just sort of
8 lay that out as my own starting point.

9 So shall we discuss this?

10 (All members in agreement).

11 HUGH RUSSELL: Steve.

12 STEVEN WINTER: I guess I'm also
13 struck by reaffirming that the Board, this
14 Board generally does not base its decisions
15 on negotiations that are happening within the
16 community. We're certainly aware of them and
17 we listen to them, but it's my understanding
18 in the time that I've been here we've had
19 things come before us where we make our
20 thoughtful decisions but we don't postpone
21 our decisions based on negotiations in the

1 community that are in play. Is that pretty
2 much correct, my Board Members?

3 HUGH RUSSELL: Yes.

4 WILLIAM TIBBS: Yes, it's funny,
5 one, I would agree, in principle with what
6 Hugh just said. I mean, we have delayed our
7 opinion so the proponents can go back and
8 talk to the community.

9 HUGH RUSSELL: Right.

10 WILLIAM TIBBS: But we always --
11 then a proposal is put before us and we
12 listen to the community's and the proponent's
13 comments as we make our deliberations. I
14 think a while back we had a similar situation
15 in East Cambridge where a deal was made with
16 a developer, and I think we were advised that
17 we won't be a part of that, we just can't
18 endorse or be a part of that, those kinds of
19 things, because that's an agreement between
20 the proponents and the residents and we
21 can't, and not the city itself. And that's

1 what I remember. But I think, Tom, you were
2 around at that time, so you might be more
3 legally inclined.

4 THOMAS ANNINGER: Yes, no, I want to
5 bypass this question of the agreement for the
6 moment. It's very awkward as Hugh said.
7 Suppose it had been signed and we want to
8 make changes, does that invalidate the
9 agreement and make them start again? I don't
10 quite know how what we do relates to the
11 terms of that agreement. As if -- does that
12 -- whom does that bind?

13 PAMELA WINTERS: It's nothing to do
14 with us.

15 THOMAS ANNINGER: Certainly not us.

16 WILLIAM TIBBS: Or the city.

17 PAMELA WINTERS: Yes.

18 THOMAS ANNINGER: What I wanted to
19 ask about is the parking. Help me here with
20 the zoning. These are condominiums and if
21 I'm not mistaken parking that is tied to a

1 condominium are allocated to apartments and
2 are part and parcel of the deeded condominium
3 so that a space cannot be sold separately.
4 It can be rented, but it is part and parcel
5 of the deed of a condominium so that if you
6 had one for one, each unit would have one
7 space and that would be part of it and they
8 could not sell it separately.

9 Is that your understanding?

10 ATTORNEY MICHAEL OVERSON: Well, it
11 can be configured that way, but the answer is
12 really that it doesn't have to be. Typically
13 when condominium documents are drafted for a
14 building like this, there will be units
15 designated in the condominium documents and
16 there will be parking spaces designated on
17 the plan similar to the one that shows
18 parking spaces. And either the developer or
19 at some point in time in the future, maybe
20 the trustees, have the ability to convey
21 obviously not fee title to the parking space

1 but an easement for the parking space which
2 could be conveyed at the same time that the
3 unit is conveyed, and as you're saying, as
4 part of that conveyance, it's a pertinent to
5 the unit. It has to be used for the unit.
6 It's one space for that unit. But it doesn't
7 have to be that way. You can set up a
8 condominium so that the parking spaces, if a
9 particular unit owner wasn't interested in
10 purchasing a parking space, would not have to
11 purchase a parking space if a separate price
12 were put on the parking space. And in
13 drafting the condominium documents it was
14 decided there were going to be owners who
15 decided they didn't want them, they didn't
16 have to set the condominium documents up so
17 that each unit has one pace and one space
18 only. And what it also allows for when you
19 set up the condominium that way is for spaces
20 to be available for guests, for two spaces or
21 maybe three can be allocated to a unit. You

1 know, the family can make up of that unit
2 necessitates that number of spaces. So there
3 is not the rigidity of one space per unit
4 imposed automatically. It can be, and
5 oftentimes that makes the most sense. But
6 the reason these extra spaces are here is to
7 account for the fact that one unit owner may
8 have two vehicle situation, another unit
9 owner may have one. And also to allow for
10 the fact that there may be visiting
11 relatives, visiting friends. And at some
12 point in time might be permission to use
13 these spaces, something to be monitored by
14 the condominium trust.

15 THOMAS ANNINGER: I will tell you
16 that my understanding is different. But in
17 the old days I would have said, Les Barber,
18 can you clarify this. Now it's Jeff. I
19 guess I really like to know the answer to
20 this. To me what you're saying doesn't make
21 a lot of sense, and if we're trying to

1 understand the one space per unit, you call
2 that a requirement. We can do less than
3 that. But let's say that we require one
4 space per unit. To then be able to sell a
5 space would eviscerate the meaning of that
6 requirement. It would make no sense. How
7 could you have a one space per unit and sell
8 that space and forever that unit is without
9 its space? What's the meaning to that?

10 ATTORNEY MICHAEL OVERSON: Well, in
11 practice no condominium documents are going
12 to be drafted so that a space could be used,
13 for instance, by someone who has no
14 connection with the property or isn't a unit
15 owner. It's an issue that's arisen because
16 I've formed many condominiums. I've drafted
17 condominium documents and formed these
18 documents from the beginning, and knowing
19 exactly what you're saying that if there's a
20 requirement for this 10-unit building that
21 there be 10 parking spaces, but knowing that

1 a particular unit owner is interested in
2 having two of those spaces and another unit
3 owner is not interested in having any, and
4 they want the flexibility to be able to make
5 that decision, that definitely creates a
6 zoning question as to whether the purpose of
7 that requirement is being defeated. I don't
8 think we're proposing to do anything like
9 that. I think the idea here is to have the
10 requisite number of spaces per unit with the
11 flexibility to have a few additional spaces
12 if the need arises for temporary parking,
13 visitors, etcetera.

14 THOMAS ANNINGER: Well, I don't want
15 to go down that --

16 H. THEODORE COHEN: Could I add
17 something there?

18 Tom, I think I want to try to say this
19 correct, because I draft similar condo
20 documents all the time. But I don't think
21 this is any different from any of the many

1 projects that we've approved for rental units
2 which have the requisite number of spaces per
3 unit as we've settled upon, but we don't
4 mandate that each unit, each tenant has to
5 rent a parking space. So I don't see it any
6 different from that where they will have the
7 requisite number of parking spaces for the
8 building itself, but I don't think we can
9 mandate that everyone has to buy a parking
10 space.

11 THOMAS ANNINGER: I guess I wouldn't
12 mind if Jeff spoke to this a little bit.

13 WILLIAM TIBBS: As Jeff is coming to
14 the microphone, my issue is more the quantity
15 at this point.

16 THOMAS ANNINGER: I agree, but
17 whether we require 16 or 25, we're going to
18 have to figure this out as to how they're
19 allocated and how they're owned and so on.

20 JEFF ROBERTS: I'll try to do my
21 best to answer that, and there are lots of

1 details, again, as were just discussed as to
2 how the documents are actually structured and
3 to how units and parking spaces are assigned.
4 I know that it's been -- so as far as zoning
5 is concerned, the requirement is one space
6 per unit. And in this case that
7 requirement's being exceeded, but -- that
8 minimum requirement is being exceeded.

9 For condominium projects, it's been
10 where one space per unit is provided. In
11 order to ensure that the zoning minimum
12 continues to be met, it's typically been the
13 practice to have each parking space assigned
14 to a -- not necessarily assigned to a
15 particular unit, but to basically ensure that
16 each unit has a parking space provided for
17 it. And how that's actually legally
18 structured, I guess, can be done different
19 ways. It's just a matter of making sure that
20 space is available to each unit in perpetuity
21 for as long as the zoning applies. There

1 have been cases where the Planning Board or
2 the BZA has reduced the required number of
3 spaces. And in those cases it's been
4 structured differently. I think the key
5 fact, the key note of importance is that the
6 parking is accessory parking. It doesn't
7 exist as a separate kind of purchasable
8 entity where just anyone can just kind of buy
9 and sell parking spaces on the open market.
10 It has to be parking that's accessory to the
11 units that are created. And unless there has
12 been Special Permit relief granted to go
13 under that one space per unit, that there
14 must be a structure set up, and it gets
15 reviewed by Inspectional Services that it
16 meets that standard that it would be -- it
17 would continue to meet the minimum zoning
18 requirement over time.

19 AHMED NUR: Nevertheless, does this
20 happen where the owner goes to the real
21 estate and sells the space to a tenant

1 without anyone knowing?

2 JEFF ROBERTS: That, I can't, I
3 can't necessarily comment on what happens
4 down the road. But, you know, there could be
5 situations where an owner could -- an owner
6 who doesn't want to use their parking space,
7 could lease it or make some other arrangement
8 through the condo association to let another
9 resident use that parking space. It's just a
10 matter of ensuring that the parking spaces
11 are -- the parking supply is accessory to
12 those particular units, and that the zoning
13 requirement is met in any case, you know,
14 over time. And there won't be a situation in
15 the future where that zoning requirement can
16 no longer be met.

17 WILLIAM TIBBS: And the situation in
18 the future could be that a unit was sold to
19 another owner by some previous arrangement
20 that unit didn't have a parking space in
21 which case that wouldn't -- is that what

1 they're trying to avoid?

2 JEFF ROBERTS: Right. That's what
3 they try to avoid when it's applied. And
4 that usually happens with the zoning review
5 that Inspectional Services does.

6 AHMED NUR: I'm sorry, I had another
7 question for you, Jeff.

8 JEFF ROBERTS: Sure.

9 AHMED NUR: So these 16 units, is
10 there anything in the zoning that would be
11 add on that they could not go and apply for
12 visitors for each and every one of those 16
13 units is eligible to have a visitor's pass
14 and park in the street?

15 JEFF ROBERTS: That may be a better
16 question for Sue Clippinger who I believe is
17 here. You mean the city permitting?

18 AHMED NUR: Right.

19 HUGH RUSSELL: Could you come
20 forward, Sue?

21 STUART DASH: (Inaudible).

1 THOMAS ANNINGER: While Sue's coming
2 forward I think Jeff said it exactly the way
3 that I understood it, but I don't think it
4 was quite in line with how you had expressed
5 it or how Ted had expressed it.

6 WILLIAM TIBBS: Yes.

7 THOMAS ANNINGER: I felt Jeff was a
8 lot clearer when he said in perpetuity it is
9 tied to its original apartment. I didn't
10 hear others say it quite that way.

11 HUGH RUSSELL: So I think what
12 you're saying is that they're trying to make
13 it clear what the practice in Cambridge by
14 Inspectional Services is in reviewing the
15 documents that control these spaces. There
16 may be other ways to do it, but not every way
17 you can possibly do it will be accepted in
18 the city by Inspectional Services. That's
19 the distinction we have here.

20 ATTORNEY MICHAEL OVERSON: And I
21 just wanted to emphasize the most important

1 point that Jeff made was that the use that's
2 being applied for, and this is something that
3 we're applying to the BZA for is for
4 accessory parking. Meaning that if the
5 parking spaces are ever being used for a use
6 that's not pertinent to the residential use
7 across the street, if a zoning violation we
8 have an enforcement issue.

9 Thank you.

10 THOMAS ANNINGER: All right.

11 WILLIAM TIBBS: Sue, before you come
12 forward I have one more question for Jeff
13 which you could just answer.

14 The one space per unit you said is a
15 minimum --

16 JEFF ROBERTS: Yes.

17 WILLIAM TIBBS: It is a minimum?

18 JEFF ROBERTS: It is.

19 THOMAS ANNINGER: We have the power
20 to go below that.

21 JEFF ROBERTS: If it's supplied for

1 by Special Permit.

2 HUGH RUSSELL: And we have the power
3 to allow more.

4 Sue, would you explain to us what you
5 think we should do?

6 SUSAN CLIPPINGER: Well, he had a
7 much easier question.

8 AHMED NUR: Mine was answered,
9 that's fine.

10 SUSAN CLIPPINGER: So you want me to
11 what?

12 HUGH RUSSELL: I mean, you sent your
13 report with a recommendation that there be no
14 more than 1.1 spaces per unit which I guess
15 means two extra spaces.

16 WILLIAM TIBBS: Yes.

17 SUSAN CLIPPINGER: I mean, the work
18 we did in reviewing the study that the
19 proponent's done, and looking at any
20 information we have, there's no -- we can't
21 find any basis for the need for that number

1 of parking spaces. And I think there's been,
2 you know, as I've said, there's been a
3 community process, a concern about parking in
4 the neighborhood, and there have been some of
5 the studies that were shown that people had
6 more than one car, you know, the average is
7 more than one car. And so I think that this
8 number is too big. I think it, you know,
9 without some really creative other things to
10 do with it, it's going to be very hard to do
11 anything and it will be a great incentive for
12 them to be sold and not used as accessory
13 parking if there's nobody who wants to use
14 them. You know, whether there's other open
15 space, urban design issues of concern,
16 whether ZipCar parking should be utilized,
17 whether bike parking provisions or, you know,
18 covered bike parking options. You know, any
19 other kinds of creative ideas that could
20 enhance the building or the neighborhood.
21 The things that are happening there I think

1 are all more useful than parking number
2 that's this high. This is very unusual.

3 HUGH RUSSELL: I mean, I remember
4 one case which was the building at Aberdeen
5 Avenue which is a condominium, and it was not
6 on a street. The address was on Aberdeen
7 Avenue, but there was a driveway going passed
8 the library back into a parking area --

9 SUSAN CLIPPINGER: Oh, yes, I
10 remember that.

11 HUGH RUSSELL: So that the Aberdeen
12 Avenue was fully parked at night and there
13 simply were no other options, so we, you
14 know, granted a permit that I think had about
15 1.2 or 1.3 spaces per unit because there
16 simply was no other options that people could
17 do.

18 And I guess -- I'll tell you my feeling
19 about the parking is that the spaces on the
20 same lot as the building should be turned
21 into open space. I think that would actually

1 negate the need for a shared driveway because
2 then the driveway that would be left for No.
3 18 would be wide enough for a car or minimize
4 that. And I think I would also -- Sue
5 commented that she'd like to see more space
6 devoted to bicycle parking so that there
7 could be, instead of vertical storage of
8 bicycles, horizontal storage. And I'm
9 wondering if the ramp, instead of going up to
10 the first floor, in fact, ought to go down to
11 the basement level, that would be a way, you
12 know, then the bicycles would be stored in
13 the basement. It would be an easy way for a
14 bicycle to get in and out of the building,
15 and you could egress from the stair out to
16 that space at the basement level rather than
17 the first floor level.

18 And I'll throw one more piece in it.
19 The two units in the basement or partially in
20 the basement that have essentially basements
21 of their own. That is to say, there are

1 large areas that aren't differentiated. On
2 my plan it's the orange unit and the blue
3 unit, but I don't think there aren't numbers
4 on these plans. It's the two units that back
5 up to the east on the back of the building.
6 And I think that private basement space might
7 be best turned into, say, a shared room --
8 yes, in that general area. Yes, I mean,
9 there's -- there are a couple bedrooms down
10 -- there's a bedroom down there for each of
11 the units, but then there's other space. And
12 I'm not suggesting that we -- that you
13 sacrifice the bedrooms, because that seems
14 like that would be -- that's a thought up,
15 two bedrooms to these units. But that there
16 might be some enlarged bicycle parking, and
17 there might also be, say, a common room that
18 could be used by all the occupants of the
19 building under whatever arrangements would
20 seem to be wise. You could -- just having a
21 space, maybe it's a space where on a rainy

1 day you can go downstairs and sit with
2 another mother or two and watch your kids run
3 around inside out of the rain. It could be a
4 place you could have a community potluck, you
5 know, occasionally to try to build some sense
6 of community in the building. It could be
7 rented out for parties. And the most
8 apartment projects that I've worked with
9 there are such rooms. There are sometimes
10 some buildings in Cambridge that are quite
11 elaborate. I think people call themselves
12 co-housing, but if there's no space
13 available, there's no opportunity for those
14 kinds of shared activities that are probably
15 pretty desirable.

16 The other piece on parking would be
17 that the parking lot at 27 has a line of 11
18 compact parking spaces in a row. I frankly
19 think that's probably -- on one side, and
20 there are 10 regular spaces on the other
21 side. I think having 11 compact spaces in a

1 row is difficult particularly because if the
2 spaces are associated with particular units,
3 you're going to then, if two guys with SUV's
4 happen to get assigned the compact spaces or
5 if somebody with a fancy car who is worried
6 about people opening their doors and
7 scratching their car, so you might lose, say,
8 another space by bringing in the regular size
9 spaces.

10 PAMELA WINTERS: That's a good idea.

11 HUGH RUSSELL: That would, say,
12 bring the total down to 21 which is more than
13 Sue wants to see, and sort of, it's not so
14 much Sue's personal preference, but her
15 judgment as a professional and a sense of
16 equity and balance that we're trying to
17 maintain throughout the city. So that's what
18 I would start at.

19 And then if there were other purposes
20 that we thought would be suited on the 27 we
21 might further reduce.

1 H. THEODORE COHEN: Hugh, can I ask
2 you a question?

3 HUGH RUSSELL: Yes.

4 H. THEODORE COHEN: I mean, what
5 you're suggesting is very appealing about
6 eliminating the three spots behind the
7 building, but I'm wondering since one of them
8 is a handicap van space, if we do have
9 someone who is, say, in a wheelchair, that is
10 requiring either they be dropped off or that
11 person parks across the street and has to
12 negotiate across the street to get into their
13 building and whether there is perhaps some
14 other alternative that you can think of.

15 HUGH RUSSELL: Well, it's not very
16 easy to get from the handicap van space into
17 a building. You have to go up a very long
18 ramp to get to the building. I mean, if
19 somebody's got a, you know, a good motorized
20 wheelchair, I don't suppose that's a problem.
21 But if they're not. That's actually if

1 you're going to park immediately across the
2 street, the distance is considerably shorter
3 and it's more or less on the level, you will
4 of course be exposed to any cross traffic
5 that might be associated with let's say a
6 proposal for the adjacent parcel is for I
7 think roughly the 40 or 50 cars in a parking
8 lot there. That's not a lot of traffic.

9 H. THEODORE COHEN: I'm a bit more
10 concerned about bad weather than traffic.

11 HUGH RUSSELL: Yes, and I think I'd
12 rather go on the level in bad weather than up
13 a ramp myself.

14 But I think as long as closest parking
15 spaces are assigned to people with handicaps,
16 then I think the laws are satisfied.

17 THOMAS ANNINGER: How does the
18 elimination of the three eliminate the need
19 for a shared driveway?

20 HUGH RUSSELL: Well, because it
21 looks to me like the width that's left, the

1 lot line goes down the middle of a 20-foot
2 driveway. So that means there would be an
3 eight or nine-foot driveway left to serve the
4 garage in the back, which most driveways,
5 that's the size of most driveways for a, you
6 know, two car garage.

7 THOMAS ANNINGER: I see.

8 WILLIAM TIBBS: Can you let us know
9 how you're dealing with trash removal and
10 servicing the building and stuff like that?

11 DAVID O'SULLIVAN: Sure. Just to
12 let you know as far as --

13 WILLIAM TIBBS: I think this is
14 pertinent to this conversation about --

15 DAVID O'SULLIVAN: Yeah.

16 HUGH RUSSELL: But there might be
17 other purposes.

18 DAVID O'SULLIVAN: There would be
19 approximately 10 feet from the existing two
20 families to the property line just so you
21 know just general widths.

1 We were concerned about the handicapped
2 space being over here where this road
3 crossing a road which would have a lot of
4 traffic. So that was why we put it out back
5 there. That's why we put it there because
6 it's private, it's accessible. And whether
7 the ramp goes up or down, it's about the same
8 distance. So let me talk trash right now and
9 a little bit to bikes.

10 We have outdoor bike parking in the
11 back. We put the bike parking in the back
12 because it's hidden away, it's not visible
13 from the street and not prone to people
14 causing anything versus any kind of bike
15 storage across the street I'm afraid will be
16 too exposed to people and really not enough
17 people watching over it to be protective for
18 bikes.

19 What's happening with the trash is we
20 have a trash room in the basement here right
21 opposite the elevator. The residents would

1 come down, put their trash into there for
2 recycling in the barrels, and the barrels
3 would go out to the elevator and be put out
4 to the street for pick up out in front of the
5 building.

6 We have bike storage in the basement
7 already where bikes would -- which is also
8 adjacent to the elevator. So you just come
9 into the elevator and go there. It was a
10 suggestion and we talked to planning,
11 etcetera about or whatever that we should put
12 some kind of ramp or bike rail along the edge
13 of the stairs to get up the half level.
14 We're concerned with the width of the stair
15 whether that really works.

16 If the ramp did go down, that could
17 possibly work as far as going into there. We
18 thought with the handicap it was better to
19 get everybody to the first floor. That was
20 just when we were doing the planning for the
21 building. And as I said, the ramp would be

1 about the same length whether it goes up or
2 down.

3 PAMELA WINTERS: And you plan on
4 hanging the bikes on the walls?

5 DAVID O'SULLIVAN: What we have is
6 eight -- we're required to have a half -- one
7 bike parking per every two units by the
8 Zoning Ordinance. So what we have is outside
9 we have eight bike parking spaces that's
10 comparable where all the extra -- all the
11 parking is exterior to the building. To meet
12 the zoning, we put eight spaces outside in a
13 bike rack.

14 PAMELA WINTERS: In a bike rack?

15 DAVID O'SULLIVAN: Right.

16 PAMELA WINTERS: So there's nothing
17 hanging way up?

18 DAVID O'SULLIVAN: What we have is
19 this room here that's adjacent to the
20 elevator for indoor bike parking which we can
21 do another eight hanging racks. You can

1 probably get four regular ones if you need to
2 be compliant with what the zoning is. I
3 don't really understand Cambridge's policy on
4 that, I mean, I just was looking at a
5 building in Portland, Oregon, which is
6 totally bike oriented and everything was a
7 hanging rack. I understand maybe they're
8 concerned about people lifting them up or
9 something like that.

10 PAMELA WINTERS: I've sprained my
11 back a couple of times when I was a lot
12 younger, in fact, trying to lift the bikes
13 off. I mean, I think it's difficult and --

14 DAVID O'SULLIVAN: We looked at this
15 as being more short term -- I mean, you know,
16 more long term storage. And daily use of the
17 bikes would be from the bike racks outside.
18 We do have this large area here which was
19 going to be storage for unit owners divided
20 up in some manner. Really haven't determined
21 that yet how it is, but there's a large room

1 there. So if the Board thought we needed
2 more bike parking indoors, we could allocate
3 that to it depending on how many you think is
4 appropriate for this building. As we said,
5 the minimum per zoning is one space for every
6 two units. We thought by doing the interior
7 one as above and beyond zoning it was a good
8 amenity for the unit owners.

9 To address common area issues, I guess,
10 whether this became, like, common space here,
11 I'm just concerned with 16 units -- I've done
12 a lot of condominiums, I've done thousands of
13 thousands of condominiums with four units to
14 a hundred units and a 16-unit building is
15 really not a lot of desire by people to have
16 a common space. It pretty much becomes a
17 dead space that doesn't get used because you
18 don't have enough volume of people being unit
19 owners. And I would also be concerned if
20 these units were small. These units are 1200
21 to 1800. They have lots of space for kids to

1 play inside the units, etcetera. And we
2 thought that by putting these as two of the
3 larger units, that would appeal to the
4 families so they would have this big -- of
5 having this area or this area, that's kind of
6 a rumpus room area that would appeal to a
7 market you can't find in Cambridge unless you
8 buy a single-family house with a finished
9 basement. So essentially it was trying to
10 address a market need that I thought would
11 become more usable and more likely to get it
12 than having a common room in a building of
13 this small scale that probably would go
14 unused a lot.

15 PAMELA WINTERS: Could I just add
16 two more things?

17 HUGH RUSSELL: Sure.

18 PAMELA WINTERS: Hugh, I have to say
19 that I agree on two issues you brought up.
20 One is having all of the compact cars in a
21 row, because it reminds me of Porter Square

1 where I live, and it's really hard to
2 navigate cars. You know, there's just not
3 enough spaces and there's a lot of SUVs and
4 my car's gotten dinged I don't know how many
5 times.

6 And also I liked your idea of having
7 maybe a space for a ZipCar. So it was just
8 those two issues.

9 HUGH RUSSELL: It was Sue's idea.

10 PAMELA WINTERS: Oh, Sue.

11 HUGH RUSSELL: Properly credit.

12 PAMELA WINTERS: Good idea. Sorry.

13 DAVID O'SULLIVAN: Just to address,
14 we haven't -- we talked to ZipCar here about
15 getting memberships with people with ZipCar.
16 We've not talked about a space. Typically
17 what I found in other developments when I'm
18 talking in Boston and Brighton and other
19 things like that, ZipCar now wants to
20 concentrate five or six cars in one spot
21 because they don't want to hope a person

1 that's using their services to go to that one
2 spot to find it's already gone or whatever.
3 So they're trying to get rid of their
4 individual one space places as a policy. We
5 didn't approach them on this building for
6 trying to do one space here just because of
7 my experience with other projects.

8 PAMELA WINTERS: Okay, thank you.

9 HUGH RUSSELL: Other comments?

10 Ahmed.

11 AHMED NUR: Just to reiterate the
12 paragraph 2 from Susan's letter, it actually
13 shows that this -- the bike hanging does not
14 meet the City of Cambridge bike parking
15 guidelines for the reasons stated. In case
16 you haven't seen that. She wrote a whole
17 paragraph on that. I don't know if you've
18 seen that or not.

19 DAVID O'SULLIVAN: No, I did. And
20 basically the spaces we're putting inside are
21 above and beyond zoning.

1 AHMED NUR: Okay.

2 DAVID O'SULLIVAN: That's why we
3 addressed it.

4 HUGH RUSSELL: Steve.

5 STEVEN WINTER: David, could you
6 clarify, are the three spaces on the street
7 immediately adjacent to the parking lot, are
8 those permit -- will those be permit?

9 DAVID O'SULLIVAN: Right. Basically
10 what happens now --

11 STEVEN WINTER: Residential permit?

12 DAVID O'SULLIVAN: What happens now
13 on the 27 is a curb cut across the entire
14 length of the thing. By making this parking
15 lot, we're cutting down the curb cut and
16 you'll end up with three on-street available
17 spaces.

18 STEVEN WINTER: Permit parking?

19 DAVID O'SULLIVAN: Permit parking.

20 STEVEN WINTER: Residential parking?

21 DAVID O'SULLIVAN: Yes. There's

1 residential --

2 HUGH RUSSELL: Sue will determine
3 what sort of parking it is. Right, I mean,
4 you don't determine that, that's what Sue's
5 department does.

6 DAVID O'SULLIVAN: Right.

7 STEVEN WINTER: Thank you.

8 HUGH RUSSELL: Tom.

9 THOMAS ANNINGER: I'm beginning to
10 think that what we're seeing and hearing is
11 that this is a very well thought out project.
12 That the architect and the developers have
13 done a good job in the design and
14 thoughtfulness that went into the project.
15 There's been a lot of interaction with the
16 community, and as best as I can tell, they
17 have bent over backwards several times to
18 respond to the community. I think we ought
19 to start to focus on what few things, if any,
20 we think need remediation, because a lot of
21 the ideas have been responded to, and I think

1 we can do more harm than good if we continue
2 to go down a path of trying to tinker with
3 this. I for one would like to find some way
4 to get on with this project either tonight or
5 if necessary, some other night and I think we
6 ought to start to focus on that.

7 STEVEN WINTER: I concur.

8 HUGH RUSSELL: Bill.

9 WILLIAM TIBBS: I mean, I would
10 agree. I think the overall issues I think
11 they have been well thought out. I am
12 concerned with the higher parking number.

13 THOMAS ANNINGER: I think that's the
14 one big issue we've got to come to terms
15 with. Frankly I didn't hear too much else.

16 WILLIAM TIBBS: Yes. I do have a --
17 I'm little, just from a -- not concern, but
18 the I mentioned it earlier, but your
19 treatment of the front entrance to me, I
20 would, would like you to reconsider or
21 review. I'm sensitive to it because I know

1 at Blessed Sacrament with these existing
2 buildings a front entrance tends to be an
3 element in the building that needs to be done
4 well, and I think just by putting the big
5 planter there, I'm not quite sure if that
6 works very well. And I would minimally
7 request that you continue to review that with
8 the Community Development Department just to
9 come up with something that's a little bit
10 more eloquent guess.

11 PAMELA WINTERS: Aesthetic?

12 WILLIAM TIBBS: Aesthetically
13 pleasing. But the parking issue, Hugh, I
14 agree with you that I think the compact cars,
15 that many of them is just problematic and
16 that's one way to reduce the number right
17 there. And I -- I would agree that -- I
18 guess the -- I don't mind having the handicap
19 parking next to the building, but I
20 definitely don't see the need to have the
21 other two. So, however we come to it, I

1 think just reducing that number. We -- it is
2 very common here for us, for the community to
3 either want a lot more cars than Sue would
4 recommend. And sometimes even a lot less
5 depending on the circumstances, but typically
6 the tension is between people feeling there
7 should be more off street parking because of
8 the concern for visitor's parking and stuff
9 like that. So I think that we've been
10 relatively consistent and fairly reasonable
11 and fair about that even if we could, if we
12 do decide to go slightly over, but I
13 definitely think we can be reduced. And I
14 think some of the things that Hugh commented
15 on would automatically reduce them and how
16 far we go is something we can continue to
17 talk about.

18 HUGH RUSSELL: Steve.

19 STEVEN WINTER: The proponent and
20 the architect have demonstrated very good
21 faith in working on the bicycle places, and I

1 would suggest that we request of the
2 proponent moving ahead that the proponent
3 work with Sue Clippinger as she's offered to
4 do so to rectify the proposed vertical
5 hanging racks in the basement and to come to
6 some mutual agreement that satisfies Sue in
7 that respect.

8 H. THEODORE COHEN: I think it's a
9 very nice development, and I think the
10 developer and the community should be
11 congratulated on their communications with
12 each other and the amount of work that is
13 indicated in the proposal of the meeting and
14 the discussions is really admirable.

15 I think parking is the big issue. I,
16 you know, I could go either way with the
17 handicap spot now, you know, I think that's
18 for people who know more about the use than I
19 to figure out. I am very taken with the
20 concept of the rumpus rooms, the couple of
21 units with the very large basement rumpus

1 rooms, because I think we really lack, I
2 think there is a need for units and spaces
3 for families with small children or older
4 kids. And that while I understand that the
5 concept of having more public space, I think
6 I might be willing to make the tradeoff to
7 make the units to have their private space
8 that could accommodate families like this.

9 You know, the number of parking spaces
10 is, you know, I'm not quite sure what the
11 number is, but I certainly concur with doing
12 away with compact spaces and I concur with
13 doing away with three spaces in the rear and
14 maybe all three. And then especially
15 considering there are three potential on
16 street spaces that are being picked up, you
17 know, I think there's certainly a lot of
18 parking here and we ought to listen to Sue
19 and figure out what we think is the
20 appropriate number.

21 PAMELA WINTERS: So what's the magic

1 number for the parking?

2 HUGH RUSSELL: Well, I would like to
3 leave all three behind because that really,
4 leave one space there takes almost half of
5 the land area to get to it and access it.
6 And then let's say it might be two designated
7 visitor spaces, and a couple of extra spaces,
8 so that families that have more than one
9 car --

10 PAMELA WINTERS: Right.

11 HUGH RUSSELL: -- so that would be
12 like 20 spaces. So maybe 20 or 21 spaces on
13 the 27.

14 DAVID O'SULLIVAN: Can I make one --

15 HUGH RUSSELL: Mr. O'Sullivan, yes.

16 DAVID O'SULLIVAN: I just wanted to
17 point I hadn't considered until looking at
18 the plan. If we eliminate all the spaces in
19 the back, we have located a transformer back
20 there. And that was an agreement with NStar,
21 the utility companies. I forget which one

1 now. And they need truck access to be able
2 to get to that. So we need to keep that
3 driveway back there. So and I'm also very
4 concerned over the handicapped being across
5 the street. So I would try to kind of
6 persuade the Board to maybe keep the
7 handicapped and the drive -- we can pull a
8 handicap closer to the driveway, create some
9 open space, more open space around the bike
10 racks if we eliminated the two spaces, but
11 still solve the problem of utility truck
12 access to the transformer and alleviate my
13 concern over handicap being across the
14 street.

15 HUGH RUSSELL: I think sometimes
16 aside from the fact that if you give a kid
17 the choice between playing in the street and
18 playing on the green grass, sometimes he'll
19 pick playing on the hard surface. So having
20 a hard surface drive may not decrease the
21 actual open space that same way. And these

1 days it's extremely difficult to come to an
2 agreement with the utility companies on
3 things like transformers. They're
4 increasingly protective of their gear. So,
5 you know, if we said you couldn't put the
6 transformer there, they probably couldn't
7 have a project. It's about that simple.

8 DAVID O'SULLIVAN: That's really the
9 only place we can get access and not have it
10 right on the street. We don't own any other
11 frontage on the right side of the building.

12 HUGH RUSSELL: Right.

13 I mean I would, I'm happy to let the
14 final development of that space be handled
15 the way such things are usually done, with
16 consultation with the Department. You know,
17 again, I'd like consideration given to
18 whether the ramp should go up or down and in
19 terms of the bicycles. And I think we're
20 finding that maybe the ordinance is now --
21 when that version went in, the ordinance was

1 ahead of what was happening in the city and I
2 think we're finding as we have a network, as
3 we have bicycle lanes, that the amount of
4 bicycle usage is going up significantly.

5 THOMAS ANNINGER: Dramatically.

6 HUGH RUSSELL: I mean, I work in
7 Harvard Square and it's a challenge to find a
8 parking place at nine o'clock in the morning
9 for my bicycle. And I usually don't find one
10 that is actually an official place, but Sue's
11 department is has put many, many devices
12 along the streets that are useful for
13 securing bicycles there. And so that's been
14 -- some problems are good problems. I think
15 that's a good problem to have. You can
16 certainly solve it, and a lot more racks are
17 going into Harvard Square as the public space
18 gets developed.

19 WILLIAM TIBBS: Hugh, just to go
20 back to your initial stand with some numbers,
21 just looking at the plans, when you have 10

1 spaces, 10 regular spaces on one side and 22
2 on the other, assuming you get nine or ten
3 spaces on a site if you don't do all the
4 compact spaces, that gives you that 20 or 21
5 spaces even if you decide to keep one
6 handicap near the building, that would seem
7 reasonable to me.

8 PAMELA WINTERS: Yes.

9 HUGH RUSSELL: Yes.

10 WILLIAM TIBBS: And as I said, that
11 would give you two visitor's parking.

12 PAMELA WINTERS: Yes.

13 WILLIAM TIBBS: And two for other
14 reasons.

15 HUGH RUSSELL: And two for people
16 who --

17 PAMELA WINTERS: That have two cars.

18 HUGH RUSSELL: Right. I mean, I
19 think it just gives you more ability. I
20 mean, there are probably going to be some
21 people who are going to buy cars, they'll be

1 able to have those spaces available and other
2 tenants, so it's not just two people who will
3 have two spaces. It just gives you more
4 flexibility.

5 PAMELA WINTERS: Yes.

6 WILLIAM TIBBS: At 21. It will be
7 1.3 at 21. It would be 1.2-ish at 20.

8 HUGH RUSSELL: So, I mean, are we
9 thinking of just essentially approving it
10 with 21 spaces?

11 PAMELA WINTERS: Yes.

12 HUGH RUSSELL: Not trying to solve
13 exactly the design problems, but let those
14 continue with the Department?

15 STEVEN WINTER: I'm okay with that.

16 PAMELA WINTERS: I'm okay, too.

17 WILLIAM TIBBS: Yes.

18 HUGH RUSSELL: Is there any other
19 issues on that?

20 WILLIAM TIBBS: Just my comment that
21 they continue to work on the entrance.

1 HUGH RUSSELL: I was pretty taken by
2 Mr. O'Sullivan's comment sort of the ability
3 to sell a couple units with basements as
4 opposed to having shared space.

5 WILLIAM TIBBS: Yes.

6 HUGH RUSSELL: I think that's a
7 different way to accomplish similar kinds of
8 goals with the additional open space at the
9 back of the building. It gives us space at
10 least can be used flexibly in different ways.

11 STEVEN WINTER: Mr. Chair, I'd like
12 to emphasize Bill Tibbs' comment that we have
13 to be very careful about the unused door and
14 the way that it looks to the street. This
15 could be a really attractive, a really nice
16 building. It could also be wrecked if it's
17 inappropriate or temporary or it looks like
18 it's rigged inappropriately in the front.

19 HUGH RUSSELL: Are you also
20 consulting with the Historic Commission about
21 that feature?

1 DAVID O'SULLIVAN: We did propose
2 just what you see there with Historic and
3 they were fairly happy with that. I have no
4 problem with having a few more discussions
5 and looking at a few things.

6 HUGH RUSSELL: Yes. I agree with my
7 colleagues, that it's important. It's not a
8 huge thing, but it's important to --

9 DAVID O'SULLIVAN: It's a detail.

10 HUGH RUSSELL: Yes.

11 The other thing that I find the
12 existing front lobby to be sort of
13 unfortunate that there's this concrete block
14 worked on the side of the building. What are
15 you planning to do as a surface treatment for
16 that?

17 DAVID O'SULLIVAN: Basically the
18 front piece that now has a very thin -- we're
19 proposing that, as you see on there, that
20 taller kind of parapet wall to give it some
21 height and rework the column. And the front

1 will have new door fenestration. The sides,
2 basically we'll probably stucco the sides to
3 smooth it out and just improve its
4 aesthetics. You don't really see that
5 anywhere from anywhere around. It's mostly,
6 we tried to address the very front --

7 HUGH RUSSELL: Well, you will see it
8 from the people who are probably going to be
9 living in what's now the parking lot
10 next-door.

11 DAVID O'SULLIVAN: Right. And
12 hopefully we can get some landscaping along
13 there because we're right on our property
14 line. We don't have any ability to do
15 anything on our property line. You know,
16 there's no property to do anything with. So
17 I hope that we have some kind of landscaping
18 around that new project that would help
19 address your concern. It would become
20 visible when they build.

21 HUGH RUSSELL: Yes, I think

1 something like a stucco finish would be
2 sufficient to purse off a concrete block.

3 Ahmed, you had Sue's decision in hand
4 over there. Are there any other conditions
5 that we need to approve from her?

6 AHMED NUR: No.

7 WILLIAM TIBBS: TDM.

8 PAMELA WINTERS: A TDM.

9 HUGH RUSSELL: Anything in her
10 report or recommendation? Posting
11 information for the residents. Investigating
12 joining the CRTMA and recommending that an
13 MBTA bike Charlie Card is issued. I think
14 the idea is that's a one month deal; right?
15 They move in, they get a free card for a
16 month, and they can see how wonderful it is
17 on their own.

18 DAVID O'SULLIVAN: The other thing
19 that we are doing a LEED certifiable
20 building. We have been in negotiations with
21 ZipCar, one of the ways to get additional

1 LEED points. We believe we are going to give
2 every unit owner a 24-month membership with
3 ZipCar as part of our plan and that is part
4 of the whole LEED certifiable process.

5 AHMED NUR: I thought you said you
6 weren't going to deal with ZipCar because
7 they have --

8 DAVID O'SULLIVAN: No. We're giving
9 a membership. We give out a membership. Not
10 locating the ZipCar.

11 AHMED NUR: Oh, okay.

12 DAVID O'SULLIVAN: Just locating the
13 membership for every owner for two years
14 which is part of the LEED certifiable.

15 HUGH RUSSELL: It's conceivable that
16 if there is a good ten-unit project
17 next-door, might have a different view about
18 ZipCars in that project.

19 WILLIAM TIBBS: Yes.

20 HUGH RUSSELL: Where they could have
21 more than one car. It would be nice -- very

1 handy for the people who live on the block.

2 ATTORNEY MICHAEL OVERSON:

3 Mr. Chair, if I could, I can't speak for the
4 community, but I have been asked to submit to
5 the Board this petition which says: We the
6 undersigned, these are residents with their
7 addresses listed, oppose any reduction in the
8 quantity of parking for the Emerson lots.
9 This, again, isn't coming from the developer
10 but coming from some members of the community
11 and I just wanted to submit that.

12 AHMED NUR: What does it say?

13 They're opposed?

14 HUGH RUSSELL: Well, if you want to
15 look at it.

16 AHMED NUR: While we're waiting, I
17 just wanted to -- I was the last member of
18 the Planning Board to come in and obviously I
19 probably still inexperienced in this field,
20 but I didn't take Charles comment, public
21 comment with regarding to Mr. Resnick not

1 showing up after he had promised them they
2 were going to sign some sort of agreement
3 that I'm not aware of or we're not aware of.
4 I took it as Cambridge Stabilization group
5 and listen to the community and the community
6 looks up to them. And, therefore, if they
7 were in the process of negotiating within the
8 guidelines of the community and he didn't
9 show up. I think he has every right to
10 comment on that and just let us know -- it's
11 not going to pursue my outcome, but I just
12 wanted to take it as that it's okay for the
13 three minutes for him to say he's not here
14 and I wanted him to sign some documents. I
15 just wanted to say that.

16 ATTORNEY MICHAEL OVERSON: I want to
17 make a quick comment on that simply because
18 the Mr. Spencer who is present is trustee
19 with signatory authority. There's no reason
20 based on the trust as it's set up that he
21 can't sign for the trust. So I don't think

1 there's an issue of who can sign. I don't
2 think that we're without signatory.

3 PAMELA WINTERS: It's not our issue
4 anyway.

5 HUGH RUSSELL: Yes, right.

6 So I think we are being asked to vote
7 for two Special Permits. And the second one,
8 it's a little foggy in my mind, because I'm
9 not sure what was submitted to us, but it's
10 the permit that's needed to put the elevator
11 penthouse in; is that correct?

12 DAVID O'SULLIVAN: It's for the
13 elevator penthouse that extends above the
14 existing roof by a few feet and for putting
15 skylights in that are closer than the allowed
16 setbacks on a property.

17 HUGH RUSSELL: So we can do that.
18 The Zoning Board can do the other stuff.

19 LIZA PADEN: Right.

20 HUGH RUSSELL: In the --

21 THOMAS ANNINGER: Can I ask a

1 question?

2 HUGH RUSSELL: Yes.

3 THOMAS ANNINGER: Mr. Hanley, on
4 your very thorough letter on 5.28 I see
5 nothing on 5.23.

6 ATTORNEY MICHAEL OVERSON: And I am
7 Mr. Overson who works with Mr. Hanley.

8 THOMAS ANNINGER: I'm sorry. I
9 thought you wrote the letter.

10 ATTORNEY MICHAEL OVERSON: I did
11 draft the letter.

12 THOMAS ANNINGER: You did write the
13 letter?

14 ATTORNEY MICHAEL OVERSON: Which he
15 politely signed.

16 The reason that that was not
17 referenced. It was an error, although
18 Mr. O'Sullivan has tried to bring it to our
19 attention as a potential issue early on, and
20 interpreting that provision we didn't think
21 we actually needed it because we thought that

1 we potentially complied with the plane
2 requirements.

3 THOMAS ANNINGER: I see.

4 ATTORNEY MICHAEL OVERSON: When we
5 subsequently determined that we did need a
6 Special Permit, we submitted a revised
7 application on December 12th, but it didn't
8 include a revised project narrative letter.

9 THOMAS ANNINGER: I see. All right.
10 That explains that.

11 HUGH RUSSELL: Are there any special
12 criteria for granting those permits or is it
13 just a general criteria?

14 LIZA PADEN: It's a general
15 criteria.

16 HUGH RUSSELL: And I see no, problem
17 then, with us making the findings under the
18 general criteria for the small amount of
19 relief that's required.

20 So it feels to me like we want to make
21 a motion to vote on this tonight.

1 PAMELA WINTERS: I think so.

2 HUGH RUSSELL: So would someone
3 start off?

4 H. THEODORE COHEN: I'll give it a
5 shot.

6 I move that we grant a Special Permit
7 on case 267 for 22 Cottage Park Avenue and 27
8 Cottage Park Avenue, that under Section
9 5.28.2 to convert an existing commercial
10 building at 22 Cottage Park into a 16-unit
11 residential building with 21 accessory
12 parking spots in the lot, that I would say no
13 more than one to be located at 27 Cottage
14 Park with the remainder of the parking spots
15 to be located across the street at 27 Cottage
16 Park. And that 27 Cottage Park to the extent
17 we have the say can be used for accessory
18 parking.

19 That there will be additional thought
20 given to the entry of the building, to the
21 facade of the building.

1 That the proponent will continue to
2 consult with Traffic and Parking with regard
3 to bicycle parking, and with regard to the
4 final design of the parking areas.

5 That the requirements of traffic and
6 parking with regard to the transportation
7 management program as outlined in their
8 letter be followed.

9 And that the Board can find for the
10 reasons set forth in the proponent's letter
11 that all of the requirements of Section
12 5.28.2 have been complied with. And that
13 similarly we grant a Special Permit under
14 Section 5.23.(2) for a Special Permit for a
15 rooftop elevator penthouse, HVAC equipment,
16 and skylights on the roof of the building.

17 And that the Board can make the general
18 findings for a Special Permit under the
19 ordinance with regard to that Section
20 5.23(2).

21 AHMED NUR: Did you mention the

1 recommendation of the Charles Card and the
2 bike?

3 H. THEODORE COHEN: I believe so.

4 STEVEN WINTER: Transportation
5 management.

6 H. THEODORE COHEN: Transportation
7 management.

8 HUGH RUSSELL: Okay, we have
9 questions from the staff.

10 SUSAN GLAZER: Just wanted to
11 clarify. You mentioned no more than one
12 space at 27 Cottage Park?

13 HUGH RUSSELL: He misspoke.

14 H. THEODORE COHEN: I misspoke. No
15 more than one space beyond the property at 22
16 Cottage Park.

17 SUSAN GLAZER: Oh, 22.

18 H. THEODORE COHEN: And that the
19 remaining spaces be on 27. And that all the
20 spaces could be on 27 if that is what is
21 ultimately determined by the proponent in

1 consultation with Traffic and Parking.

2 JEFF ROBERTS: And also just to
3 clarify your motion of 21 parking spaces, is
4 the intent of that motion to set a maximum of
5 21 parking spaces as a condition of the
6 Special Permit?

7 H. THEODORE COHEN: Yes. Certainly
8 no less than 16 which is required by the
9 ordinance and a maximum of 21.

10 AHMED NUR: And, Hugh, are you
11 saying only on the compact site; right?

12 HUGH RUSSELL: What the motion is
13 that the handicap space could stay back on
14 the other side if that's the way they want to
15 do it.

16 AHMED NUR: And you wanted open
17 space?

18 HUGH RUSSELL: Well, yes. But I
19 think that will be part of the consultation
20 with Community Development.

21 My purpose is to get more usable open

1 space --

2 PAMELA WINTERS: Right.

3 HUGH RUSSELL: -- next to the
4 building.

5 PAMELA WINTERS: But we want 21
6 parking spaces.

7 WILLIAM TIBBS: The maximum.

8 PAMELA WINTERS: Right.

9 THOMAS ANNINGER: I guess I don't
10 know whether this comes before or after we
11 vote, but --

12 HUGH RUSSELL: Well, I think we
13 first have to get a second.

14 THOMAS ANNINGER: Let us get a
15 second and then we'll have some discussion.

16 HUGH RUSSELL: Right.

17 THOMAS ANNINGER: I'll second that.

18 HUGH RUSSELL: Okay. Now
19 discussion.

20 THOMAS ANNINGER: Now, all of these
21 rather complex Zoning Board sought after

1 variances, and I would like to make as part
2 of what we're doing a letter of support for
3 all of that otherwise none of this is going
4 to work. Variances are absolutely crucial.
5 And I think we need to explain what we've
6 done and why and how this is a rather special
7 site being a conversion from a one use to
8 another in an old building. And a lot of the
9 -- and the merger and the separation of the
10 two lots. All of that comes from some
11 history. And I think we need to support that
12 in order to make this work. And, therefore,
13 I'd like to tie that into what we're
14 supporting.

15 HUGH RUSSELL: Okay. I think that's
16 really appropriately a separate motion.

17 THOMAS ANNINGER: It can be.

18 HUGH RUSSELL: And I agree with the
19 principle, and I would like to move after we
20 vote the permit to vote on that as a motion.

21 THOMAS ANNINGER: Okay. We'll table

1 it for a few moments.

2 HUGH RUSSELL: Right, and I think
3 under Roberts Rule we can only consider one
4 thing at once; right?

5 THOMAS ANNINGER: Roberts is not
6 here anymore.

7 PAMELA WINTERS: I think Liza had a
8 question.

9 HUGH RUSSELL: Liza, do you have a
10 question?

11 LIZA PADEN: I got carried away with
12 what the Planning Board could do under the
13 general conditions. So 5.23.2, the Planning
14 Board shall consider special and unique
15 requirements of the use of the elements that
16 are serving. I'm talking about the elevator
17 penthouse override. And any special
18 constraints imposed by the site upon which
19 the building is located, the nature and
20 character of the development of the adjacent
21 residential district, and the extent to which

1 the successful efforts have been made to
2 minimize the visual and acoustical impact of
3 the elements.

4 So those are the standards that the
5 Planning Board needs to make for that waiver.

6 HUGH RUSSELL: Okay, so we can find
7 that the skylights, because they're in a flat
8 roof, will not impact the abutters whose
9 houses are lower than the roof.

10 That the elevator shaft is not adjacent
11 to the residences and would probably not be
12 visible from any of the residences that are
13 presently there. And the mechanical
14 equipment we can -- we usually put something
15 in our decisions to remind people that they
16 have to follow the --

17 PAMELA WINTERS: Noise Ordinance.

18 HUGH RUSSELL: -- Noise Ordinance.
19 So we can't waive that requirement, because
20 it's an ordinance, but we can rely upon that
21 being followed.

1 Sir.

2 DAVID O'SULLIVAN: We've also
3 located all the mechanical into the center of
4 the roof so minimizes the visual impact on
5 the street.

6 HUGH RUSSELL: Which also helps with
7 the acoustics because then there isn't line
8 of sight from it.

9 I think that probably is enough to
10 cover that. You just read it to me, but I
11 think that's what we're trying to --

12 LIZA PADEN: Yes, thank you.

13 HUGH RUSSELL: So is that a friendly
14 amendment?

15 H. THEODORE COHEN: Accepted.

16 HUGH RUSSELL: Okay, we have a
17 motion that's been seconded. Is there more
18 discussion?

19 All those in favor of the motion?

20 (Show of hands).

21 HUGH RUSSELL: All members voting in

1 favor.

2 Now, we have a second motion to support
3 the Zoning Board relief that is being sought,
4 and Tom spoke to that very eloquently.

5 So are you offering that now as a
6 motion?

7 THOMAS ANNINGER: I do.

8 HUGH RUSSELL: Is there a second?

9 AHMED NUR: I'm sorry.

10 HUGH RUSSELL: There's a motion
11 to --

12 AHMED NUR: Can you run that again?

13 HUGH RUSSELL: It's a motion to send
14 a recommendation to the Zoning Board of
15 Appeal to grant the setback relief required
16 by the addition, the use of the parking of 27
17 for a multi-family parking that serves the
18 building.

19 AHMED NUR: Separate the two
20 driveways?

21 THOMAS ANNINGER: Separate the two

1 go on to general business after a break.

2 ATTORNEY MICHAEL OVERSON: Thank you
3 very much.

4 HUGH RUSSELL: Thank you very much.

5 (A short recess was taken.)

6 * * * * *

7 HUGH RUSSELL: We're going to go
8 back into session and once Liza gets back in
9 the room we're going to go to the first item
10 of General Business which is request for time
11 extension at 40 Norris Street. And the
12 purpose of this request is simply to allow to
13 extend the statutory time limit which has
14 been extended before to give us the ability
15 to have a hearing or have a meeting on the
16 subject in two weeks.

17 WILLIAM TIBBS: When you say two
18 weeks, that's the 17th?

19 HUGH RUSSELL: Yes, we're going to
20 have a hearing the 17th. And so the
21 extension goes until the 31st so that should

1 we make a decision on the 17th, there's
2 enough time to prepare a decision, but there
3 probably won't be enough time so we'll
4 probably vote for a further extension at that
5 time. But it's -- the way that we just --
6 it's the way we do it, and go step by step by
7 step. But the purpose is so that we have
8 enough time to make a thoughtful decision.
9 Because if we do not do this, and then when
10 the time period expires, then the relief is
11 granted automatically. So this allows us to
12 maintain authority.

13 WILLIAM TIBBS: Correct. I just
14 wanted to be clear on the timing.

15 HUGH RUSSELL: So I believe we need
16 a motion to grant the extension in accordance
17 with the letter that's requesting it.

18 PAMELA WINTERS: So moved.

19 HUGH RUSSELL: Okay, is there a
20 second?

21 WILLIAM TIBBS: Second.

1 HUGH RUSSELL: Is there any more
2 discussion?

3 STEVEN WINTER: Mr. Chair, the only
4 discussion I would like is the second
5 sentence of Sean Hope's letter granting the
6 aforementioned extension and prior to the
7 expiration date. Is that sentence incorrect
8 grammatically or am I just not understanding
9 what it's saying?

10 HUGH RUSSELL: Yes, it is
11 grammatically -- there should be a verb after
12 the and in the last line. Grammatically it's
13 a combined sentence there, and you need a
14 subject and a verb in each side of the --
15 however, it does not have to be the wording
16 of our motion.

17 WILLIAM TIBBS: Exactly.

18 STEVEN WINTER: I just wanted to
19 note that, because I wanted to note if there
20 was any ambiguity that we hadn't mentioned.

21 HUGH RUSSELL: Okay.

1 THOMAS ANNINGER: You asked about
2 discussion?

3 HUGH RUSSELL: Yes.

4 THOMAS ANNINGER: After we vote on
5 this extension, I would like to have a very
6 brief discussion, but it is not part and
7 parcel, it is not directly related to the
8 motion and, therefore, I just wanted to say
9 that we ought not to end our discussion after
10 we vote.

11 HUGH RUSSELL: Okay.

12 Any further discussion on Norris
13 Street?

14 All those in favor of granting the time
15 extension.

16 (Show of hands.)

17 HUGH RUSSELL: All members are
18 voting in favor.

19 So, Tom, what's going on?

20 THOMAS ANNINGER: Liza may be able
21 to help us a little bit. The first go round

1 on this after the 5.28.2 Amendment was a week
2 -- a couple of weeks ago, it was long. And
3 while we made comments, we never really gave
4 them the direction that we often typically
5 try to give so that next time round we can --
6 if there are changes to be made and thoughts
7 to be put out on the table, we may not see
8 that on the 17th.

9 In other words, it is very possible
10 that the 17th will feel very much like simply
11 a continuation of our discussion from last
12 time. That certainly will drag this process
13 out to a third meeting. I think that's
14 almost inevitable. And I -- I'm sorry, that
15 it is going to be like that for our sake and
16 for the community's sake. I think it drags
17 things out to a point where it starts to
18 become unproductive. I was thinking for a
19 moment, but it doesn't seem like it's the
20 right time, that we might try to gather or
21 collect some of our thoughts and give them

1 guidance. Nobody from the developers here to
2 hear them so that makes it virtually
3 impossible, it would be unproductive to do
4 that. But I just wanted to say I think we're
5 headed for a three night kind of an ordeal
6 with this or possibly more which is something
7 that I wish we could find a way to avoid.

8 PAMELA WINTERS: Tom, I thought that
9 we had given them some suggestions. I could
10 be wrong --

11 THOMAS ANNINGER: We had, but I
12 don't think they were crisp enough. I don't
13 think they walked away understanding any kind
14 of a consensus on what it is that we were
15 looking for. I think different people had
16 focussed on different things. Some on the
17 roof, some on the basement, some on the
18 skylights, some on the parking. I don't
19 think it was crisp enough for them to have a
20 good idea of where to turn. Now, maybe
21 they'll be creative enough and maybe that's

1 the message. I don't know whether others
2 will agree with that. Maybe there's room for
3 some creativity on their part to say we
4 listened, we heard at the hearing and from
5 the Board some comments and we would like to
6 at least bring this new, somewhat new and
7 revised approach to you and try to solve
8 some, if not all, of the comments that we
9 heard. I frankly would welcome that.

10 WILLIAM TIBBS: Well, Tom, I think
11 particularly on that, what we have very long
12 public hearings, I think we do what you just
13 described which is everybody sort of makes
14 comments. Some people say I agree with my
15 colleague on this or whatever, but they then
16 come back and react to that and then we
17 deliberate as to -- that's when we get the
18 consensus. I mean, it's hard after a meeting
19 like that to -- unless there's something that
20 jumps out at -- and I think typically they
21 should hear if there is something that

1 several -- I mean, they do, at least I know
2 people like Rafferty does it all the time.
3 They literally come, they listen to the
4 comments and say oh, here's an issue and I
5 hear three or four people having that one.
6 So I guess I think we did that. But you're
7 saying you're not sure how they took what
8 they took away with.

9 THOMAS ANNINGER: Exactly. I think
10 most of the time what you describe is exactly
11 how it plays itself out. I had the feeling
12 that this time it might not go that way.
13 That they might just come back and sit there
14 and wait for us to say more. And I guess
15 what I'm saying is that I hope that they do
16 respond and maybe the staff can encourage
17 them to do that, to move the process along.

18 PAMELA WINTERS: Well, is the staff
19 getting any feedback or any --

20 LIZA PADEN: Well, the hearing was
21 December 20th. Today is the first day back

1 for many people. The only thing I talked to
2 the applicant's attorney is about the
3 extension and the timeline. And so I
4 couldn't say whether or not they've been able
5 to produce a product yet that we can look at
6 and review.

7 HUGH RUSSELL: And I know myself I
8 deliberately limited my remarks because I was
9 so tired.

10 PAMELA WINTERS: We all were.

11 HUGH RUSSELL: And so I didn't -- so
12 that they would have no idea of which of your
13 issues I was, you know, more interested in or
14 not.

15 AHMED NUR: You had recommended to
16 delete the apartments in the basement in
17 order to accommodate the two parking spaces
18 or some -- they were short of the parking
19 spaces and I think I supported you on that.

20 THOMAS ANNINGER: That's right. I
21 had said that, but I was just a voice in the

1 wilderness and I'm not sure others agreed
2 with that. So we didn't have a chance to
3 take that any further.

4 WILLIAM TIBBS: That's true.

5 H. THEODORE COHEN: I actually think
6 they did a remarkable job in coming up with a
7 new plan in light of the amended ordinance.
8 And I think their architect, you know, heard
9 what we said. No, we didn't reach a
10 consensus because, you know, we had a lot of
11 differences of opinion, and I think we ought
12 to just wait and see how they -- what they
13 come up with to try to address, you know,
14 some of the concerns. They may argue in
15 favor or against something. And if it has to
16 go another night, it has to go another night,
17 you know.

18 THOMAS ANNINGER: Fair enough.

19 H. THEODORE COHEN: It's a big
20 project.

21 PAMELA WINTERS: I agree.

1 H. THEODORE COHEN: And the City
2 Council changed the game on them in the
3 middle. And it will take whatever time it
4 takes.

5 HUGH RUSSELL: And a good thing,
6 too, is that they changed the game.

7 H. THEODORE COHEN: Pardon?

8 HUGH RUSSELL: And a good thing that
9 the City changed the game.

10 THOMAS ANNINGER: I think it was
11 helpful.

12 HUGH RUSSELL: It's moving in the
13 right direction.

14 THOMAS ANNINGER: Is the 17th -- I
15 mean, I think two things come out of your
16 comment and others. One is, I think it would
17 be good for the staff to talk to them and see
18 what they plan for the 17th, and whether this
19 conversation kind of jives with what you're
20 hearing from them, that they will respond.

21 And if the 17th is too soon because the

1 holidays represented no time for preparation
2 at all, and the 17th is only two weeks away
3 for any serious response, then the schedule
4 ought to be re-examined in light of that.

5 LIZA PADEN: Right. And I can't
6 propose a new date without them submitting a
7 date and you -- the Board and the applicant
8 needs to agree on that date.

9 HUGH RUSSELL: I think, I would not
10 want to -- based on what we've said before, I
11 would not want them to go off and redesign
12 the project totally. I think I'd like to
13 have a discussion on the 17th, see what ideas
14 they've come up with, and try to give them a
15 clear idea, get ourselves as much as possible
16 on the same page.

17 WILLIAM TIBBS: Yes, we were. I
18 think generically we were, but there were a
19 lot of things, like the skylights, some
20 people said they didn't like them, some
21 people said they did like them.

1 STUART DASH: I suggest the same
2 thing. Because as I talked to Liza about it,
3 I wasn't there, but she certainly described
4 it to me. I mean, it did sound like there
5 was clear direction. I don't want to
6 overstate --

7 HUGH RUSSELL: Right.

8 STUART DASH: We won't be sitting
9 down with them if there's not clear
10 direction. We wouldn't have enough to work
11 with --

12 THOMAS ANNINGER: Re-design isn't
13 necessarily --

14 HUGH RUSSELL: Right. If they come
15 back with reactions to the things, with
16 options, that might be helpful.

17 THOMAS ANNINGER: That would be
18 helpful. Exactly. That's what I'm talking
19 about.

20 HUGH RUSSELL: Okay. So can we then
21 move on?

1 THOMAS ANNINGER: Yes.

2 HUGH RUSSELL: Item 2 which is the
3 discussion of the Central Square entrances
4 zoning petition. And somebody prepared a
5 very nice report. And whoever, is that
6 person in this room?

7 BRIAN MURPHY: That person is --

8 JEFF ROBERTS: Guilty. So would you
9 care for me to review briefly the memo?

10 HUGH RUSSELL: Yes, you can present
11 it to us.

12 WILLIAM TIBBS: To make sure we
13 interpreted it correctly.

14 JEFF ROBERTS: I'll try not to dwell
15 too much on details.

16 Just as a reminder of the petition
17 that's before the City, the current text of
18 the Central Square Overlay District says that
19 a bar or establishment where a alcoholic
20 beverages are consumed and where dancing or
21 entertainment is provided, etcetera, if you

1 have such a use, the front entrance, the main
2 entrance of the use can only be on
3 Massachusetts Ave. or Main Street. The
4 petition proposes to do away with that
5 provision entirely opening up the possibility
6 of having entrances to bars or nightclub-type
7 establishments anywhere that the use is
8 allowed in the Central Square District.

9 So at the prior hearing there was some
10 discussions kind of on both sides of things.
11 What the appropriateness is of allowing more
12 flexibility in the entrances to these uses
13 versus the protection that the current zoning
14 provides to residents in the nearby area
15 trying to -- protecting against noise and
16 late night activity. So some ideas came out
17 at the last hearing for different ways that
18 we could look at that and analyze whether
19 there's maybe a middle ground or some
20 approach that provides a little bit more
21 flexibility on the one hand while also

1 providing some protection on the other hand.
2 And the result of that is really shown in the
3 maps. And I'll just describe briefly what's
4 in the maps.

5 As always, Brendan Murrow our JS
6 analyst did a fantastic job in illustrating
7 these issues.

8 In the first map, there's a -- I'll
9 direct your attention to a green line and
10 hatched area which you find running parallel
11 to on both sides of Massachusetts Ave. and
12 along Main Street. That green hatched area
13 represents a 100-foot buffer from the edges
14 of Mass. Ave. and Main Street. And one of
15 the ideas was that if some more flexibility
16 were to be provided, it could be to sort of
17 have, allow entrances to round that corner.
18 I guess the one advantage of this is it does
19 provide some more flexibility while also
20 providing some reasonable protection. And
21 you can also see on this map -- there's a lot

1 going on on this map. You can see that the
2 different building uses are coded in yellow
3 for residential and in red for
4 non-residential. And the striped red and
5 yellow indicates a mixed use building.

6 So, going back to that sort of green
7 hatched area, it does provide some
8 protection. There are some issues with it,
9 though, one of which is if you look 100 feet
10 is really only about a building length. So
11 if you had a building where you were going to
12 have a bar established, if you were going to
13 put the entrance 100 feet off of Mass. Ave.,
14 you might as well -- you probably have the
15 ability to put it right on Mass. Ave. So
16 it's questionable whether you really gain a
17 lot of benefit from doing that. And there
18 are also some areas where as you see maybe
19 near Pearl Street and Brookline Street, even
20 as you get to that 100-foot area, you're
21 starting to get closer to some residential

1 area.

2 So we looked at it from another
3 direction, which also was suggested at
4 another hearing. If you look at the purple
5 hatched area, which is further along the
6 edges of the Overlay District. That area
7 represents a 100-foot buffer away from
8 residentially zoned districts. And, you
9 know, again, it provides some protection
10 especially on the northern side along Bishop
11 Allen Drive. 100-foot buffer really only
12 gets you to about Bishop Allen Drive. And
13 there are some, some areas where you can see
14 north of Mass. Ave. where there's pockets of
15 residential use that there might be some
16 concern about allowing bar entrances and
17 nightclub entrances close to those areas.

18 You also run into some -- if you look
19 up along Main Street, you run into some funny
20 areas where you would actually not -- if you
21 were going to provide a protective buffer 100

1 feet from residential districts, you would be
2 encroaching on parts of Main Street where the
3 use entrances would currently be allowed.

4 So, those are some of the kind of the
5 simple kind of analyses that we looked at.

6 And then the next page, the second map
7 is a little bit more of a qualitative look,
8 and Liza -- Liza stepped away. Liza and I
9 actually went and did a walk of the area.

10 WILLIAM TIBBS: So that's the staff.

11 JEFF ROBERTS: Right, so this is
12 Liza and myself going around all the streets
13 in the Central Square Overlay District and
14 trying to make some qualitative judgments as
15 to what the character of that portion of
16 Central Square was like. And we
17 characterized it basically as a commercial
18 street. If it generally had commercial uses
19 on both sides or, you know, buildings with a
20 sort of a commercial feel and character
21 larger scale, generally busier street, wider,

1 busier streets were some of the factors that
2 contributed to the more commercial feel.

3 And then there were some streets sort
4 of clearly fell into that commercial
5 character; Mass. Ave., Main Street, Prospect
6 Street as you get between Green Street and
7 Bishop Allen Drive. And that actually
8 includes little portions of Magazine Street
9 and Western Ave. as well.

10 And as you go to the right side of the
11 map, State Street, kind of a Blanche Street,
12 that little portion of Green Street that's
13 next to the University Park garage, all of
14 those streets really had a more commercial
15 character than residential.

16 And then there were some streets that
17 in this map that are colored in kind of an
18 olive shade which are kind of -- we call them
19 some transition, because it's hard to make a
20 clear judgment as to whether they were
21 entirely commercial in character or whether

1 they started to bleed into residential areas
2 a bit. And, again, asking that question of,
3 you know, would you, would you want to have a
4 bar or a nightclub with its entrance directly
5 onto those streets? It maybe would be a bit
6 of a toss up. You may find some instances
7 where it would be okay. You may find some
8 instances where there would be impacts that
9 you might like to consider.

10 So that was the qualitative analysis
11 and sort of the conclusions that we drew that
12 were sort of at the end of the textual part
13 of the memo.

14 The approach in the current zoning
15 which says that your entrance has to be onto
16 a specific street, there's a bit of an
17 elegance to that and a simplicity to that
18 because someone who's trying to establish a
19 bar entrance or a nightclub entrance can then
20 just look at the zoning and just know right
21 away whether it's allowed, wouldn't have to

1 do kind of a measurement or an analysis to
2 try to determine whether it's allowed or not
3 and wouldn't have to be sort of tied up in
4 any sort of Special Permitting processes that
5 they would have to go through.

6 And then the second point is really as
7 we've learned on our walk, Central Square is
8 pretty complex. You know, you can see it.
9 It really pops out when you look at the map.
10 There's lots of mix of different building
11 types, mix of different uses not following
12 any really clear and simple pattern in that
13 in our view is the difficulty in trying to
14 create a simple mechanism that would have the
15 intended outcome wherever you apply it in the
16 area. So that sort of summarizes what we did
17 since the last hearing.

18 HUGH RUSSELL: Well, from my point
19 of view the third approach seems to be the
20 one that most directly addresses the goals of
21 this regulation. I have only one question

1 about it which is the block of Essex Street
2 between Bishop Allen and Mass. Avenue, I'm
3 just curious what led you to classify that as
4 transitional?

5 JEFF ROBERTS: Well, that was a
6 tricky one. I think that if you look just at
7 the colors and the land uses on the map, it
8 does look very clearly commercial or
9 non-residential on both sides, but one of the
10 interesting things that happens as you go up
11 Essex Street is you run into a lot of surface
12 parking. In fact, three -- when you get to
13 the corner of Essex and Bishop Allen Drive,
14 you have big surface parking lots on three
15 sides of that intersection. And when you're
16 actually standing out there, even though it
17 may not look that way on the map, you start
18 to feel very close to the residential
19 buildings and it's very sort of densely
20 packed, low scale, two or three-story
21 residential buildings that start as you get

1 north of Essex Street on Bishop Allen Drive.
2 And Liza and I had a conversation about that
3 and, you know, said well, if you imagine
4 that, you know, some of those parking lots in
5 the future, if they became larger mixed use
6 buildings or if those surface parking lots
7 were something else, then maybe you would
8 have a different type of character to that
9 street. But as it stands now, if you were to
10 look at it as it is now and say, you know,
11 where the kind of where the Harmonics offices
12 are now or the sports club entrances along
13 Essex Street, if you were to convert that
14 into a bar, you can imagine, you know, late
15 at night -- or a nightclub, you imagine that
16 late at night that noise and activity would
17 really start to carry into the neighborhood.

18 HUGH RUSSELL: Okay.

19 WILLIAM TIBBS: I guess my reaction
20 was similar to yours in the sense that the
21 third one made the most sense to me, but then

1 I kind of stepped back and said, the problem
2 with the current language is it just mentions
3 two streets. And so that the -- and then if
4 you -- if we did -- I think it's just a
5 matter of just being clear as to what
6 additional streets we can add to those two
7 and that would solve a problem. And if we
8 use an analysis like this to make a
9 recommendation as to which street we would
10 include, or if you, for instance, said that a
11 commercial or a transitional street is okay
12 for an entrance, then it really is -- it can
13 be in the whole overlay with the exception of
14 just a few streets because, you know. So I
15 think coming that's going to define the
16 streets better would make more sense as
17 opposed to coming up with an arbitrary 100
18 foot line that it's not quite sure. That's
19 my reaction. I didn't have a proposal per
20 se, but either add additional streets to it
21 or say it's allowed in the overlay with the

1 exception of these streets or these areas.

2 HUGH RUSSELL: Yes, I didn't make
3 myself clear because what I was saying made
4 sense was to add the pink streets that aren't
5 already.

6 WILLIAM TIBBS: The pink ones, yeah.

7 HUGH RUSSELL: So Prospect Street,
8 the first block of Magazine Street, and then
9 the State Street, Front Street and arguably a
10 piece of Sidney Street in fairness.

11 THOMAS ANNINGER: The pink
12 represents what?

13 HUGH RUSSELL: Represents there's a
14 commercial character now, clearly unambiguous
15 commercial character. There might be some
16 buildings that have residences above them.
17 But like the Front Street is an MIT
18 dormitory, that triangular building. I think
19 it's very hard to draw a line that's farther
20 than that without really starting to have a
21 potential negative impact on residential

1 property.

2 H. THEODORE COHEN: Can I ask where
3 are we going to go with this? I mean, I
4 think this is great. It's really a great
5 memo. Very informative. And I agree, I
6 think the third way of doing things is the
7 only thing that makes sense. I think the
8 others -- first two were just too arbitrary
9 in both directions and didn't accomplish
10 anything. You know, I didn't have the
11 opportunity after looking at this to go back
12 to Central Square and walk the streets again,
13 which I would do or at least have staff make
14 a presentation with slides of what's on the
15 streets, but I really would like to go and
16 walk the streets. And then if we were going
17 to make a recommendation, what to include or
18 what to exclude, you know, whichever way we
19 wanted to do it, I could go either way. But
20 I like to see things for myself before we
21 pursued that.

1 HUGH RUSSELL: I don't think we're
2 under pressure to reach a decision tonight so
3 that would make a lot of sense to me.

4 JEFF ROBERTS: Well, I'll update
5 that. I wouldn't say there's any particular
6 pressure, and my understanding of this is
7 that it expires --

8 LIZA PADEN: The 11th.

9 JEFF ROBERTS: -- the 11th.

10 PAMELA WINTERS: Of January?

11 JEFF ROBERTS: So it expires next
12 week.

13 LIZA PADEN: Yes.

14 JEFF ROBERTS: But in this
15 particular case, my recollection that this
16 has not been moved out of the Ordinance
17 Committee yet. So the City Council wouldn't
18 really be taking a vote on it. It could be
19 re-filed or extended in some way and be
20 considered in the future or it may not be
21 considered. So I think it's -- this is one

1 of those cases where it's kind of at the
2 Planning Board's, I think, discretion what
3 they would want to communicate on this. I
4 don't think there's a deadline or a clear
5 direction or anything that the City Council's
6 particularly looking for in an immediate
7 sense.

8 HUGH RUSSELL: So, I would say,
9 then, that we can take tonight and decide
10 there's merit to considering this change
11 further or we decide there was no merit in
12 considering this. If there was merit, then
13 we'll take the time to complete the process.

14 H. THEODORE COHEN: Well, I would
15 certainly, I certainly think there's merit to
16 it because I think it's too restrictive now.

17 WILLIAM TIBBS: Yes, I agree.

18 H. THEODORE COHEN: And I think
19 that, you know, it does deserve looking into.

20 THOMAS ANNINGER: Mr. Winters has
21 sat here all night just to hear us talk about

1 this. I'd love to know what he thinks.

2 WILLIAM TIBBS: Actually he's told
3 us already.

4 LIZA PADEN: At the hearing.

5 ROBERT WINTERS: Yes. The red line
6 in here was pretty consistent with what I was
7 asking for, too, which is a modification.
8 One thing I was saying to Stuart here was all
9 the red lines down here and thinking let's
10 see, 15 years from now could that become like
11 the entertainment district? Maybe that's a
12 good thing. I don't know. But it's one of
13 those things that you have to think about.

14 HUGH RUSSELL: Is there more we want
15 to do about this tonight.

16 Steve?

17 STEVEN WINTER: Just a quick
18 comment. I don't think I was here when this
19 first came in and I -- for me this is about
20 residents as much as it is about business
21 owners. And I think we need to be thinking

1 about both of those constituencies when we
2 think about, you know, what we want to do
3 with this. And I also think it merits
4 further thinking, but I want to approach it
5 by saying let's make sure we're taking care
6 of both of those constituencies to create a
7 business climate that's welcoming and open
8 and warm but also to protect the nature of
9 the residents. And I do want to point out
10 that on page 3 of 3 the fourth bullet, that's
11 our core bullet here. Central Square's a
12 very complex district with a very fine grain
13 mixed of land uses. That could be said about
14 the entire city. We do that really well. So
15 if we can do that really well here, I think
16 this is something for us to really consider
17 and be thoughtful about.

18 HUGH RUSSELL: Ahmed.

19 AHMED NUR: Yes, Hugh, I just wanted
20 to in case anyone hasn't really been late at
21 night in this area, just by looking at these,

1 this is just perfect the way it is for
2 starters as far as I'm concerned. It would
3 include a couple of houses that are already
4 nightclubs and nobody knows about them on
5 Columbia Street. But residents look for --
6 yes, residents look for places to live in.
7 And they know the district. That's all
8 highlighted. You guys did a great job. That
9 absolutely is happening as is. It's just a
10 matter of making it zoning or not. So, you
11 know, thank you.

12 HUGH RUSSELL: So, this reminds me
13 of my service on the Zoning Board and there
14 are some storefronts on Columbia Street near
15 Washington Street.

16 AHMED NUR: Yes.

17 HUGH RUSSELL: And there were two
18 different storefront churches, and one of
19 them as a practice of worship involved a lot
20 of -- making a lot of noise. And there was
21 people that were -- and they were upsetting

1 other people. They came to the Zoning Board.
2 I can't remember what we did --

3 AHMED NUR: I lived at 305
4 Washington Street and it was happening every
5 Sunday.

6 HUGH RUSSELL: Yes.

7 AHMED NUR: Partying at seven
8 o'clock in the morning the windows were up.

9 HUGH RUSSELL: Right. I don't
10 believe, you know, that's not what we're
11 talking about here. It's a complex district
12 like you said.

13 So, myself, I don't think this matter
14 particularly warrants a joint walk, but maybe
15 if we kind of ask the staff to maybe schedule
16 us after the Town Gown sometime, that will
17 give us time.

18 WILLIAM TIBBS: Sure, I agree.

19 STEVEN WINTER: Mr. Chair, it could
20 be vitally important for us to enter the
21 establishments and really understand the

1 district.

2 HUGH RUSSELL: I'm glad that you've
3 offered to take on that responsibility.

4 WILLIAM TIBBS: Just make sure you
5 wear your dancing shoes. Actually, that is
6 one thing that I just wanted to comment on,
7 and that is the -- if its emphasis on dance
8 and entertainment and the dance part two, is
9 it basically saying anything but a restaurant
10 that has a liquor license or a lounge? I
11 mean, because, you know, it was clear that
12 when this was written it had some very clear
13 ideas in mind as to the kind of establishment
14 that they wanted. But to me when I read
15 dance/entertainment, what does that mean?
16 Does that mean that somebody's playing
17 guitar, you know, a folk guitar in a coffee
18 shop? Is that entertainment even though they
19 don't dance? So I don't know if that's part
20 of the problem, too.

21 HUGH RUSSELL: That's a smart ass

1 response, but it's some particular line in
2 the Zoning Ordinance.

3 WILLIAM TIBBS: Yes.

4 LIZA PADEN: That's exactly what it
5 is.

6 WILLIAM TIBBS: That is one of the
7 dance/entertainment as one of the categories.

8 LIZA PADEN: That's a category, yes.

9 WILLIAM TIBBS: Okay.

10 HUGH RUSSELL: That's where the
11 language came from even though it may be
12 antiquated.

13 WILLIAM TIBBS: Yes, okay.

14 * * * * *

15 HUGH RUSSELL: So the last item on
16 the agenda is the election of the Planning
17 Board Chair. And what's the Board's
18 pleasure?

19 PAMELA WINTERS: Well, I would like
20 to make a comment unless somebody else would.
21 I just would like to keep things the way they

1 are. I would like to nominate Hugh as Chair
2 and Tom as Vice Chair. I think Hugh brings
3 an extraordinary amount of intelligence both
4 architecturally and history of the city, and
5 his warm relation with the citizens of the
6 town has been -- I just find it very moving.

7 Tom has been Chair for several years
8 and I think they make an excellent team. So
9 I would like to make a nomination that they
10 continue for another year.

11 WILLIAM TIBBS: I don't -- I would
12 agree with everything that Pam just said
13 about your Chairships and your, you know, how
14 you furnish Chairs. When I first came on the
15 Board we had -- Paul.

16 THOMAS ANNINGER: Paul Dietrich.

17 WILLIAM TIBBS: Paul Dietrich who
18 had been the Chair for like 20 years or so.
19 And so I do remember the transition we went
20 through when we suggested that we actually
21 have a moving Chair. And at that time we

1 said we should have two consecutive terms and
2 then try to see if we could move. And I was
3 reminded that we did venture from that at
4 least in the past. So and as a person who
5 was reluctant to be Chair for many, many,
6 many, many years, I think that it's perfectly
7 okay. But I do want to say that even though
8 I would have no problem with your nomination,
9 I think that our newer Board Members are -- I
10 think initially there was a concern that you
11 were so new that you just didn't know, but I
12 think you do understand. I'm looking at
13 Steve and I'm looking at Ted. I'm even
14 looking at Pam who has been Co-Chair but not
15 Chair. While I do not have a problem with
16 that, if other Board Members would really
17 like to give it a try, I think that's
18 perfectly okay. Because so far three of us
19 have been Chair. And I think that at least
20 was what we were trying to do early on when
21 we re-established so that one person didn't

21 PAMELA WINTERS: That's true.

1 WILLIAM TIBBS: And in some ways the
2 Chair can be restrictive even though your
3 style is such that you've been able to
4 eliminate that. I think in the passed Chairs
5 have felt that they don't have as much power
6 to say what they really feel sometimes.

7 HUGH RUSSELL: That is why I didn't
8 take the job for 18 years.

9 WILLIAM TIBBS: Yes, I know. And
10 you were reluctant to be Chair for a long
11 time. So, anyway, that's my comment. I have
12 no problem with that. But I really do feel
13 that if either Ted or Steve is interested,
14 that maybe they should get a chance because
15 we all learn in the process. I know when I
16 first started, it's a learning process and
17 you stumble for a while but you get there.
18 And I just feel that even -- I think I was
19 doing a good job, but if I --

20 PAMELA WINTERS: You did a great
21 job.

1 WILLIAM TIBBS: If I stayed on a
2 third year, you wouldn't have had your
3 opportunity. I'll let you two speak to that.

4 PAMELA WINTERS: Well, I apologize
5 for not asking first if anybody else would
6 like to be Chair before I made that.

7 HUGH RUSSELL: Nominations have not
8 been closed yet.

9 PAMELA WINTERS: That's true, that's
10 true.

11 H. THEODORE COHEN: Well, speaking
12 only for myself, I'm perfectly content with
13 the way the Board is functioning right now
14 and I think the combination of Hugh and Tom
15 is working exceedingly well. I have no
16 particular interest in being Chair at this
17 moment in time, you know. If perhaps at some
18 future time I did have a desire, I would, you
19 know, make my intentions known. But I'm very
20 happy with the way the Board's functions now
21 with the Chair and Vice Chair and the

1 timekeeper. And I see no reason to change.
2 But I similarly would not want to foreclose
3 anyone else for going for it if they so
4 desired.

5 STEVEN WINTER: Well, Bill, I really
6 appreciate your kind words and I think it's
7 always good to have that be transparent, to
8 have the process for the Chair be
9 transparent. So I think that's just where we
10 ought to be.

11 For right now, for this moment, in
12 terms of the Chair or the Co-Chair of the
13 Planning Board, I would prefer an inoculation
14 rather than a nomination.

15 AHMED NUR: And I'm probably going
16 to add to that. I'm very happy as well the
17 way things are going and I'll work on
18 becoming a full-time member in the next 10
19 years and then I can talk about a Chair.
20 Absolutely. And I appreciate that someone
21 has to take it from there as, Hugh, the way

1 you approach it is perfectly okay the way you
2 support them as well as everyone else. I
3 think that's what makes us a good team.

4 PAMELA WINTERS: I think we have an
5 awesome Board. I do.

6 STEVEN WINTER: Does that formally
7 close nominations.

8 HUGH RUSSELL: There's a motion to
9 close nominations.

10 Do I hear a second?

11 WILLIAM TIBBS: Second.

12 HUGH RUSSELL: Okay, motion to close
13 nominations.

14 All those in favor.

15 (Show of hands).

16 HUGH RUSSELL: All members voting
17 on -- there's a nomination. Is there a
18 discussion?

19 AHMED NUR: I may add thank you for
20 being the Chair. You really make our lives
21 much easier.

1 PAMELA WINTERS: Yes.

2 H. THEODORE COHEN: I guess we
3 didn't ask if either or both of you wanted to
4 continue in your positions.

5 STEVEN WINTER: We're in the process
6 right now.

7 HUGH RUSSELL: Yes, I'm willing to
8 continue. I have my fears for 18 years were
9 not as well founded as I thought they might
10 be. And it's really a two way street, you
11 know, we work together as a team as we are,
12 and things go well. So that's what, I mean,
13 that's my approach. We're a team. We all
14 bring things to the table and my job is to
15 try to make sure everybody has a chance to do
16 that.

17 So then on the motion, all those in
18 favor.

19 (Show of hands).

20 HUGH RUSSELL: All members voting in
21 favor.

1 LIZA PADEN: I just wanted to report
2 back on the Fresh Pond retail site that the
3 Board asked me to look into. And I had a
4 conversation today with Roberta Sidney who is
5 the developer. And she said that the site
6 has been fenced off with a construction fence
7 and that the parked vehicles, with the
8 exception of the tow truck from the gas
9 station, is part of an NStar project. That
10 NStar's working with the city on some
11 project, which I don't have the details on.
12 And so those cars that they have there in the
13 short term because they need a place to put
14 them while the work is being done for the
15 utilities.

16 The tow truck from the repair station
17 next-door, Roberta said that she saw that as
18 an investment going forward because during
19 her construction she's probably going to have
20 to ask for consideration from the gas station
21 for something that comes up between abutters

1 on a construction site.

2 As far as some of the other
3 encroachment issues that she has with the
4 other gas station that's actually in the
5 rotary, she said she tries constantly to
6 maintain the property, to keep them from just
7 parking their vehicles there, leaving things
8 on her property. And she says that she has
9 -- she pays attention to it. It's just that
10 sometimes it gets away from her. So she is
11 working on that. But those -- the majority
12 of the parked vehicles now are part of the
13 NStar utility work. And she's very
14 optimistic that she's got a tenant.

15 HUGH RUSSELL: That's a good thing.

16 LIZA PADEN: Yes.

17 THOMAS ANNINGER: That's the best
18 news yet.

19 LIZA PADEN: We'll see. I just
20 wanted to let you know that we found that
21 out.

1 HUGH RUSSELL: If we granted the
2 relief, is that expired?

3 LIZA PADEN: She has an extension.
4 Her Special Permit is valid because of the
5 state legislature had this automatic
6 extension for two years. So her permit's
7 still valid.

8 HUGH RUSSELL: Okay.
9 We're adjourned.

10
11 (Whereupon, 10:05 at p.m., the
12 Planning Board Adjourned.)

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