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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, January 17, 2012

7:10 p.m.

in

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

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

Community Development Staff:
Brian Murphy, Assistant City Manager for
Community Development

- Liza Paden
- Roger Boothe
- Stuart Dash
- Jeff Roberts
- Taha Jennings

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P R O C E E D I N G S

(Sitting Members: Hugh Russell, Thomas Anninger, Steven Winter, Ahmed Nur).

HUGH RUSSELL: Good evening, this is the meeting of the Cambridge Planning Board. The first item on our agenda is review of the Zoning Board cases.

LIZA PADEN: I've given out another set of cases that are going to be heard the beginning of February as well. So, then the cases for January 26th, one is a sign package for the Prospect Hill Academy, and the charter school is the old St. Mary's School building and it is now being used for the Prospect Hill Academy. It's in the Residence C-1 District. And what they're proposing to do is to put non-illuminated banners at the intersections of the two buildings. And so because they're in a residential district, they're only allowed one, ten square foot square sign for each building. And what they

1 would like to do is to have the banners at
2 the intersections and to have them near the
3 doorways. So I think it's something that
4 could be left to the Board of Zoning Appeal.

5 HUGH RUSSELL: I would agree with
6 that.

7 LIZA PADEN: Okay.

8 The next one is Smith Place. This is
9 to construct a storage building. This
10 already -- the open vehicle storage was
11 already granted a Board of Zoning Appeal
12 Special Permit for the use in the new Alewife
13 Overlay District, and they're proposing to
14 put in a storage building now just to keep
15 certain things out of the elements. The
16 storage building itself is prefabricated. I
17 don't think it will be a huge amount of
18 investment in the area. And it's not going
19 to increase what they're using the area for
20 now. The intensity of use is what I'm trying
21 to say.

1 HUGH RUSSELL: All right. Because
2 our concern would be we don't want people to
3 make heavy investments in things that we
4 would prefer for things not to be there
5 ultimately.

6 LIZA PADEN: No.

7 HUGH RUSSELL: Okay.

8 And the next two cases are dormers?

9 LIZA PADEN: Yes.

10 HUGH RUSSELL: Which we ordinarily
11 leave to the Zoning Board.

12 LIZA PADEN: Yes.

13 And then the cases for February 2nd, I
14 don't see any particular issue that the Board
15 of Zoning Appeal couldn't handle. And I
16 don't see anything that's a typical Planning
17 Board issue either.

18 HUGH RUSSELL: Yes.

19 LIZA PADEN: And if I can prevail on
20 the Board to consider the extension for
21 Special Permit No. 263, which is Hampshire

1 Street. This is also known as the KFC site.
2 Mr. Aposhian has requested an extension for
3 this. And I realize by looking at this, he
4 didn't tell me what his new deadline would
5 be. He's in discussion about the proposal
6 and making it an as-of-right proposal. So I
7 am wondering if it's even going to come back
8 to the Board for the finish of the hearing.
9 But since he hasn't given a date, I'd like to
10 propose two months.

11 HUGH RUSSELL: So that would take it
12 to March sometime.

13 LIZA PADEN: Yes.

14 THOMAS ANNINGER: That's kind of too
15 bad that we don't -- I don't know what as of
16 right would look like, but I guess we have no
17 control over that.

18 LIZA PADEN: Well, I could bring it
19 to you. It would have to go for a large
20 project review, which is a non-binding design
21 review here in the Department. And I would

1 be happy to bring the plans to you. Or send
2 them to you. I mean, I could just send them
3 to you.

4 THOMAS ANNINGER: If I remember
5 correctly, it's Prospect Street; isn't it?

6 LIZA PADEN: The corner of Prospect
7 Street and Hampshire Street. It's currently
8 an empty KFC building.

9 HUGH RUSSELL: But it does mean he
10 would have to follow the setbacks --

11 LIZA PADEN: Yes.

12 HUGH RUSSELL: -- statutory
13 setbacks.

14 LIZA PADEN: We saw preliminary
15 design today.

16 THOMAS ANNINGER: Okay. It's a key
17 site.

18 ROGER BOOTHE: It's very much like
19 David Aposhian's other building on Prospect
20 Street. You know, kind of a four square
21 building with this typical sort of detailing.

1 And I think it's probably -- would be quite
2 reasonable. They haven't finished the ground
3 floor in particular. They're going to have a
4 cafe and they haven't detailed all that out.
5 It looks like it's going to be fine.

6 HUGH RUSSELL: Okay.

7 (William Tibbs Seated.)

8 HUGH RUSSELL: Is there a motion to
9 grant a two-month extension?

10 STEVEN WINTER: So moved.

11 HUGH RUSSELL: Second.

12 Ahmed, shook his head so I guess that
13 could be a second.

14 AHMED NUR: I second it.

15 HUGH RUSSELL: Discussion on the
16 motion?

17 All those in favor of granting the
18 two-month extension on Hampshire Street?

19 (Show of hands).

20 HUGH RUSSELL: Five members voting
21 in favor.

1 (Sitting Members: Hugh Russell, Thomas
2 Anninger, William Tibbs, Steven Winter, Ahmed
3 Nur.)

4 HUGH RUSSELL: Next item is an
5 update by Brian.

6 BRIAN MURPHY: Thank you.

7 February 7th we've got Town Gown. That
8 will be at the Senior Center. February 21st,
9 right now there are a few items on there.
10 We've got 60 Clifton Street, 5.53 in-fill.
11 North Point update, Planning Board No. 141
12 Building G design review, which is the next
13 to the Genzyme building. And for Planning
14 Board No. 248, 1067 Mass. Ave., there's a
15 proposal for the addition of a pool.

16 March 20th we've got 160-180 Cambridge
17 Park Drive. And that's what we've got
18 scheduled so far.

19 HUGH RUSSELL: Okay, thank you.

20 Are we ready to approve the transcripts
21 from the previous meeting?

1 BRIAN MURPHY: Transcripts?

2 LIZA PADEN: The December
3 transcripts came in. So the month of
4 December transcripts came in and they're
5 complete.

6 HUGH RUSSELL: Okay.

7 So, is there a motion to accept the
8 transcripts for December which have been
9 confirmed by the person who made them as
10 being accurate?

11 WILLIAM TIBBS: So moved.

12 HUGH RUSSELL: Okay. Second?

13 THOMAS ANNINGER: Yes.

14 HUGH RUSSELL: Tom.

15 Discussion?

16 All those in favor?

17 (Show of hands).

18 HUGH RUSSELL: Okay, we approve
19 those transcripts.

20 Thank you.

21 * * * * *

1 HUGH RUSSELL: Next item on the
2 agenda is a public hearing on the Bishop
3 Petition. This is a petition which was filed
4 last year. The Planning Board held a
5 hearing, discussed the petition, forwarded a
6 recommendation to the Council, and the
7 Council did not act on the petition, so it
8 was re-filed.

9 Yes.

10 STEVEN WINTER: I'd like to confirm
11 again the length of time for this particular
12 presentation as I'm the timer.

13 HUGH RUSSELL: So my own preference
14 would be to have a small and short
15 presentation since I believe we're not
16 intending to reopen discussion of this
17 matter, but wait until Council acts or
18 reviews or sends us questions to be
19 considered. So this is a hearing that has to
20 be done to satisfy the requirements of the
21 law, but it's essentially not something

1 that's going to -- it's something that I
2 would hope we would get through quickly.

3 STEVEN WINTER: I'm sorry, I was
4 oblique. I was asking for -- is there a time
5 set for the length of time the proponent
6 presents? I know we have a three-minute
7 public testimony, but I believe it's longer
8 in this case.

9 HUGH RUSSELL: The proponent has
10 sworn that he will spend no more than ten
11 minutes.

12 CHARLES TEAGUE: Well, I haven't
13 sworn. I said it was going to be really,
14 really hard, but I'm gonna try. And you just
15 -- you know, you just gong me. Okay?

16 HUGH RUSSELL: Okay. Steve is our
17 designated time keeper tonight.

18 Okay, so Mr. Teague, if you would.

19 CHARLES TEAGUE: Okay, so ten-minute
20 time limit. We have a packed agenda. Is the
21 mic on here?

1 HUGH RUSSELL: Is the green light
2 on?

3 CHARLES TEAGUE: Yeah, it's on.

4 Charles Teague, 23 Edmunds Street. And
5 we're going to move very, very quickly. I'm
6 just going to have a brief review of the
7 Amendment, the area. And then the Board had
8 asked several questions after the first
9 presentation, and I was gonna -- I might have
10 some alternate information. So here we go.

11 So the Amendment was deleting the
12 commercial uses, leaving the arts and crafts
13 studio behind. There's density realizing to
14 30 percent, both FAR units, and it had
15 protection of Linear Park. Special District
16 3 notation to it has a similar increased
17 setback. This is just changing, restricting
18 the fences.

19 So here's the area which in varying
20 forms of effect, it impacts 3,000 people. In
21 this area down here, in this orange area,

1 there's a thousand people that's closest to
2 the Cambridge Lumber site. This 700 people
3 are up in this extended triangle here.

4 (H. Theodore Cohen Seated.)

5 CHARLES TEAGUE: So in the red zone,
6 in the extended triangle, we've added it up,
7 \$160 million in the existing residential
8 parking which some of the big drivers are in
9 the condos and in the corner of Mass. Ave.
10 and Cedar, 24-40, the building next to it,
11 8.2 million. 3 million for five units at
12 36-48 Brookford. That's 312 units.

13 If we did have abutters with presumed
14 standing for this, we'd have 384 for Special
15 District 2. This Special District 2 is
16 outlined here in this sort of pearl bush
17 area. And over here still in Industrial A-1
18 is Cornerstone Co. Housing.

19 And Fawcett-Norblom it would be 275
20 abutters of presumed standing. So this long,
21 oddly-shaped lot.

1 So there were some things said last
2 time that -- it was asserted that the
3 Residence B area wasn't very close to
4 Residence B. They said 0.7 FAR, but the
5 staff memo is 0.54 and 0.56. So it looks
6 like 0.55 to me. We added up all the units
7 and parcels and we got 1.8 units. So it
8 really is -- the existing conditions are
9 really Residence B in the Residence B area.

10 Here some minor -- adding the
11 fractions. So, we -- if you add -- if you
12 add the fractions for the Ordinance, you get
13 77 units out the Bishop petition. You get
14 four if you were building on the community
15 garden. You get 81 total new units which is
16 a 10 percent increase over this 74 that was
17 in the memo. And in part of the -- and it's
18 -- this is about stopping the project.
19 That's not -- it's about public safety. It's
20 about integration with the community. And we
21 see the timeline this was filed here, and

1 with a hand-in-hand with the Planning Board,
2 Cambridge Lumber reduced to the exact size of
3 GFA in the Bishop Petition.

4 And so we got a negative
5 recommendation. But there was -- in the
6 staff memo there was, it was the removing
7 commercial was reasonable, and the fence was
8 consistent. So this is about the density
9 which, which is really, which is really very
10 complex. And so we'll just skip over that.

11 So there were five questions on
12 September 13th, the fence regulations,
13 currently planned infrastructure projects,
14 which none. Fawcett site traffic, 30 years
15 to now. And for many, many decades there's
16 been safety concerns. And same in the
17 Whittemore Triangle. And then they asked
18 about the history of Special District 2 and
19 what has changed in the past 12 years.

20 So just very quickly we're going to
21 blow through the fences. The fence -- the

1 reason why it's in the Zoning and not in a
2 Special Permit should apply to all the
3 parcels, it's about the graffiti, it's about
4 safety. I had a personal near miss, as did
5 my neighbors, where people come popping out
6 the bike path. Linear Park is a different
7 form of open space. It's not your normal
8 park, it's narrow. SD-3 deals with it by
9 increasing the setbacks.

10 And then there's a bunch of fence
11 regulations. But this is the, this is
12 basically what's gonna happen on the
13 Cambridge Lumber site according to the
14 current plans, is a concrete retaining wall
15 and a fence on top. But you can see that
16 things attract graffiti. This is why I don't
17 like solid fences. This is where a little
18 girl popped out over here and I was driving
19 along here. This, this is another reason I
20 don't like solid fences.

21 And so, here's the -- here's the park.

1 The park is this illusion because you look
2 down the park, and you -- if it's walled in,
3 it's gonna look like this. Which is the
4 camera facing the other direction. So we're
5 just gonna quickly review the Whittemore
6 Triangle. All the traffic into the triangle
7 from three to seven goes down this one street
8 supposedly because this is closed. And it
9 says -- it was saying there's not a lot of
10 cut-through traffic, but, but this is all
11 cut-through traffic. There's 54 illegal
12 turns in 45 minutes. There's multiple signs.

13 This is Whittemore and Route 16. Here
14 it is again.

15 This is a two -- these are the best
16 streets in the neighborhood. It's a two-way
17 street.

18 So the one way street which will have
19 100 percent of the traffic in the evening.
20 This is the way out of the triangle. This is
21 a one way. And this is a two-way street.

1 And then once again on that --
2 reflected on the other side of the park is
3 again a series of cut-throughs.

4 But I'm calling your attention to the
5 a.m. peak hour of Edmunds Street and Tyler
6 Court we basically get a car a minute. So
7 we're just going to look quickly at -- so
8 Edmunds is this dog leg here to the parking
9 lot. And Tyler Court is through the
10 buildings here.

11 And this is Edmunds.

12 This is Edmunds. Edmunds doesn't get
13 better in the winter. We all know that.

14 This is Tyler Court which is a street.

15 I had a safety meeting with Traffic and
16 Parking, the DPW, the City Electrician, the
17 City Councilor Craig Kelly, Frank Fadarian
18 (phonetic) and Rob Fawcett in 2007, I argued
19 that this should look like a street. And
20 subsequently I've had two actual contacts
21 with bicyclists riding on the sidewalk.

1 There' s been no i njuri es, but anyways.

2 So Tyl er Court. Once agai n, Tyl er
3 Court.

4 Thi s, thi s i s 24-40. That' s the
5 garage, they go i n and out. Thi s i s two
6 ways, remember. And thi s i s, I argued for
7 the transformer bei ng underground. That
8 di dn' t happen.

9 Thi s i s -- you' ll -- you mi ght hear
10 some testi mony, thi s i s one of the two doors
11 here. So when someone comes out of 2, 4, 5,
12 6 and wants to go i nto the park, you can get
13 cli pped pretty easy here.

14 So, there' s a -- once agai n, you wonder
15 why thi s guy' s i n reverse, i t' s because once
16 agai n peopl e sti ll parki ng on Tyl er Court.

17 Of course we don' t pl ow Tyl er Court.
18 There' s the li ne there. So that' s to --
19 that' s today. It was fortunate i t snowed.

20 Qui ckl y goi ng on to the hi story of
21 Speci al Di stri ct 2. Thi s i s the ori gi n of

1 Special District 2. This is Cornerstone Co.
2 Housing. And this was going to be a lot
3 larger and just one giant building, but we go
4 through the history, and we come out and
5 we'll get into....

6 So, 1985 Linear Park opens. In '87 the
7 first proposal for down zoning Industrial A-1
8 surrounding the park to Residence B because
9 that industrial because of the train tracks.

10 And in 1988, '89 the North Cambridge
11 Neighborhood study recommends down zoning.
12 But that doesn't happen. So Cornerstone
13 comes in and goes we can build something
14 really big. And I'm not sure, I think it was
15 50 units, they ended up with 32. But in
16 between that -- so this got Special Permit 75
17 which was appealed, lawsuits, court, dragging
18 on. That was settled by after Franklinton
19 Petition to go to Res B changed into what was
20 replaced by the Planning Board petition which
21 was the same density as the Bishop Petition.

1 And then when that was voted on on the
2 Council floor, part of this settlement was
3 the 30 percent up zoning.

4 But Cornerstone was cut out and was
5 still Industrial A-1. So the question is
6 what's, what's changed in 12 years? Why
7 would we consider changing this?

8 STEVEN WINTER: Five minutes,
9 Mr. Teague.

10 CHARLES TEAGUE: Thank you.

11 So we've got -- we've gone in the past
12 seven years, I think, we've got 700 new
13 units. 1400 are on track. So we can just go
14 down, we've got the Fawcett site -- well,
15 it's listed at 104. Cambridge Lumber, 20.
16 Emerson at 16. North Cambridge Catholic, 29.
17 St. James, 46. Faces, 227. Fawcett Street
18 over here, 429. Fawcett Families, other
19 area, 109. Cambridge Park Drive, 397. What
20 we just got are all these over here, a new
21 street. Wheeler, then closer, closer in just

1 a start, and a rate up here. Charlie Square
2 right here. Rounder Records being built, 37
3 units. St. John's over here. Hopefully it
4 will get started again, 63. Bolton Street
5 over here.

6 But you see what we have over here,
7 this is this whole area and all this whole
8 road system is just encircles this and
9 there's no other way -- there's a couple ways
10 in and out of this system.

11 So, that's what's changed. A lot has
12 changed. And there was discussion why not?

13 So, I was promised -- this is my
14 favorite quote from Tom, and it says:
15 Projects like this, Bolton Street, now Harvey
16 Street, Cottage Park Ave., the proponent is
17 negotiating with us in the sense that they're
18 asking for a lot. It feels like it's a Swiss
19 clock in the way that it has been designed,
20 very tight. We will require some shrinkage,
21 and the problem is that for me, the project

1 always lacks a little bit of integrity in the
2 way that it's being proposed.

3 STEVEN WINTER: Ten minutes,
4 Mr. Teague.

5 CHARLES TEAGUE: Ten minutes? Is
6 that it?

7 STEVEN WINTER: Wrap it up.

8 HUGH RUSSELL: Wrap it up.

9 CHARLES TEAGUE: Okay. And then I
10 discussed with Hugh Russell, these are my
11 favorite things. When people pay too much --
12 in other words, there's this, there was this
13 discussion between flexibility and managing
14 expectations of developing when you go to buy
15 something. And then there you have it. All
16 right?

17 HUGH RUSSELL: Okay.

18 CHARLES TEAGUE: Thank you.

19 HUGH RUSSELL: Thank you.

20 Any comments by the Board at this time?
21 I'd like a show of hands of how many people

1 would I like to speak on the Bishop Petition?

2 (Show of hands).

3 HUGH RUSSELL: 1, 2, 3, 4, 5, 6, 7,
4 8, 9, 10, 11, 12.

5 I would ask you to limit your comments
6 to two minutes because we need to complete
7 this portion of the evening by eight o'clock.
8 So the first person who wishes on the list to
9 speak is James Rafferty.

10 ATTORNEY JAMES RAFFERTY: Good
11 evening, Mr. Chairman, Members of the Board,
12 James Rafferty on behalf of the property
13 owners at the Fawcett Oil site, Red and
14 Robert Fawcett are here this evening. I want
15 to move the conversation quickly from the
16 abstract to the specifics. I refer you to a
17 proposal sent to you by Mark Boyes-Watson
18 dated January 12th. And as you can see in
19 that site plan, it's page two of this plan,
20 and we have a few extra copies if people need
21 them, Mr. Boyes-Watson has them. I attempted

1 to distribute them to people that I knew who
2 were interested in the project.

3 The difference from our perspective,
4 you know, obviously the recommendation of
5 October 18th we think was a sound
6 recommendation. What has changed is we have
7 continued to meet, and now the project is a
8 defined project. And, in fact, it is the
9 intention of the property owner to be filing
10 this project within the next month at the
11 Board. The only difference, and the reason
12 we're able to do that is because the project
13 as it's currently designed, complies with
14 Bishop with regard to what's defined as the
15 east building and the west building. The
16 GFA's there and the unit counts equal what
17 the density in unit counts are permitted
18 under Bishop. The only change I draw your
19 attention is that the -- there's a setback
20 requirement in Bishop within 50 feet of a
21 Residence B District. So a portion of the

1 east building, the first 50 feet of it, can't
2 go to the 40 feet, it has to go to 35 feet.
3 So that mass would have to be redistributed
4 elsewhere.

5 Interesting, it abuts a surface parking
6 lot for the Emerson building across the
7 street. So that would be the only change to
8 the project if Bishop were adopted with
9 regard to those two buildings.

10 The real loss, however, in the adoption
11 of Bishop would be at the other end of the
12 site where five lots of 5,000 square feet are
13 proposed to be constructed in direct response
14 to requests expressed by neighbors during
15 conversations over the last few months.

16 That's -- those five units, that density and
17 those units are not permitted under Bishop.

18 So for those advocating for Bishop this
19 evening and as the process continues, the
20 difference involves five, two-family houses.

21 So the discussions about traffic, all

1 relevant. But I would suggest if people take
2 the time to look at how the project is
3 proposed, particularly the new organization
4 at the end of Cottage Park Ave., circulation,
5 parking, green space, this isn't a hearing
6 about a project, but it is relevant in terms
7 of understanding the impact of the adoption
8 of Bishop versus leaving current zoning in
9 place. As I said, we intend to file an
10 application within the next four weeks. We
11 will meet with the neighbors to walk through
12 all of the specifics, but this project has
13 been reduced in size from 104 dwelling units
14 to this. And that's where we find ourselves
15 and we're eager to proceed into the
16 permitting of this. We believe now with a
17 clear understanding of the unit count
18 permitted by Bishop, the earlier memo
19 suggested 74. We've shown our map to
20 Community Development. I believe they
21 concur. A 77-unit project is a permitted

1 project. This is a well laid out designed
2 77-unit project. Were Bishop to be adopted,
3 the five, two-family houses that form a nice
4 edge of Whittemore Ave. would go away.

5 I'd also note that the context that
6 become such a part of this conversation,
7 we've said for a while now the context is
8 slightly broader than two and three-family
9 houses. I noticed that we now have
10 participation from the owners of condominium
11 units on Mass. Ave. We believe they are
12 appropriate voices to join the dialogue, but
13 they also demonstrate that the context here
14 is not as narrow as some have suggested.

15 HUGH RUSSELL: Thank you.

16 ATTORNEY JAMES RAFFERTY: Thank you.

17 HUGH RUSSELL: The next speaker is
18 John Morgan.

19 JOHN MORGAN: Good evening. Name is
20 John Morgan, resident of 49 Whittemore Ave.
21 in Cambridge. Members of the Board, I'm

1 quite pleased with the latest plans that I've
2 seen this evening. The conforming to the two
3 apartment units as coming down to 77 units in
4 total and would like to see the adoption
5 include the five, two-family houses at the
6 end of Whittmore for being nice blending
7 into the neighborhood and keep the neighbors
8 up in that end of the area happy by not
9 having to look at a bunch of parked cars. We
10 have enough to look at with W.R. Grace
11 looking at their parking lot. We certainly
12 don't need anymore. I think the five,
13 two-family houses would be a nice edge to the
14 beginning of the property, and I think it's
15 very workable. That's all I have to say.

16 HUGH RUSSELL: Thank you.

17 Michael Nakagawa.

18 MIKE NAKAGAWA: Hi, I'm Mike
19 Nakagawa, N-a-k-a-g-a-w-a, 51 Madison Avenue.
20 I've been in Cambridge 15 plus years.

21 I think it's interesting that we're

1 also discussing the North Mass. Ave.
2 improvement study which is recommending a
3 reduction in residential zoning from 1.75 FAR
4 to 1.0 FAR for the residences, the housing,
5 and that's just along this area here. And
6 that's a 42 percent reduction for residential
7 zoning. And what we're asking for in the
8 Bishop Petition is more like a 25 percent
9 reduction. So it's less than what's going on
10 just adjacent to it for a large scale
11 building which is what we're talking about.

12 The problem that we have with the
13 Bishop Petition area that's D-2 is that it's
14 completely encased in this residential area,
15 inadequate infrastructure, and I just worry
16 about my kids crossing the street to get to
17 the bike path and things like that. This is
18 going to increase the amount of time that
19 there's heavy traffic in the area. So biking
20 becomes dangerous, crossing streets, as you
21 get people trying to jet across into the

1 cross streets as you're walking down the
2 sidewalk on Mass. Ave., if you're walking
3 across, people aren't seen as well when
4 someone's trying to get through lanes of
5 traffic. And that's, I see as a big problem.
6 Plus on the other residential side there's a
7 lot of cut-through people backing up so they
8 go faster down these roads to make sure they
9 want to save time. And they go speeding down
10 residential roads and that's a hazard
11 sometimes. I'm standing getting out of my
12 car as people are skidding around Madison
13 Avenue when they're not supposed to. And
14 they're surprised to see someone standing in
15 the way because they're still on this Route 2
16 mentality of highway and then coming down and
17 haven't gotten the idea that these are
18 residential street.

19 STEVEN WINTER: Time is up.

20 MICHAEL NAKAGAWA: People residing
21 there, but other people trying to get by who

1 are also there on the street.

2 Thank you very much.

3 HUGH RUSSELL: Okay, thank you.

4 Who else wishes to speak? Yes, sir.

5 Please give your name and address.

6 MERHI I SATAR: My name is Merhi i
7 Satar. M-e-r-h-i-i S-a-t-a-r. And I am
8 owner of 34 Brookford Street, and I'm looking
9 at the petition and I'm new to the area which
10 I just bought 30 Brookford. And as well as
11 we like to develop our properties in
12 Cambridge, we like the neighborhoods to stay
13 the same. Now, we agree with the neighbors
14 that the intensity and the density in the
15 area is becoming overwhelming to the
16 neighborhood by the development of Mass. Ave.
17 and all the density buildings that were put
18 on Mass. Ave. Plus right now is bringing
19 Mass. Ave. into the backyard of the old
20 neighborhood. That's gonna create more
21 traffic down these little streets that they

1 were not designed to, you know, to commit to
2 that much of traffic and to this buildings.
3 But all the neighbors want is to downsize to
4 a much better units that they will look
5 better for the neighborhood. They will fit
6 into that old neighborhood area, and
7 accommodate the traffic. And they are living
8 in, you know, the living aspect of the life
9 in Cambridge as well as our city is growing
10 at a fast pace. We are having traffic after
11 traffic because we adding too many places and
12 too many buildings and commercial buildings,
13 and our streets, they becoming a nightmare.
14 So we would like you to just look into that
15 and just, you know, if the owner of the new
16 project comes to an accommodation to make an
17 access to the streets and to the new cars or
18 recommendations that the new buildings that
19 they will use less traffic, that would be a
20 great thing.

21 Thank you.

1 HUGH RUSSELL: What is being
2 proposed here is a Zoning Amendment, not a
3 design for Tyler Court.

4 KAREN KUMOR: Okay. But as part of
5 the designs I'm seeing I'm concerned.
6 Additionally, like others that are speaking
7 tonight, I'm concerned about density, too.
8 It's -- this neighborhood just doesn't have
9 the ability to support a whole lot of more
10 residents.

11 Thank you.

12 HUGH RUSSELL: Okay, thank you.
13 Does anyone else wish to speak?

14 Yes, Ma'am.

15 MAGGIE BUCK: Hi. My name is Maggie
16 Buck and I live kind of across Mass. Ave.
17 from this. I walk through Tyler Court
18 everyday and use the Linear Path, it's the
19 Linear Path about which I want to speak.
20 It's a park although we call it a path.
21 Charlie made reference to the fact that it's

1 a park that uses its visual space more than
2 just the fact that it's the amount of space
3 that you're walking down. The thing that
4 attracts me to the Bishop Petition is that it
5 talks about lowering the height of what can
6 be built along there. With the increased
7 density, which is the fact of Cambridge right
8 now, there's a lot of people that could be --
9 that are going to be building -- that are
10 going to be moving on the outskirts of
11 Cambridge like over by Faces, etcetera. We
12 want this path to be maintained and actually
13 even enhanced as an avenue for those people
14 to come in and really take part in the city.
15 Later we're going to be talking about the
16 changes in the North Mass. Ave. Zoning for
17 the avenue itself that's going to hopefully
18 increase commercial access. We want to bring
19 people in. There's all sorts of bike path
20 work being done down the other end of the
21 Linear Path towards Arlington. It's an

1 avenue from Lexington to Arlington to
2 Cambridge to Somerville. And I think that
3 the park itself has got to be -- we have to
4 think of that, and a lot of that is the
5 visual.

6 So, thank you.

7 HUGH RUSSELL: Thank you.

8 Who else wishes to speak?

9 Okay, in the back there.

10 GARY DMYTRYK: Good evening. My
11 name is Gary Dmytryk, D-m-y-t-r-y-k, and I'm
12 on the Board of Trustees at the condominium
13 association at 24-40 Mass. Ave., a building
14 with 24 units. I mean with 42 units. And
15 I'm representing the residents of my 42-unit
16 building who are concerned about the proposed
17 increases in density for the neighborhood.
18 The effect that will have in terms of safety
19 on these -- in these narrow streets, and also
20 what it will do to the character of the
21 neighborhood. A majority of people in my

1 bui l di ng wou ld prefer that the interi or part
2 of the nei ghborhood stays at Resi dence B
3 Zoni ng. Some peo ple even thi nk that the
4 Bi shop Peti ti on l evel s are too hi gh. So,
5 I' ll j ust be bri ef.

6 Thank you.

7 HUGH RUSSELL: Okay, thank you.

8 DARA GLASS: My name i s Dara Gl ass.
9 And I l ive at 21 Edmunds Street. And I have
10 l ived there for about fi ve years, al most fi ve
11 years. A l ot of peo ple have spoken to you
12 about our concerns. I' m here to support the
13 Bi shop Peti ti on. Peo ple have spoken about
14 the concerns about the densi ty and what that
15 wi ll do to our roads and traffi c, and those
16 are real ly seri ous concerns for al l of us.
17 The street that I l ive on i s Edmunds, i t
18 cannot support that ki nd of extra traffi c.
19 I t' s extremel y narrow and i t' s very hard to
20 get through as i t i s and especi al ly wi th
21 snow.

1 However, one of the reasons -- another
2 reason that's very important to us is the
3 sense of community that we have right now in
4 our neighborhood. And I moved there
5 specifically for the community that is there.
6 A lot of people have lived there their entire
7 lives, they grew up there, they know all
8 about the area, and I enjoy speaking to these
9 people. I enjoy helping my neighbors. I
10 enjoy -- you know, ever since I got there, I
11 started shovelling snow for my elderly
12 neighbors. And people help each other when
13 it's tow day, you know, towing your car day.
14 And we contact each other and we help each
15 other through that. And having huge
16 buildings that are somewhat impersonal and
17 having so many more people that don't know
18 each other and, frankly, generally don't get
19 to know their neighbors that live right
20 next-door to them, will take a lot away from
21 that. And they -- and in overall it will

1 change the feel of the community and it will
2 change a lot about the reasons why people
3 like myself moved there.

4 Thank you.

5 HUGH RUSSELL: Okay, thank you.

6 Does anyone else wish to speak?

7 JILL SHULMAN: My name is Jill
8 Shulman. I live -- not live, but I recently
9 bought a property at 34 Brookford Street here
10 with my husband. We, I just want to second
11 what was just said. I've lived in many
12 communities in Cambridge and many
13 neighborhoods, and this neighborhood has been
14 very unusual that the neighbors have been so
15 friendly. Every house on the -- someone from
16 every house on the street has come to us to
17 meet us, and it has been a very nice welcome
18 to the community. But what you're hearing
19 about the community is absolutely true. It's
20 unusual and very special. I, too, think that
21 the density proposed will affect the

1 character of the neighborhood. It's small.
2 It's a very close-knit, small community. The
3 houses surrounding us, the people have lived
4 there for 55 years, 45 years. They come and
5 tell us. It's pretty remarkable. And I hope
6 you will consider it when you make your
7 decision about this new proposal.

8 Thanks.

9 HUGH RUSSELL: Thank you.

10 PAUL ROBERTSON: My name is Paul
11 Robertson, third generation owner of 45
12 Magoun Street in Cambridge. Over the years,
13 the oil company, Fawcett Oil Company really
14 didn't comply. It's a non-conforming
15 business in the back there. And they
16 developed this 75, 89 units, there will be a
17 lot of non-compliance because our
18 neighborhood's a residential neighborhood of
19 single and double, triple-family homes. And
20 this is just not gonna comply. It's not
21 gonna fit in. And that's -- I think the

1 Fawcetts have also had plenty of time to
2 assemble other lots towards Mass. Ave. who
3 have seen a lot of gentrification along Mass.
4 Ave. And the Fawcetts have said they wanted
5 to develop this property for many years, but
6 they did nothing to develop it in the right
7 direction. They developed this property
8 deeper into Residential B neighborhood by
9 assembling the Norberg property and that was
10 the wrong way to go. They just talked about
11 it, but they didn't do anything about it.
12 They made a mistake. They've gone deeper
13 into a residential neighborhood. My house is
14 seven or eight houses down off Mass. Ave. and
15 there's another four or five houses. There
16 will be 15 houses into the residential
17 neighborhood. And this business, this
18 business of theirs is going to be 10 times
19 bigger than their oil company. There's going
20 to be more traffic, more cars, more
21 deliveries, and it doesn't make sense.

1 Please deny them.

2 Thank you.

3 HUGH RUSSELL: Thank you.

4 JOHN WALKER: Good evening. My name
5 is John Walker. I live at 150 Whittemore
6 Avenue. I've lived there on and off since
7 1943, but the majority of my life. This is
8 an interesting project and it's something
9 that could be or could have been a great
10 project. And we've gone back and forth with
11 the attorneys, with the Fawcetts, and with
12 North Point, and the architect. And in
13 between them all they have all the talent you
14 need. The site is a good site. You can make
15 a great project out of it, but there's been a
16 reluctance. It's all a numbers game. They
17 only want to talk more units. Everyone is
18 concerned about the units because of what's
19 changed on Whittemore Ave. And since the
20 city's spent a fortune redoing all the
21 streets, and they're beautifully done, it

1 hasn't affected speed at all on Whittmore
2 Ave. And they have accidents in places where
3 you go in and out going down the street. But
4 generally speaking, trucks come down, it's a
5 straight line from one end to the other, and
6 they come down to pick up UPS, DHL, you know,
7 it's mostly those kind of vans, and they
8 floor it all the time. So there's a problem
9 on Whittmore Ave. The other problem with
10 Whittmore Ave. is it's a cut-through to beat
11 the light at Mass. Ave. and Route 16. I
12 don't know how you can fix that. This
13 traffic build-up has been going on since the
14 Big Dig started. It used to be just at rush
15 hour, it would be about an hour. Now rush
16 hour is four hours each way. I get up at
17 6:30, there's bumper to bumper traffic on
18 Route 2. It's crazy. And it's not just
19 here. It's everywhere along Greater Boston.
20 But this is a particularly bad neighborhood
21 because of the Grace's parking lots. A lot

1 of people come to work and they leave from
2 work. One Alewife Center is -- actually One
3 Alewife Center is probably 30 percent vacant
4 and the parking lot's are relatively empty.
5 And when those are filled, if the economy
6 every turns around again, there's even more
7 traffic coming out of there. There's
8 irritation, people blow horns all day long.
9 There's at least an accident a day long at
10 Route 16 and Whittamore Avenue. I feel bad
11 for people, it's four lanes that merge into
12 two and that's really the a problem. But
13 it's a state problem not Fawcett's problem.
14 But that's why the neighborhoods are so upset
15 about the project. That's why they're
16 concerned about numbers. You can say we only
17 need one parking space per unit, but people
18 have more cars than that and they depend on
19 the cars. Everyone says oh, they'll use the
20 T, the T is terrific. But you know in that
21 neighborhood they're building probably 2,000

1 extra units of housing. If you add Faces,
2 you add Cambridge Park Drive, you add
3 buildings in the planning stage, there will
4 be more over at Fresh Pond, they're all going
5 to take the T. We all know the T is broken.
6 You try to use that T everyday. Every other
7 day the Red Line is down. People wait on the
8 platform. You're gonna have thousands of
9 people trying to get on the T. And the T, I
10 don't know who's gonna fix the T. But it's
11 drowning in debt, the trains don't run well,
12 and it takes a long time to commute on the T.
13 But in any case, they have negotiated with
14 us, they have made some fantastic
15 improvements from where they started, but
16 we're not really done negotiating with them
17 and they're working on fine details probably
18 not worth talking about. But the potential
19 to do a good project is there and I know that
20 it goes through the Planning Board process.
21 And you can solve a lot of those problems if

1 you spend enough time to figure out what the
2 problems are. Unless we can talk
3 face-to-face with these people, it's -- you
4 know, it's tough. That's why people don't
5 want to settle. That's why they have the
6 Bishop Petition. That's why they're holding
7 onto it, because at least then it will be
8 down to 77 units, and take it or leave it,
9 that's it. And that's the attitude, which is
10 unfortunate, because the potential was there
11 to have a very good project maybe up, you
12 know, 80 --

13 HUGH RUSSELL: I think you're
14 drifting off the Bishop.

15 JOHN WALKER: I am. I know. But I
16 would like to speak in favor of the Bishop
17 Petition because of total frustration with
18 this particular project. And that's what
19 I've done for a living my entire career. And
20 I can't believe that they're trying to blow
21 the project.

1 HUGH RUSSELL: Okay, thank you.

2 JOHN WALKER: Anyway.

3 HUGH RUSSELL: Who else wishes to
4 speak?

5 THOMAS FLYNN: My name is Thomas
6 Flynn, 25 Madison Avenue. Lifetime resident
7 of Madison Avenue. I have seen it all. I
8 just want to basically dispute Mr. Rafferty's
9 addition of units that he came to you tonight
10 with. He's saying that it falls within the
11 Bishop Petition of 77. But a 10 --
12 two-family houses that the neighborhood had
13 worked out as an agreement for a buffer is
14 still in the SD-2 Zone. So why aren't they
15 counted? Now we're up to 87, not 77.

16 HUGH RUSSELL: Okay, again, we're
17 not reviewing that proposal tonight.

18 THOMAS FLYNN: Well, the Bishop
19 Petition, I am for it. It should be
20 Residence B, but at this point we'll work
21 with the Bishop Petition.

1 Thank you.

2 HUGH RUSSELL: Thank you, sir.

3 Does anyone else wish to speak?

4 Heather.

5 HEATHER HOFFMAN: Hi, my name is
6 Heather Hoffman. I live at 213 Hurlley Street
7 which is nowhere near the SD-2 District.
8 However, I am a fan of Linear Park. And I
9 was really happy to hear someone else to
10 speak so eloquently about Linear Park and
11 protecting it because that, that is the one
12 thing that I can speak with authority on.
13 It's a great spot, and we should, we should
14 make sure that we preserve this for the
15 people living in Cambridge now and in the
16 future.

17 The other thing I wanted to speak just
18 very quickly about is neighborhood. I heard
19 people speaking eloquently about their
20 neighborhood. And my neighborhood is kind of
21 like that, too. You also have heard from

1 people who live in the big buildings on Mass.
2 Ave. ; 24-40 and 24-56, they really didn't
3 know anything about what was going on here
4 because they aren't part of the neighborhood
5 and that's too bad. It's something that we
6 have a big problem with in East Cambridge is
7 getting people in these big buildings to take
8 part in the neighborhood. We want them, but
9 they see themselves as not part of us, and as
10 something walled off from us. That is why
11 the neighborhood is in favor of these five
12 two-families, and is not crazy about these
13 big buildings. And it's not just the Fawcett
14 big buildings, it's big buildings throughout
15 SD-2 because those are not things that build
16 neighborhoods. If we want this city to be
17 and continue to be a great city, we have to
18 preserve and nurture the connections among
19 people. Big buildings don't do that.

20 Thank you.

21 HUGH RUSSELL: Thank you.

1 I think I saw one other hand before?

2 Yes, sir.

3 JOHN FOLEY: My name is John Foley.
4 I'm a resident of 53 Magoun Street. I'm here
5 representing tonight both units of 53 Magoun
6 Street. I'd like to say that I am not in
7 favor of the density of the current project.
8 I feel it's a detriment to the safety of the
9 neighborhood and certainly of Magoun Street,
10 and I am very much in favor of the rezoning
11 of this area as Residence B.

12 Thank you.

13 HUGH RUSSELL: Okay, thank you.

14 Does anyone else wish to speak?

15 (No Response.)

16 HUGH RUSSELL: Okay, well, I thank
17 you for your cooperation because it's three
18 minutes after eight. Almost on schedule.

19 Is there a motion to close the hearing
20 to public testimony.

21 (All members agreed).

1 HUGH RUSSELL: And do we want to
2 discuss this or discuss this later?

3 H. THEODORE COHEN: We have a lot
4 tonight on the agenda. I don't know what we
5 can discuss. I think maybe we should
6 continue with our hearings and see what we
7 have time left to do.

8 UNIDENTIFIED FEMALE: Can you speak
9 up?

10 HUGH RUSSELL: He's suggesting that
11 we go on to the next hearing and see whether
12 we have time at the end. I assume that's
13 agreeable to the rest of the Board.

14 (All members in agreement).

15 HUGH RUSSELL: Then we'll go on to
16 hear the Teague Petition and then Section
17 7.20 of the Ordinance.

18 Has this changed since the last time we
19 heard it?

20 CHARLES TEAGUE: Yeah, I kind of
21 swapped out all of the graphics in the hope

1 of making it more intelligible. So...

2 HUGH RUSSELL: So the text of the
3 petition hasn't changed --

4 CHARLES TEAGUE: The text of the
5 petition is the same.

6 HUGH RUSSELL: But the information
7 is different.

8 CHARLES TEAGUE: Hopefully they make
9 sense now. So I decided that we would -- I
10 went around and I saw a bunch of images off
11 the internet so here we go.

12 This is what the Teague Petition does
13 and nothing more. It's really about
14 essentially bending down a light. And you
15 could do a lot a lot of things about light
16 pollution like this and dark skies and all
17 that. It doesn't do any of that. It just
18 attempts to make a few tiny changes of the
19 Zoning Ordinance to make the stuff that's
20 already in the Zoning Ordinance enforceable.

21 So, here we go. I stole the language

1 from the Dark Sky people, and really all --
2 the key element here is the additional
3 sentence: For enforcement purposes, it will
4 be causing glare or direct light. These two
5 terms are used interchangeably in our
6 Ordinance. Any part of the lamp or any parts
7 of the (inaudible) distribute the light
8 visible to any person. And that's the key
9 element. And glare wasn't defined and -- but
10 direct light wasn't defined either. But one
11 wouldn't think that one would need it. So we
12 need to define a light fixture and we need to
13 exclude holiday lights and we have to take
14 out the signs.

15 So, I just stole their definitions of a
16 lamp. Pretty much everybody knows that a
17 lamp is a bulb or a tube. And then it goes
18 on.

19 And then we set some limits here so it
20 isn't just this all encompassing law. But it
21 says what the intent is. It's really

1 prohibiting light from any other property
2 entering the windows. That's what we're
3 trying to do here. We're not trying to
4 change the world.

5 And so here's another graphic I stole,
6 and this is what the guy wants to light. And
7 he just has a light basically tilted up or
8 not shielded or something or other. And
9 here's his property bound, here's a person.
10 If you can see the light, that -- they call
11 it direct glare here, but it's direct light
12 equals glare. And direct as I said, it was
13 used -- both terms are used in the Ordinance.
14 You can just see from this diagram the guy
15 wants the light up here and he's actually
16 shining lights in this window.

17 So this is, this is hopefully much
18 better just with these little drawings by
19 somebody else, hopefully that this is getting
20 to it. Here's pictures from somebody else
21 and, again, I stole. And this is bad. And

1 this is good. It's just saying that if you
2 pay attention, you could get a good result.

3 And then there's all this thing about
4 energy efficiency. But really it's showing
5 where it's shown wasted is really what's
6 bothersome. There is another stolen image.
7 And that's what we find bothersome.

8 And so this just recites what exists
9 and in our current Zoning Ordinance. This is
10 the parking section. It says what its
11 intent; health, safety, welfare. And it
12 talks about other people's properties and it
13 talks about glare. Down here it talks about
14 glare. And, again, it says on abutting or
15 residential properties. And its concerned
16 about operators of vehicles. And then down
17 at the bottom, direct light from shining on
18 any street or adjacent property.

19 And it all seems so very clear, but
20 it's not clear to the people who are
21 enforcing this. Or trying to -- or they've

1 given up.

2 So, here we go, it's -- we have
3 lighting in the sign section here. And it
4 says: Prevent direct light from shining on
5 any street it faces. And it even goes
6 further in the residential areas, you have to
7 turn it off at eleven.

8 And then we have actually a 7.20 in
9 here which talks about residential areas and
10 again, direct light from shining on to any
11 street or adjacent property. So, the stuff
12 is already there. The intent is there. It's
13 just (inaudible) it goes, what is glare. And
14 when you come down to LSD dealing with the
15 public or the public dealing with the city,
16 it's how do you, it's tricky. This stuff
17 right now you can -- you have -- you just
18 want it so you can take a picture with a
19 camera. So it's -- and taking pictures at
20 night, I've done it, it's difficult.

21 So anyways, the Dark Sky people, they

1 have the model Zoning Ordinance. It's very
2 complex. 40 pages, instruments,
3 calculations, inspections at night. And our
4 guys don't work at night.

5 So, keep it simple. No instruments
6 other than a camera. Daytime inspection.
7 Pick the low hanging fruit. And, but we're
8 going to expand out to protect the people who
9 -- we've got a ton of people who aren't
10 living in residential zoning anymore. So --
11 but we're not going to cover up lighting.
12 We're not going to go after the Dark Sky Holy
13 Grail. We're not going to worry about
14 reflections. We're just going to make tiny
15 changes.

16 And this was used -- questions to me
17 last time is does this mean we change all our
18 lights? No, it's only the lights that are
19 bothering people. They complain. There's a
20 lot of easy fixes. We can bend them down,
21 add a shield. And if you feel offended by

1 it, you can appeal to BZA because it's Zoning
2 and it's quick and it's simple.

3 But the important thing really now is
4 now we can just really catch it before people
5 put up bad lights, so the inspectors can do
6 that.

7 So this was all in the City Council
8 committee three years ago, they discussed the
9 well-known health issues from sleep
10 disruption. We had Councilors Davis, Seidel
11 and Kelly. We had a guest speaker who is
12 also editor of Sky and Telescope, so it's a
13 local guy. And Les discussed the Zoning.
14 And the Building Commissioner was there and I
15 said it wasn't enforceable and that's the
16 agreement.

17 So there's many health risks. But
18 really we should be able to just come out and
19 take a picture of a light in the daytime and
20 say yep, that's -- well, that isn't the right
21 light, but there's a light and there it is in

1 the daytime. And you can, and there you go.
2 You can see the lens. You can send it over
3 and just get it fixed. And I promised to be
4 quick and there it was. I don't think you
5 guys actually did a recommendation on this
6 last time.

7 THOMAS ANNINGER: No, we did not.

8 CHARLES TEAGUE: So I, you know,
9 would like you to give it a thumb's up, that
10 would be wonderful. And I'll leave you to
11 it.

12 HUGH RUSSELL: Thank you.

13 Is there a sign-up sheet for this
14 hearing?

15 LIZA PADEN: Yes, there is but
16 nobody signed up on it.

17 HUGH RUSSELL: Okay.

18 Does anyone wish to speak?

19 Yes, Ma'am, please come forward.

20 CAROLYN ALPERT: Hi, thank you for
21 leaving this open. My name is Carolyn

1 Alpert. I live on Cushing Street in
2 Cambridge in the Strawberry Hill Area. And I
3 didn't know that this hearing was occurring
4 tonight until Councilor Craig Kelly actually
5 sent out notes and alerted us that this was
6 happening tonight. And I felt strongly
7 enough to change all my plans to be here
8 because and I'm very grateful for Mr. Teague
9 for bringing this up because it's become an
10 increasing problem just for the peaceful
11 enjoyment of our own homes in Cambridge. I
12 have a situation where I have one neighbor
13 who has one of those spotlights high on his
14 wall for his private property, which he has a
15 fence around and two dogs in it, and yet that
16 spotlight glares into my upstairs bedrooms
17 and into my backyard and onto my deck in such
18 a way that I cannot enjoy being in my room in
19 my house or being outside in my yard or my
20 deck without this glare. I have talked to
21 him and he doesn't feel that it's anything he

1 should have anything to do with. On my other
2 side, I have a condo unit that was given
3 permission to have -- build a parking area in
4 its backyard so there are cars going in and
5 night. The cars aren't so much a problem,
6 but the landlord who doesn't even live in
7 Cambridge, installed a light high on the
8 building that comes on automatically whenever
9 there's movement which is -- glares right
10 into my son's bedroom and makes it very hard
11 for him to sleep at night. And we have no
12 control. Again, I have tried to contact that
13 landlord and requested politely that he move
14 it. He said he would but he hasn't.

15 I have a neighbor directly behind me,
16 very nice people, who just have an ordinary
17 but very bright light outside their door at
18 night and I can't look out of my back window
19 without being stuck in glare.

20 Now, all of this is, you know, very
21 discomforting and irritating and I am an

1 amateur astronomer, but that's not my reason.
2 It's about wanting to just the peaceful,
3 quiet enjoyment of my home.

4 Two weeks ago we had an intruder in our
5 yard. When we pulled into the driveway, we
6 saw someone with a flashlight running around
7 the back of our house. And we got out of the
8 car and ran after that person and I could not
9 see him back there because there was so much
10 glare from these other buildings coming that
11 I couldn't see into the darkness who was
12 prowling around my yard. So I would just
13 very much urge you to take action on this and
14 have it really -- it's not about just shining
15 into other people's windows, it's also into
16 their property, the unwanted glare.

17 Thank you.

18 HUGH RUSSELL: Thank you.

19 Does anyone else wish to speak?

20 Charlie.

21 CHARLES MARQUARDT: Thank you,

1 Mr. Chair. I'll be -- sorry, Charlie
2 Marquardt, 10 Rogers Street. I will be
3 brief.

4 This is akin to, I think, of when I
5 think of the Noise Ordinance. I know it's
6 not you, but when they put the Noise
7 Ordinance in, it required everybody when they
8 went and pulled the permit to understand that
9 there is a ramification for making noise.
10 This, if you put it in, it would then give
11 ISD the opportunity to say you have a
12 ramification for putting lights on someone
13 else's property, let's get it before the
14 light goes into effect so we can do it before
15 there's a problem. So it doesn't have to go
16 to the BZA, it doesn't have to get a
17 complaint, it can be caught beforehand. And
18 this, I look at this as one of the big
19 cleanup projects that I think the folks at
20 Community Development do every once in a
21 while, they go through and they say oh, look

1 at this, we have an area where we need a
2 definition, let's put it in. I think this is
3 something the City Council should consider
4 quickly and quite easily and it will make it
5 easier for the people in the city to live
6 with their neighbors rather than having these
7 contentions.

8 Thank you. And since I haven't seen
9 you beforehand, congratulations on being
10 named Chair again and Vice Chair.

11 JOHN WALKER: Thank you. My name
12 again is John Walker of 150 Whittamore Ave.
13 I've listened to Charlie and read his
14 material all the time that he's been
15 preparing this, and it's something that I've
16 always been concerned about in my life and in
17 buildings that I've designed. I used to live
18 across the pond in another city and the DPW
19 yard had floodlights. And instead of shining
20 them on their yard, they shine them right
21 across the pond into my windows, which there

1 were six sliding glass windows out back. It
2 was absurd. I finally met the right person
3 to alter the light and turn it down. But
4 there were no regulations to govern it. I
5 live next to One Alewife Center which is 28
6 feet off the side wall of a two-family house.
7 It's 40 feet high and it has a series of
8 five-by-five windows that face my house, and
9 they leave their lights on all night long.
10 Not always. I think half the building is --
11 a third of the building is vacant now which
12 is good for me. But they just, they just
13 leave them on. Cleaning people are there
14 until one in the morning. Everything done,
15 all the repair work on that building is done
16 at night or on Sunday to accommodate their
17 tenants.

18 The building's owned by Jerome
19 Rappaport. His maintenance man came over and
20 told me is there something you can do about
21 building an extension on your fence because

1 we don't like looking at your junk in your
2 yard? And I said well, no, there isn't
3 because it's your fence, not my fence. And
4 if you want to put an addition on the fence,
5 40 feet high would be fine with me. And it
6 got nasty after that. But the light -- I
7 have shades on about maybe 12 windows on that
8 side. The shades don't go up. They're down
9 24/7, because I either get light in the room
10 with shadows all over the wall or I'm looking
11 at people on computers looking at me. And
12 it's creepy. But that's what happens. That
13 building has no oversight at all. They dump
14 water on my site from three sides. They've
15 taken away my sunshine. I live in the shade.
16 And be careful about these big buildings, and
17 light is a real problem.

18 Thank you.

19 HUGH RUSSELL: Okay, thank you.

20 Anyone else wish to speak?

21 Yes, sir.

1 GLENN HEINMILLER: Hi. My name is
2 Glenn Hei nmi ller, H-e-i -n-m-i -l -l -e-r. I
3 live at 35 Mount Vernon Street, Porter
4 Square. I'm also an archi tectural l ighti ng
5 desi gner, and I work at Atlanta Partners on
6 Sherman Street. And wi thout getti ng i nto
7 detai ls, I've been i nvolved wi th the
8 devel opment of l ight pol luti on and control
9 standards and what not. So I know a l ittle
10 bi t about the subj ect. I'm gonna say
11 total ly, total ly support the i ntent of thi s
12 peti ti on. I don't know the whol e hi story of
13 i t, and I'm constant ly amazed by what my
14 fel low ci ti zens put up wi th as far as l ight
15 trespass. And we've heard, you know, a
16 speci fi c exampl es. And so obvi ousl y some
17 remedy i s needed.

18 My onl y concern i s the attempt here i s
19 to provi de a defi ni ti on for glare, so i t can
20 be more enforceabl e, the current, you know,
21 restri cti ons i n Zoni ng. But I'm a l ittle

1 concerned about the language the way that's
2 done, and maybe I miss understand it. But it
3 says that a luminaire shall be considered to
4 be causing glare during any part of the lamp
5 or any parts designed to distribute light,
6 reflective lens are visible to any person.

7 So what does that mean? That basically
8 means, the way I read that is just about
9 every lighting fixture in Cambridge would be
10 a glare source, so, therefore, potentially in
11 violation. Now there would have to be a
12 complaint. So maybe this is a good thing.
13 Maybe that's the intention. It means that
14 Inspectional Services then can say, yeah,
15 okay -- like, we look at that picture out the
16 window, that's -- that would be defined as
17 glare because I can see the lens and I can
18 see the reflector. And maybe I called up and
19 said that's causing glare. So that would
20 allow Inspectional Services to say, yes,
21 indeed and they go out during the day and

1 take a photograph. I wonder then if I'm the
2 person who owns that light fixture, I'm going
3 to look around and see all the other light
4 fixtures in the neighborhood and say, well,
5 wait a minute, what about those guys? So I
6 think some improvement to this language is
7 required to do what's trying to be done here.

8 The other alternative would be a proper
9 Lighting Ordinance for the city, but that's,
10 that's a big subject which is beyond this
11 hearing.

12 So, thank you.

13 HUGH RUSSELL: Okay, I'd just like
14 to comment on your testimony which is you hit
15 upon the parts of this that are challenging.
16 So any ideas that you might have and might
17 wish to submit to us in writing would be most
18 welcomed and received.

19 GLENN HEINMILLER: May I approach?

20 HUGH RUSSELL: Yes.

21 GLENN HEINMILLER: Well, it's a

1 daunting problem. First of all, trying to
2 define glare is not really -- some people say
3 it's impossible because glare is subjective
4 impression. And then how to measure light
5 trespass, I mean you people have been working
6 on that for a long time --

7 HUGH RUSSELL: Right.

8 GLENN HEINMILLER: -- and there are
9 techniques --

10 HUGH RUSSELL: So I don't wish to do
11 it tonight, but --

12 GLENN HEINMILLER: Yeah -- no, I'm
13 just saying, you know, I don't really have
14 anything for you. I'm just saying sorry to
15 be honest. But I think would be workable.

16 HUGH RUSSELL: Thank you.

17 Yes, Ma'am.

18 WILLIAM TIBBS: She spoke already.

19 HUGH RUSSELL: She spoke already?

20 UNIDENTIFIED WOMAN: I just wanted
21 to respond to that.

1 HUGH RUSSELL: I'm sorry, you can't.

2 UNIDENTIFIED WOMAN: I cannot?

3 HUGH RUSSELL: That's not how we
4 work here.

5 UNIDENTIFIED WOMAN: Can I make an
6 additional comment?

7 HUGH RUSSELL: No. People speak
8 once on any given subject and then we move
9 on.

10 Michael .

11 MICHAEL NAKAGAWA: Mike Nakagawa, 51
12 Madison Avenue. My concern is particularly
13 with lots of taller buildings are now being
14 proposed there's gonna be more visible from
15 farther away, particularly in residential
16 areas, but also environmentally, there's a
17 lot of buildings going up near the Alewife
18 Reservation, and that was a pretty dark place
19 before and now there are lots of tall
20 buildings that are going up. And so
21 something like a Light Ordinance or a Light

1 Zoning that protect the surrounding areas and
2 limit where the light goes, they only have to
3 deal with the light where it needs to be
4 would be appreciated.

5 Thank you.

6 HUGH RUSSELL: Okay, thank you.

7 Does anyone else wish to speak on this
8 subject?

9 (No Response.)

10 HUGH RUSSELL: Okay, I see no one.

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

14 (All Board Members in agreement).

15 HUGH RUSSELL: Okay. So we now go
16 to --

17 THOMAS ANNINGER: On this one, Hugh,
18 do we really want to run off before we at
19 least have a few quick comment, it doesn't
20 have to be more than five or ten minutes, but
21 I think, I think it does deserve a little bit

1 of a response.

2 HUGH RUSSELL: I guess -- well, I
3 think it's actually, to do it justice might
4 take longer than five or ten minutes. So I
5 would prefer to postpone all discussion if
6 that's agreeable.

7 (Board Members in agreement).

8 HUGH RUSSELL: So do we want to take
9 a break before going onto the next item?

10 We'll try to get back here by 8:30.
11 And the next item on the agenda are the four
12 items of General Business. We've
13 accomplished 1. I would propose to go on to
14 item 3, Brookford Street as the next item.
15 Okay?

16 So 8:30.

17 (A short recess was taken.)

18 * * * * *

19 HUGH RUSSELL: I'd like to start the
20 meeting again.

21 Okay, would people please stop talking

1 so we can proceed?

2 Please, people take their seats and
3 stop talking so we can proceed.

4 Would people please stop talking and
5 take their seats.

6 Okay. Would people please take their
7 seats.

8 I announced before the break that we
9 were going to discuss Brookford Street. It
10 turns out that the petitioner is not here and
11 he won't be here for some number of minutes,
12 and so we're going to start discussing Norris
13 Street instead.

14 This is Planning Board case 252A, 40
15 Norris Street.

16 Sean.

17 ATTORNEY SEAN HOPE: Good evening,
18 Mr. Chairman, Members of the Planning Board.
19 For the record, Attorney Sean Hope on behalf
20 of Lacourt Family, LLC. This is the amended
21 application Special Permit No. 252 for 40

1 Norri s Street. Tonight I'm going to really
2 turn thi s over to the archi tect and the
3 landscape archi tect as well to talk about the
4 changes and answer any questi ons.

5 Just a few poi nts of clari fi cati on
6 before we begi n. Al ong wi th the amended
7 plans, I submi tted a cover l etter that tri ed
8 to hi ghli ght some of the changes. So j ust
9 for a poi nt of clari fi cati on, speci fi cal l y
10 paragraph No. 2 when we talked about the
11 parki ng si te pl an and the use of Zi pCar, so I
12 j ust wanted to clari fy that.

13 So, we actual l y di scussed wi th the
14 property owner and we are open i f the
15 Pl anni ng Board saw fi t and i f Zi pCar wanted
16 1, 2 to have the Zi pCar on the si te. And
17 al so I wanted to clari fy that i n the
18 di scussi ons wi th Traffi c and Parki ng, and
19 thi s wasn' t clear i n the l etter, and i t was
20 actual l y somewhat i naccurate, they support
21 car shari ng, the Zi pCar. There was an i dea

1 that having a ZipCar on the site would change
2 the lot from a private lot to a commercial
3 lot. That's not the case. So that if the
4 Planning Board saw to have a ZipCar.

5 In terms of liability, you know, I'm
6 sure ZipCar has their own indemnification.
7 So I just wanted to remove that so that if
8 the Planning Board felt that that was
9 something they wanted to do, we would be more
10 than happy to do that.

11 Also, as well, the ADA compliance piece
12 of that for a parking lot, that's something
13 that's controlled by Inspectional Services,
14 not by Traffic and Parking. So that was
15 another piece that was there.

16 Lastly, Jai will walk through the site
17 plan as well. And so I guess at this point
18 now I'll turn it over to Jai and I'll be
19 available for any questions.

20 HUGH RUSSELL: Thank you.

21 JAI SINGH KHALSA: Good evening, Jai

1 Singh Khalsa, Khalsa Designs in Somerville.
2 I think rather than going through all of the
3 sheets, we'll just highlight the changes that
4 have happened.

5 We tried to be very responsive to the
6 Board's commentary from the last meeting, and
7 I'm gonna scroll down to the specific sheets
8 that have changed, and bear with me for a
9 minute.

10 There's been a couple of modifications
11 to this site plan, and the modifications of
12 the site plan are as such:

13 The -- what used to be swing gates in
14 this area here over by Drummond Place are now
15 proposed to be sliding gates so that they
16 would roll and slide, half one way, half
17 another way and not swing out into Drummond
18 Place.

19 Additionally, just as a general note,
20 the -- when we've redesigned some of the
21 areas of the building, we've reduced the unit

1 count from 27 to 25. When we reduced it from
2 27 to 25, we removed one space from the
3 parking lot, taking the total parking count
4 down to 27 from 28. What this allowed us to
5 do is to provide two visitor parking spots
6 which are located here and here. And to
7 create some additional internal landscape
8 area over in this area of the parking lot.
9 So it did ease the congestion a little bit in
10 the parking lot.

11 The other thing that was done, too, is
12 the landscape area in this area was split
13 between each half so that there could be some
14 landscape buffer here and some landscape
15 buffer along the building. Otherwise this
16 site plan has stayed pretty much the same
17 except for the plant types around the cooling
18 tower area, which will now be an evergreen so
19 that they will provide screening all year
20 long to the project.

21 When we changed the layout of the

1 building a little bit, we wound up with a
2 couple more areas, which I'm highlighting
3 here and here, which are up in the wing attic
4 area, which are now open to below. So that's
5 FAR that we've removed from the building
6 which was in the building before. And when
7 we get into these units specifically, I'll
8 show you what -- how that's been modified.

9 In reducing the number of units from 27
10 to 25, we've held 25 bike spaces here and 25
11 storage units here which gives us some free
12 area over in here for overflow of bicycles.
13 Additionally, it should be noted that each
14 one of these storage bins is 115 cubic feet
15 which is quite adequate if people have
16 additional bicycles and they choose to use
17 that for bikes instead of storage. Now
18 granted the bikes that would go in here would
19 have to be put on hooks in a vertical
20 location.

21 Additionally, it should be noted in

1 this area in here which is your common --
2 general common space area, that's about a
3 1,030 square feet which proportionally is
4 very appropriate given the size of the units
5 and the size of the building in general for
6 the general community support space.

7 The other thing that was brought up in
8 discussion was the appropriateness of putting
9 the residences in the lowest level. And a
10 couple of reasons why we've chosen to keep
11 the residences in the lowest level. One is,
12 this is a very well lit area with large
13 windows. This isn't like it's a basement.
14 This used to be the cafeterias for the
15 building. It was very active. It's well
16 lighted. But the other concern is where we
17 have these, you know, potential commercial
18 areas in the building, this is kind of a new
19 introduction in the Zoning. It's an untested
20 area in the Zoning. And we felt to give
21 ourselves the greatest flexibility policy for

1 tenancy, we wanted to have it adjacent to the
2 residential area in case somebody wanted to
3 set it up as a live/work space and have one
4 space spill into the other, you know, but
5 making the definition between the two a
6 little bit fuzzy. But we felt it gave us the
7 greatest chance of success of having a
8 commercial area to work in a building that
9 was primarily residential. And that's the
10 reason why we felt it was so essential to
11 keep the residences in this lowest level. So
12 you'll see as we go up through the building
13 where we did remove the residences on an
14 upper level.

15 Your first floor plan has not been
16 altered.

17 Your second floor plan has been altered
18 a little bit. And what's been altered in the
19 second floor plan is that this unit here and
20 this unit here, they're basically the same
21 units now on this level. There's two

1 bedrooms on this level. There's a big
2 general living, dining and kitchen area.
3 There's a bathroom here and a staircase here
4 that goes up into the area above these which
5 is under the roof with the skylights. You
6 see a different style kitchen here than what
7 we have here.

8 In addition, in this unit here you see
9 a spiral staircase and conversely it's
10 mirrored imaged on this side which will go up
11 into a library area up above here. These
12 staircases go up into the master bedroom
13 suites. And what was difficult in these
14 units before was that that the master bedroom
15 suite was in this area was a little tight on
16 dimension, and now we have very comfortable
17 master suites attached to these units. They
18 also become pretty large units.

19 And then what we did on the next floor
20 up is rather than this being a unit that
21 isn't connected with anything with full size

1 window, this is in that wing area. This now
2 becomes a master suite here and a master
3 suite here. We still maintain this area here
4 as a more or less master suite off of this
5 unit here, but the other thing we did here is
6 we put a spiral stair up into what really is
7 a loft area up in here overlooking into the,
8 into the living/dining area below. Okay?

9 And those are the changes that have
10 been made. Now, the -- one thing I wanted to
11 point out, we did actually -- I didn't put
12 mechanical drawings in here, but we did
13 actually meet with a mechanical engineer
14 Muhammad Said and he did do studies for us
15 and he did confirm that all the mechanical
16 vents for your plumbing and your heating will
17 be able to come up the gravity feed vent
18 system. We'll have to modify the caps on
19 these because there will be a lot of pipes
20 coming up in that area, but everything will
21 be able to feed up through here and we won't

1 be decorating the roof with a whole series of
2 pipes coming up and vents coming up all over
3 the roof. And we went over it in a good bit
4 of detail.

5 Another thing we wanted to show was the
6 -- we did some sketch-up views of peeling off
7 the roof so you can get a more clear idea of
8 what's going on in the units and how they go
9 together. This one has your roof on it here.
10 It doesn't show the other side of the unit
11 here, but you can see this being your main
12 living level here. Those are the big arched
13 windows over here. Coming up to the
14 staircase to the intermediate level. This
15 particular section doesn't show the stair
16 going up to the next level, but you can see
17 here how you come up, have that intermediate
18 level with its bathroom and then you come up
19 another level into that loft that's up above
20 up in that sloped roof area. And that
21 actually, you know, you've got a very

1 dramatic space with a very high ceiling.
2 Interesting light filtering down through the
3 railings below. And actually it's very
4 similar to the photographs that we showed of
5 the project in Newton. Very, very similar in
6 terms of its compositions.

7 One thing that we did add on the
8 elevations is we added -- proposing to add
9 the pipe snow guards and then the cleats and
10 there's layering of snow guards and cleats up
11 through the whole roof on the building.
12 There are only a couple areas right now that
13 have it. We actually went through some
14 technical manuals to come up with the
15 absolutely appropriate way of layering these
16 and are proposing to layering them with the
17 greatest effect with snow control.

18 HUGH RUSSELL: And you're also going
19 to be reviewing this with the Historic
20 Commission.

21 JAI SINGH KHALSA: Absolutely.

1 HUGH RUSSELL: So they will probably
2 have an opinion about that.

3 JAI SINGH KHALSA: They will. We
4 did mention it to them already about it. We
5 did meet with staff. We haven't met with
6 them formally. We did submit it and we are
7 on their docket. But we did meet with staff.
8 Staff was comfortable with the concept. We
9 would be happy to let them pick the style of
10 what they want. Staff was also comfortable
11 with the skylights. They didn't have a
12 difficulty with the skylights. They didn't
13 feel that we were putting an excessive amount
14 in. But again, that's not the Board, that's
15 the staff.

16 There is what's called site rendering
17 here, which are shots of the buildings from
18 around the neighborhood. We took these from
19 street level. We didn't take any shots from
20 neighbors' rooftops looking at the building.
21 We took it from where most people would see.

1 And you can see there's a skylight there.
2 You've got a skylight up here showing. A
3 couple of skylights on this side. You've got
4 a couple of skylights here, and a couple over
5 here. They're not the most dominant feature
6 of the roof. They really will fade into the
7 texture of the roof is our feeling.

8 And then we are indicating here what
9 the signage might be as a monument type of
10 sign for the front yard. We've used this
11 successfully on other projects. It's, you
12 know, about four feet across. It's about
13 three and a half to four feet -- three and a
14 half feet tall as an appropriate monument
15 type sign.

16 And then this is a style of a V-Locks
17 roof window that we're suggesting top hinged,
18 low profile, the lowest profile that we can
19 find. And a color that would be appropriate
20 to fit in with the slate.

21 And then somebody did ask for us to

1 provide a drawing that showed the distance to
2 the neighbors from the cooling tower. Now,
3 let me reemphasize again, the manufacturer's
4 rating on that cooling tower is 57 decibel at
5 full speed which is conversational level of
6 noise. And that's at the source. It's 57.
7 Your closest home is about 60 feet away.
8 Your next closest are about 80 feet away, and
9 then it goes out from there. So you can see
10 what the relationship is of those cooling
11 towers to the street and to the abutters'
12 area.

13 And then if I just go through my notes
14 very quickly in case I missed anything. The
15 other thing we should note is that we did
16 increase the washers and dryers in the
17 basement to four of each rather than two of
18 each.

19 THOMAS ANNINGER: Is the laundry
20 still it same size?

21 JAI SINGH KHALSA: The laundry got a

1 little bigger. When we lost a couple of bike
2 -- required bike spaces, we took advantage of
3 making the laundry a little bigger, but then
4 the housekeeping area shrunk a little bit to
5 accommodate it.

6 The -- there was a -- when we reduced
7 the one parking spot, we reduced the green
8 area by about 115 square feet. The light
9 poles have been lowered down to 14 feet in
10 height from the 20 feet. However, that will
11 require an increase in wattage in the lamps
12 to get coverage.

13 Sean talked about ZipCars.

14 One thing I thought was important, too,
15 in terms of our sort of redefinition of those
16 areas and the use of the wings, we did talk
17 with some contractors regarding sort of the
18 cost of construction in these areas. And the
19 wing areas actually are fairly inexpensive
20 because they've got full structure and floor
21 in them, and they'll be pretty directly easy

1 to use. The more expensive area is actually
2 up in the attic where we're adding and
3 modifying structure up there. So the wings
4 work out pretty well for us in that way.

5 The -- Let's see, anything else here?

6 STEVEN WINTER: Mr. Khalsa, could I
7 direct you to the dumpster located in the
8 rear of the property? Could you just point
9 out where that is for us, please?

10 JAI SINGH KHALSA: Sure. Let me get
11 back up to the landscape plan and I'll show
12 you where that is.

13 WILLIAM TIBBS: And could you talk
14 about snow removal, too?

15 JAI SINGH KHALSA: I'm going to let
16 Sean talk about snow removal. He's got the
17 information on the plans around snow removal.

18 THOMAS ANNINGER: Did you have any
19 more you wanted to say on the tower?

20 JAI SINGH KHALSA: I'm sorry?

21 THOMAS ANNINGER: Was there more you

1 wanted to say on the tower?

2 HUGH RUSSELL: Cooling tower.

3 THOMAS ANNINGER: The cooling tower.

4 JAI SING KHALSA: Um, just that the
5 cooling tower is buried. The top of it is at
6 grade. It's got evergreens around it to
7 visually buffer it. And it's not going to be
8 something that's noisy. It's, you know. The
9 question on landscape was what again?

10 STEVEN WINTER: The dumpster. The
11 location of the dumpster.

12 JAI SINGH KHALSA: The location to
13 the dumpster is right here. Right in this
14 area here. It's a straight shot down the
15 driveway. Now, conveniently there is a blank
16 wall here with an abutter's garage, and
17 there's also a blank wall here with an
18 abutter's garage.

19 STEVEN WINTER: It fits in nicely.

20 JAI SINGH KHALSA: So it fits in
21 well in terms of the site plan as well as

1 with maintenance and with the abutters as
2 well.

3 The other thing I think as of note is
4 we've got one and a third bicycle spaces per
5 unit designed on the site which is, you know,
6 far in excess of the 0.5 spaces required.

7 And I think that's --

8 H. THEODORE COHEN: If you were to
9 put in a ZipCar, where would it go?

10 JAI SINGH KHALSA: You know, I'm not
11 sure which spot would be the best spot for
12 it. We'd pick a spot that wasn't a handicap
13 spot. We don't know if they would want a
14 full size spot or a compact spot.

15 H. THEODORE COHEN: So if you put it
16 in, you'd still have one spot per unit and
17 two --

18 JAI SINGH KHALSA: And one visitor
19 spot.

20 H. THEODORE COHEN: So we'd lose a
21 visitor spot?

1 JAI SINGH KHALSA: Right. We would
2 lose something that we designate visitor
3 spot, correct.

4 THOMAS ANNINGER: Or something you
5 would gain by it because somebody might not
6 have a car.

7 JAI SINGH KHALSA: Yeah, right.
8 Yeah. And we're definitely open to it.
9 There was a little confusion on our side
10 about the fact that it might be considered a
11 commercial use on the lot, and it's come back
12 to us from Traffic and Parking that our
13 assumption around that wasn't correct, but we
14 have to vet that with Building Department as
15 well.

16 Should I turn it over to Sean?

17 HUGH RUSSELL: Right.

18 AHMED NUR: Wait. I just had a
19 quick question. I think there was an item in
20 the Zoning for the care share that it had to
21 be a certain distance away from a residential

1 window. So just to keep that in mind, 10 or
2 15 feet.

3 JAI SINGH KHALSA: Well, this would
4 be the appropriate location over here, then,
5 because you've got a blank wall over in here.

6 AHMED NUR: Right.

7 JAI SINGH KHALSA: And, you know,
8 that would be your -- and also it's the most
9 visually obvious one as you're pulling down
10 the driveway, somebody's coming in to see the
11 car, that's where you're going to see the
12 signage for it most quickly.

13 HUGH RUSSELL: Right. And every
14 ZipCar is a compact or a smaller car.

15 JAI SINGH KHALSA: Right.

16 H. THEODORE COHEN: Can we go back
17 to the roof? When you were talking about the
18 mechanicals?

19 JAI SINGH KHALSA: Sure.

20 H. THEODORE COHEN: And you were
21 talking about the cap. What is going to

1 happen? Will you see an array of --

2 JAI SINGH KHALSA: Let me go to the
3 elevation drawing if I could, because that
4 will kind of display where the -- maybe a
5 little bit more clearly where we're talking
6 about.

7 You know, you've got your gravity feed
8 chimney which is here. That's the cap on it.
9 You will see an array of pipes coming out of
10 the top of that chimney. There are going to
11 be a whole lot of pipes coming out of the top
12 of that chimney. And there is a solid cap on
13 it now. During construction we probably will
14 be removing that cap, casting a new cap in
15 place around the penetrations and then doing
16 the appropriate flashings where that occurs.
17 But we thought aesthetically to condense
18 those in those two areas of the building
19 would be the best use of the building. I
20 believe to keep the honor of the roof as much
21 as we can, keep it nice and clean. Unlike

1 was the result at the Dana Park project.

2 HUGH RUSSELL: So, and these are
3 condensing furnaces or condensing water
4 heaters and the pipes are three inches or
5 four inches or two inches and they stick up
6 something like that above the cap?

7 JAI SINGH KHALSA: Correct, yeah.
8 They're the concentric pipes.

9 WILLIAM TIBBS: And what do they
10 sort of look like --

11 JAI SINGH KHALSA: Your bathroom
12 vents will be going up there as well.

13 WILLIAM TIBBS: Will they look like
14 multiple flows coming out of the chimney?

15 JAI SINGH KHALSA: Yeah. We have to
16 stagger the heights a little bit so we don't
17 get the intake on one drawing off the other.

18 HUGH RUSSELL: Yes, and that's
19 something that might be scrutinized more
20 carefully by the Historic Commission.

21 AHMED NUR: You're taking the

1 Laundry out there, too; right?

2 JAI SINGH KHALSA: Actual ly, what
3 we' re doi ng regardi ng the Laundry. I' m gl ad
4 you asked that. What we' re doi ng regardi ng
5 the Laundry and the need for make up error,
6 and i t' s not very evi dent i n thi s pi ctu re,
7 but the top thi rd of these wi ndows are goi ng
8 to be Louvers, that we' re goi ng to bri ng the
9 Laundry exhaust out, the make up ai r for the
10 commerci al spaces and the bui ldi ng i nto
11 those. The bottom two-thi rds of them are
12 gl ass bl ock, but that' s where we' re goi ng to
13 draw that ai r from for those uses. And then
14 to keep i t archi tectu ral ly uni form, the
15 Louver wi ll go across the whol e openi ng.
16 We' ll put bl ank-out panel s behi nd i t to use
17 as much as we need to use for the
18 mechani cal s.

19 HUGH RUSSELL: Ri ght. And there
20 wi ll be cars parked i n front of them.

21 JAI SINGH KHALSA: Ri ght. They' ll

1 be getting steam cleaned.

2 H. THEODORE COHEN: One of the
3 comments we received was that you've added I
4 think two skylights; is that correct?

5 JAI SINGH KHALSA: I don't believe
6 we added any skylights. I believe the count
7 is the same.

8 HUGH RUSSELL: Okay.

9 THOMAS ANNINGER: Let's go on to
10 Sean.

11 JAI SINGH KHALSA: They are
12 rearranged. I mean, they are occurring in
13 different locations than where they were
14 before.

15 UNIDENTIFIED WOMAN: Are there two
16 in the front?

17 HUGH RUSSELL: Excuse me. This is
18 not a discussion between --

19 JAI SINGH KHALSA: I don't believe
20 the total number has changed. Although there
21 are two skylights here that were not in that

1 Locati on before.

2 HUGH RUSSELL: Okay.

3 Sean, do you want to tell us about snow
4 removal ?

5 ATTORNEY SEAN HOPE: Sure. So snow
6 removal is going to be handled internally by
7 the owner's construction company. So as well
8 as owning several properties, he has his own
9 construction company. And so the idea was he
10 would be able to commit -- he has snowplows,
11 vehicles as well as a because of the
12 tightness of this parking lot, he would
13 actually have his workers come in and shovel
14 and sand as well. Like most parking lots,
15 the drive aisles are used for the larger
16 vehicles and as well as -- but one factor is
17 that he's not going to store the snow on the
18 site. So the snow is going to be picked up,
19 put in a central location and moved out. So
20 depending on the snowfall or the amount of
21 snow, I think the idea is the frequency at

1 which he can actually manage the snow by
2 having access to his construction crew will
3 help mitigate the snow.

4 The other thing we added that Jai
5 mentioned is an additional snow cleat. And,
6 you know, to the extent that's necessary I
7 think will try to mitigate the cars falling
8 on the car as possible. As far as the snow
9 in the parking lot, we're going just handle
10 it like any other commercial parking lot
11 having frequent snow removal equipment and
12 actually manpower to be able to shovel the
13 snow, put it in dumpsters and move it off
14 site.

15 AHMED NUR: Is there heat trace on
16 that?

17 JAI SINGH KHALSA: No.

18 AHMED NUR: No?

19 JAI SINGH KHALSA: Not planning to
20 have heat trace on it.

21 AHMED NUR: Okay.

1 JAI SINGH KHALSA: I mean, the
2 manufacturer, the recommendation are you put
3 two layers of the fence in and then you
4 stagger cleats above that. That's the
5 manufacturer's recommendation, and the
6 guidelines from the companies that do this is
7 their recommendation how it's best handled.
8 And that the snow melt is generally not
9 preferred. You rather let it sit there and
10 go through it's only slow cycle of melting.

11 HUGH RUSSELL: All right. So if
12 there are no more questions.

13 ATTORNEY SEAN HOPE: If the Board
14 would like to hear, there are some changes to
15 the landscape plans, but if that comes in
16 questioning, we can address those.

17 AHMED NUR: Hugh, I just have one
18 question.

19 HUGH RUSSELL: Sure.

20 AHMED NUR: There are a few
21 questions that we all asked for the

1 devel opers to take care of, and one of them I
2 remember speci fi cally is the -- one of the
3 abutters had mentioned that the common area,
4 cal cul a ti ons of the common area consi sted of
5 the thi ckness of the wal ls. Have those bee
6 taken care of? And I know that Steve Wi nter
7 had asked about the si zes of the cool ant
8 towers themsel ves and so on and so forth.
9 Are we aski ng those later?

10 HUGH RUSSELL: No, we' ll want to get
11 everythi ng out on the table now.

12 AHMED NUR: Okay.

13 JAI SINGH KHALSA: The cool i ng
14 towers are here as submi tted, and if I zoomed
15 in here, you woul d see that physi cally the
16 towers -- let' s see if I can zoom in and see
17 if it' s high enough resolu ti on to read it.

18 It' s a 57 deci bel tower.

19 HUGH RUSSELL: And the well is goi ng
20 to be -- have acousti c li ni ng on it; is that
21 correct?

1 JAI SINGH KHALSA: No, we weren't
2 planning to put acoustic lining on the well.
3 We were planning just to buffer with trees
4 around it because these things are so quiet.
5 And the unit itself is 48-by-48 and 102
6 inches tall. So the 102 inches is going to
7 determine the depth of the well. So that
8 just the top edge of it crowns at the surface
9 of the ground.

10 And then I'm sorry, the other question
11 was?

12 HUGH RUSSELL: The floor area
13 calculations?

14 JAI SINGH KHALSA: Yeah, the floor
15 area calculations -- we did, it's true, when
16 we did our calculation, we did not include
17 the thickness of the walls. And the method
18 that we used of calculation, as you can see
19 the green areas are the outside walls and the
20 thicknesses of the chase and things of that
21 type. And it's true, we did not include that

1 in the calculation. And we feel that what we
2 did was correct. Now, the calculation comes
3 out to in excess of 35 percent common area
4 when you do that. We did buy -- I did ask my
5 fellow in the office to go back and
6 recalculate it with all that stuff included
7 in, and we are just 30 percent with all that
8 stuff in. I don't happen to agree that
9 that's a correct calculation to have to
10 include that stuff, because if you did a
11 condominium document of this, those areas
12 would be considered common area. They would
13 not be considered under unit owner areas.
14 They would be common areas to the building.
15 So there's a lot of legal precedent as to
16 determining it in that manner. But besides
17 that, even if you did call it in, we're still
18 at 30 percent. And so we still meet that
19 level of criteria whichever way you look at
20 it.

21 WILLIAM TIBBS: I had suggested that

1 staff at least look at it to make sure you're
2 calculating it correctly. Did that occur at
3 all? Did you talk to them?

4 JAI SINGH KHALSA: I'm not gonna
5 speak for the staff.

6 WILLIAM TIBBS: No, I was asking you
7 if you talked to them.

8 JAI SINGH KHALSA: We talked early
9 on with the staff.

10 WILLIAM TIBBS: About these
11 calculations?

12 JAI SINGH KHALSA: About the
13 calculations, yeah. But I don't want to
14 represent what their determination is. They
15 didn't push back on us and tell us we weren't
16 calculating it properly.

17 HUGH RUSSELL: Okay, so Jeffrey's
18 got the mic.

19 AHMED NUR: Jeffrey, just to be
20 clear, the reason why I brought that up is
21 the green is the common area I take it. And

1 as you can see the exterior of the building,
2 on the CMU is highlighted green. I do think
3 that sometimes and that is part of the
4 calculation, I just wanted to make sure that
5 was taken off.

6 JEFF ROBERTS: I'm sorry, could
7 repeat that last part?

8 AHMED NUR: The area that are
9 highlighted green, on like the common areas,
10 comes in as the common areas, am I right,
11 Mr. Jai.

12 JAI SINGH KHALSA: Yeah.

13 AHMED NUR: Okay. Therefore, if you
14 look at the exterior walls, the
15 cross-sectionals or the brick itself, the
16 CMU, are green. And so the calculations
17 tells me when they were doing the tick-offs
18 that they included that area as a common
19 shared area and --

20 HUGH RUSSELL: So I think the
21 question is has that been discussed with

1 Ranjit and with the Department?

2 JEFF ROBERTS: It has been
3 discussed, as you're aware, when these
4 projects come to the Planning Board, they're
5 at a conceptual design phase. It has not
6 gotten to the point yet where the
7 Inspectional Services would scrutinize it in
8 detail and would review the calculations at
9 that level of detail. But as far as the
10 meeting we've had, the meetings that we've
11 had so far and reviewing the calculations as
12 they've been represented to us, it appears
13 that they've been done in a way that's
14 consistent with what the Ordinance describes.
15 And as you're aware, this is new zoning
16 language. This is the first time it's really
17 being tested, but the Zoning language does
18 say that -- does define the maximum
19 percentage that can be dedicated to
20 residential living -- I believe, it says
21 residential living area, residential living

1 space. And so the calculations that were
2 done use that, used to calculate the
3 residential living space of the units and
4 uses that figure in the calculation of the
5 overall percentage. So that's what we
6 discussed.

7 HUGH RUSSELL: So if we were to
8 grant a permit for this scheme, it would
9 still have to satisfy Ranjit that they were
10 in compliance with this particular thing.
11 And if for some reason they needed to make a
12 small modification, they'd have to make it.
13 If they made a big modification, they would
14 have to come back and talk to us. Okay.

15 So it seems like Jai has said that he
16 believes that even if you count the walls, if
17 that's the way the city sorts it out, he's
18 still okay.

19 JAI SINGH KHALSA: Yes.

20 AHMED NUR: Even if you don't count
21 the walls.

1 WILLIAM TIBBS: As you said, it
2 seems to me that it's the residential living
3 area which wouldn't necessarily include the
4 exterior walls and not the common area but
5 the focus is on that's why it's strange to
6 us.

7 HUGH RUSSELL: I think it's gross
8 residential areas, the phrase in the
9 Ordinance. So that's why it's a little odd
10 because it's not exactly -- it's not a term
11 that is itself defined. But I think we can
12 essentially wash our hands of this for
13 purposes of our decision.

14 JAI SINGH KHALSA: There was one
15 other thing that was asked for which was an
16 exhibit from the landscape architect and what
17 one of these planted fences would look like.
18 I have a copy of that. It's not a fully
19 grown in one, but I'll pass it out and you
20 can see what it is.

21 HUGH RUSSELL: Okay, thank you.

1 JAI SINGH KHALSA: I'm not sure
2 exactly how many copies I have.

3 STEVEN WINTER: We can share this
4 one.

5 HUGH RUSSELL: So I think now maybe
6 we should go on to examine what it is, and is
7 there anything else we need to know about
8 this project before we make a decision? Are
9 there any -- our discussion the last time was
10 kind of artificially abbreviated because of
11 lateness of the hour. So there might be
12 things that we set aside at that time. So,
13 Bill, you want to kick it off?

14 WILLIAM TIBBS: I mean I noted -- I
15 have 11 things on my list some of which were
16 mine and some of which were what other people
17 said. And I think for me as I look at the
18 collection of things that we brought up and
19 asked them to clarify or either change, that
20 kind of included most of the things I would
21 have talked about before. And I've pretty

1 much got a tick mark besides almost all the
2 11 things. So there's no other items that --
3 I know we had difference of opinion about
4 some of us -- and specifically some of us
5 that they didn't like the skylights and some
6 said they did like the skylights and stuff
7 like that, but I think that -- my sense is
8 that the changes that they've made move this
9 in a positive direction as far as I was
10 concerned.

11 STEVEN WINTER: Mr. Chair?

12 HUGH RUSSELL: Steve.

13 STEVEN WINTER: I concur with my
14 colleague, Mr. Tibbs. And the items that I
15 had as concerned are also ticked off. I do
16 want to say, though, I was concerned about
17 the misinformation about the ZipCar at first,
18 and I'm glad we were able to clear that up.
19 Because that was a pretty far stretch from
20 actual practice.

21 And I want to ask my colleagues, coming

1 to the 25 units, does that satisfy us coming
2 from the conversation, the last conversation
3 that we had? May I ask that question?

4 WILLIAM TIBBS: And maybe I'll add
5 to the question which is I think, Hugh, you
6 were concerned about the basement units as an
7 issue with -- or I'm sorry, Tom, which
8 eliminated two right there.

9 THOMAS ANNINGER: Yes.

10 HUGH RUSSELL: The way I would
11 answer that question is from my point of view
12 what's the character of the units that are
13 being developed? And is the space being used
14 said to create reasonable places to live?
15 Are there parts of the building -- are there
16 things that are being done that really are
17 kind of inappropriate? And so the one place
18 where I was concerned at the last meeting was
19 the use of the third floor wings. And the
20 change they've made making those part of
21 another apartment rather than an independent

1 apartment, fixed what I thought was a
2 probl em.

3 STEVEN WINTER: I concur.

4 HUGH RUSSELL: So I looked more
5 carefully at the sort of the tri-plex units
6 up on the front side of that building. It's
7 interesting. There's -- they're not
8 enormous, like 1200 square feet, 1190 was
9 sort of a typical thing. The spaces are
10 unconventional, but they're sort of enough
11 space for a couple of people to live there
12 and provide places to do the things people
13 need to do, plus they're really groovy. So I
14 think that will be a piece, there will be
15 people who will think oh, I don't mind
16 climbing 18 feet of stairs in my apartment to
17 get that. But they're not, they're not
18 squeezed in and they're not, you know, they
19 just sort of -- the normal space allocations
20 for furniture there, they're just in somewhat
21 different places. So I think those are the

1 -- the rest of the units are quite straight
2 forward in their layout. They have nice, big
3 ceilings; 13-foot tall ceilings in most of
4 the building. So, my answer would be I can't
5 see units that I would target for change or
6 removal, therefore, it must be the right
7 number.

8 STEVEN WINTER: Mr. Chair, what
9 about the issue that we had -- I think that
10 also going down the two units has given it
11 some room to make some -- have interesting
12 things happen with these living spaces, and I
13 agree with you. Are we at that same point,
14 though, where there was a feeling where there
15 was just too many bedrooms here?

16 HUGH RUSSELL: I think it's correct
17 to say that, you know, the same amount or
18 most of the same space is being used. There
19 are some double high living room space that
20 used to have floors in it before but wasn't
21 very usable. So will the total population of

1 the building decrease as a result of this
2 change? Probably not very much, because now
3 what used to be, you know, the two-bedroom,
4 two-bedroom units and two-bedroom den are now
5 three-bedroom units. I mean, I've been
6 sitting on this Board for 20 years and
7 there's been a constant call to create
8 three-bedroom units. So I feel odd in
9 saying, no, there's too fewer three-bedroom
10 units and we actually get a building that
11 actual does it.

12 STEVEN WINTER: Okay.

13 HUGH RUSSELL: Tom, how would you
14 answer that question? If I can put you on
15 the spot.

16 THOMAS ANNINGER: Well, let me speak
17 to the basement units because I was the one
18 who thought that that might be the area to
19 eliminated first. I thought Jai's point
20 about tying it to a deeper understanding of
21 how the commercial space might work is a good

1 one. I've been worried from the start that
2 the chances of that commercial space being
3 successful are 50/50. I don't know what the
4 percentage is, but it's not 100 percent.
5 It's going to be difficult. And the idea
6 that maybe having residential down there,
7 that might make that space have a better
8 chance is a chance worth taking. So I yield
9 on the basement point. I think they've -- I
10 think they're right about that.

11 I am, I guess I'm going to make a
12 suggestion which is not typical for how we
13 usually do things, but let me take a chance
14 and don't jump down my neck too fast. I
15 think we're getting very close. I think the
16 architect has done a very good job. I think
17 they've tried to be responsive in a number of
18 ways. I think this project is particularly
19 important to get right or as close to right
20 as is possible in a situation where you have
21 a very large building in a very tightly knit

1 resi denti al nei ghborhood on a narrow street.

2 The anxiety of the neighborhood is
3 pal pabl e. You can feel it in the room. And
4 my sense is while -- the public hearing is
5 closed, I would like to see if we could
6 reopen for very narrow, focussed comment on
7 what issues still need to be addressed. I
8 think we are not quite ready to make a
9 deci si on tonight. I would like to find some
10 way to have those people who have concrete
11 thoughts on what yet needs to be addressed in
12 a very focussed way; one, two minutes at the
13 most, a handful of people, I would like to
14 hear that for our own benefi t and for the
15 sense that the neighborhood has been heard
16 and that we've leaned over backwards in a
17 parti cul arly i mportant and di ffi cul t
18 si tuati on. So that's my procedural
19 sugesti on whi ch is somewhat di fferent than
20 we ever do it. We almost never do it that
21 way. But I think here it might be an

1 appropriate excepti on.

2 HUGH RUSSELL: What's the pleasure
3 of Board?

4 H. THEODORE COHEN: Well, could I
5 just jump in? I have a question about the
6 procedure of reopening a public hearing which
7 I don't think we've ever done before. My
8 suspicion, and staff will have to bear it
9 out, is that we left it open for written
10 comment. And, you know, if we wanted to --
11 if the Board wanted to continue to another
12 evening for further del i berati on to allow
13 further comment, you know, I don't have a
14 probl em wi th that. But I just don't see how
15 we -- just having told the public that we had
16 closed the hearing, just reopening it. I
17 don't think there is a process for us to do
18 that.

19 THOMAS ANNINGER: (I naudi bl e).

20 HUGH RUSSELL: I think we're not
21 tal ki ng about reopening the hearing, we're

1 asking for comments on specific questions.

2 Maybe -- you're a lawyer, you may feel that

3 that's not a legal distinction I'm making.

4 H. THEODORE COHEN: I don't see the

5 distinction there. I mean, you know, I'm

6 perfectly happy to receive written comments.

7 If we're going to throw it open again, then I

8 don't see how we can limit it to a few people

9 speaking rather than opening it up to the

10 public at large and whoever wants to speak

11 gets the opportunity to speak. We might put

12 time limits on it, but once we say yes, then

13 everybody has the right to speak.

14 WILLIAM TIBBS: I don't have any

15 problem with that approach, which is, which

16 allows people that if they have a concern to

17 express them in writing just so we can see

18 what those are, but I was ready -- I felt I

19 was ready to make a decision tonight. But I

20 don't have any problem if other Board members

21 would like to do that.

1 HUGH RUSSELL: I guess, I mean, I
2 feel ready to make a decision. I think Tom's
3 suggestion is one -- essentially are there
4 conditions that need to be attached to this
5 decision that solves specific problems that
6 we have somehow missed. And if we need to --
7 and I would prefer, because I don't think we
8 can't discuss this again for another couple
9 of months because we have only one public
10 hearing in March -- in February, and only one
11 public hearing in March because our regular
12 day's been taken by the primary election. So
13 I'd hate to put this off for 60 days if we
14 were really close.

15 And so we could go forward in asking
16 people to comment and asking people to submit
17 their comments to let's say one minute,
18 essentially tell us everything, but then we
19 would have to hear anybody who wished to do
20 that. Would that meet your standards, Ted?
21 I realize that's not what you want to do,

1 but --

2 STEVEN WINTER: Mr. Chair, I'm not
3 sure I heard the option.

4 HUGH RUSSELL: The option was to
5 simply go forward and accept the testimony in
6 one minute sound bites.

7 STEVEN WINTER: When?

8 HUGH RUSSELL: Right now.

9 STEVEN WINTER: Okay.

10 HUGH RUSSELL: To ask what -- if the
11 Board were to be -- the Board seems to be
12 headed towards approval of this, are there
13 conditions that they would like to see added
14 to the approval?

15 STEVEN WINTER: Tom, what do you
16 think about that?

17 THOMAS ANNINGER: Well, I think the
18 idea that we can't ask for public testimony
19 is something that I don't agree with and
20 don't even understand, so I think that's an
21 easy question. Just how we limit and narrow

1 it is a different one. I could -- I
2 understand the 60 days that you're talking
3 about, and I certainly feel the pressure of
4 that. I don't know what our schedule is for
5 whether we do have room in February. I hate
6 to squeeze our agenda because we run into
7 problems like that every time. Maybe Brian
8 has an answer to that.

9 BRIAN MURPHY: Just looking at the
10 February -- the February 7th's Town Gown.
11 But looking at the 21st, and I'll look to
12 Liza and Jeff and Stuart as well for thoughts
13 on this, you've got Clifton Street, the North
14 Point update, that should be relatively
15 short. You've then got the Building G design
16 review, which is the building near Genzyme
17 which I think is relatively straight forward.
18 It's switching from housing to office in part
19 because of its proximity to the power plant.
20 And then 1067 Mass. Ave. which is the
21 proposed addition to the pool to the Bowl and

1 Board site. And I'm not sure how much you're
2 going to want to dive into that issue or not.

3 STEVEN WINTER: Mr. Chair, if I
4 could just keep the conversation going here.
5 You know, it's funny, Tom, when you made the
6 proposal, I thought to myself gee, I don't
7 think I would ever reopen the hearing. But
8 the fact is this -- the group of citizens
9 that we heard have been spectacularly
10 temperate and well spoken and have really
11 worked very, very hard to be -- to inform the
12 process. And I believe have trusted our
13 process, and have worked hard to inform that.
14 So, Tom, in terms of that, I would like to
15 offer another opportunity that if we think
16 it's appropriate, for the neighborhood to
17 comment and to inform our decision. How we
18 do it, I don't really, I don't really care.
19 I don't really know.

20 ATTORNEY KEVIN CRANE: Mr. Chair, I
21 don't mean to interrupt, but it is pertinent

1 to this issue. I do not intend to testify
2 presently.

3 THOMAS ANNINGER: You might get to
4 the microphone.

5 ATTORNEY KEVIN CRANE: Kevin Crane,
6 27 Norris Street. Mr. Chairman, I hate to
7 interrupt like this, but it is my -- I won't
8 be testifying presently unless you change the
9 rules here, but I would just point out that
10 there have been some written submissions by
11 the neighbors in conjunction with response to
12 this most recent plan which we just received
13 the end of last week. It was a long holiday
14 weekend, and we still put together written
15 responses. If it's the Board's decision to
16 limit future response to written responses,
17 fine. But I think we would like to have the
18 opportunity to submit further written
19 responses where this was just received on
20 Thursday. We were able to put together some
21 response, which I hope the Planning Board has

1 received, and I would leave it at that.

2 Thank you.

3 WILLIAM TIBBS: I think, well, one,
4 I'm -- we seem to have a difference of
5 opinion between our two legal people here.
6 And I just want to make sure that we just
7 don't inadvertently do something that could
8 come back to haunt us later that if it turns
9 out it wasn't quite the procedure that
10 because we had just way too many
11 opportunities for people to call us on those
12 things in the past. And I'm not sure, so I
13 think -- so that's one thing.

14 And two, obviously the request was just
15 made for a little bit more time even to get
16 some written responses to us if we felt that
17 was appropriate. And then, Brian, it sounds
18 like you were saying that depending on how he
19 we managed it, that we probably could, if
20 there were responses to this, we could read
21 them and then react to this in February in a

1 way that was efficient and quick without, you
2 know, without necessarily having to open it
3 up to a very kind of lengthy verbal kind of a
4 process. So it seems to me that I would be
5 perfectly willing to accept more written
6 comments and then let's just do it in
7 February if that's all right.

8 Or, going back to my first point, maybe
9 staff can give a clarification as to whether
10 or not we can or should -- can close the
11 hearing, can officially close the hearing to
12 verbal and open it back up again.

13 BRIAN MURPHY: I just briefly
14 consulted with folks who have a little more
15 experience with this than I do. I think the
16 general consensus that we have is that it
17 tends to be the Board's prerogative in terms
18 of how much testimony it wishes to receive.
19 And I think the challenge would probably be
20 more of closing off public -- I think you get
21 into more trouble if you close off comments

1 at a time that you were permitting it rather
2 than in the other direction, being more
3 inclusive. I think it would be the general
4 sense of the staff, and that's obviously
5 without checking with the city legal counsel
6 for a more definitive response, but just sort
7 of an off-the-cuff reaction.

8 WILLIAM TIBBS: And I think quite
9 frankly I think that by allowing people to do
10 written responses, we'll get the sense of
11 what those are so that -- and then if you
12 feel you'd like to hear, let people talk,
13 then we could, too. So I think there's an
14 advantage any way you look at it to allowing
15 more time in dealing with this at a future
16 meeting one way or the other. That's my
17 personal opinion.

18 HUGH RUSSELL: I think, Ted, that
19 was your suggestion.

20 H. THEODORE COHEN: That's fine with
21 me. My point is that Tom referred to it as

1 we' ve never done thi s before. And even
2 Mr. Crane i s commenting on we' re changi ng the
3 rules. I thi nk i f we were to deci de to
4 reopen oral testi mony at some poi nt, i t
5 really has to be done i n a publi c forum where
6 the publi c had been advi sed about i t, and I
7 thi nk we' re j ust setti ng a precede nt we' ve
8 not done before. And I' m perfectl y happy to
9 conti nue and allow wri tten testi mony to come
10 i n, but i f we were to deci de to take further
11 oral testi mony, I thi nk i t has to be -- the
12 publi c has to be given noti ce about i t i n
13 advance so that they coul d show up. And then
14 we al so run the ri sk any ti me we close any
15 other publi c heari ng, you know, i s the publi c
16 goi ng to be concerne d that somehow we may
17 take further oral testi mony sometime and
18 they' re not goi ng to know about i t.

19 HUGH RUSSELL: I thi nk i t' s
20 mi sreprenti ng the facts to say that we' ve
21 never asked peopl e questi ons and asked for

1 them to comment after we closed the hearing.

2 That has happened frequently.

3 THOMAS ANNINGER: That's right.

4 HUGH RUSSELL: Mr. Hope.

5 ATTORNEY SEAN HOPE: So a quick note
6 for the Planning Board. So, our Special
7 Permit expires on January 31st, just to keep
8 that in mind about the February hearing. I'm
9 not sure if there's an opportunity to file
10 for and have an extension approved. The
11 other point about opening for written
12 testimony as well, one problem with written
13 testimony is that it's received by the
14 Planning Board. It doesn't also give us a
15 chance to respond. And I understand it
16 seemed like the public comment was about
17 conditions. And so although I don't like the
18 idea of maybe opening it to public comment,
19 if the Board feels that they're close to an
20 approval, and this is about conditions, and
21 this may be the opportunity to get these

1 conditions, but what I'm afraid is that there
2 are questions that may come from the
3 neighbors and they have been very intelligent
4 questions, but then we come back in front of
5 you, you have further questions and how do we
6 get to respond to those? So then is it
7 another hearing after the 21st where you may
8 have more questions? So I'm not advocating.
9 It's your prerogative to open it to public
10 testimony. I do see the difficulty in coming
11 to resolution and it's about conditions. And
12 this may be an appropriate forum to have
13 those conditions to put into a decision.

14 HUGH RUSSELL: Okay. I believe the
15 -- my recommendation would be to not make a
16 decision tonight; to not change the present
17 state of affairs, which is the hearing is
18 open for written comment. To make a very
19 strong plea that all written comment be
20 furnished within two weeks of today to Li za
21 so that it would be all available for

1 Mr. Hope and his team to review and comment
2 on at the hearing that will happen roughly
3 four weeks from today or five, I don't know
4 which it is.

5 In terms of the extension, I would ask
6 Mr. Hope to write out in writing now a
7 request for an extension, and Li za has a form
8 so that we can then vote on that tonight. I
9 think it's your (inaudible) to grant an
10 extension.

11 ATTORNEY SEAN HOPE: Unless the
12 Board wanted to decide right now.

13 HUGH RUSSELL: It appears that the
14 Board doesn't want to decide right now. It's
15 not a sufficient number of the Board to have
16 a favorable outcome.

17 So does that -- how does that sit with
18 my colleagues?

19 AHMED NUR: I do support the
20 recommendation, however, I came here prepared
21 after receiving the plans, where the

1 archi tects and the owners and devel opers have
2 started and where we are now, that there was
3 tremendous advancement. My bi ggest concern
4 is the size of the apartments and parki ng,
5 and I noticed those i ssues were taken care
6 of. But havi ng sai d that, I do support your
7 recommendati on, though, I came prepared to
8 vote on thi s and put thi s behi nd us toni ght.

9 HUGH RUSSELL: Any other comments?

10 Mr. Hope.

11 LIZ A PADEN: So what' s the extensi on
12 we' re goi ng to ask for?

13 HUGH RUSSELL: You shoul d --

14 LIZ A PADEN: I asked for 60 days.
15 So the deci si on coul d be made and then we' d
16 have ti me to wri te the deci si on and revi ew
17 the deci si on and fi le the deci si on. So the
18 date woul d be --

19 HUGH RUSSELL: 60 days from today?
20 Is that what you' re tal ki ng about?

21 LIZ A PADEN: Yes.

1 HUGH RUSSELL: So March 17th.

2 BRIAN MURPHY: 60 days from

3 expiration or 60 days from today?

4 HUGH RUSSELL: From today should be

5 fine.

6 LIZA PADEN: March 20th.

7 HUGH RUSSELL: And we have enough

8 time to make a decision, and if we don't make

9 it, we'll ask for another extension.

10 It takes two to three weeks to write up

11 a really good decision.

12 Okay, so that's the disposition. And

13 Mr. Hope will finish filling out the form

14 we'll vote on that.

15 LIZA PADEN: March 17th.

16 HUGH RUSSELL: Okay. So would

17 someone like to make a motion to accept the

18 request to extend the decision to March 17th?

19 STEVEN WINTER: So moved.

20 HUGH RUSSELL: Second?

21 WILLIAM TIBBS: Second.

1 HUGH RUSSELL: Di scussi on?

2 All those i n favor.

3 (Show of hands).

4 HUGH RUSSELL: Si x members voti ng i n
5 favor of the extensi on.

6 Thank you very much.

7 So let' s take a three-mi nute break and
8 we' ll go on to Brookford Street.

9 (A short recess was taken.)

10 * * * * *

11 HUGH RUSSELL: Okay, let' s get
12 started agai n. The Board i s going to di scuss
13 case 266, 11 Brookford Street. I' ve heard a
14 request from somebody on the other si de of
15 the tabl e that we reopen the heari ng. What' s
16 the pleasure of the Board? I woul d not
17 recommend --

18 WILLIAM TIBBS: I thi nk we just had
19 that conversati on.

20 HUGH RUSSELL: Thank you.

21 The next thi ng i s thi s i s -- I thi nk,

1 Bill.

2 WILLIAM TIBBS: I'm not here.

3 HUGH RUSSELL: So there are only
4 five voting members here. So we'd ask the
5 petitioner if they're willing to be heard by
6 the five member board.

7 KEVIN EMERY: Yes, we are.

8 HUGH RUSSELL: I guess my take on
9 this case is it all comes down to a single
10 paragraph in the Zoning Ordinance. And I'll
11 just say that you're asking for a Permit
12 under 5.53.2. And 5.53.2 has two ways we can
13 address this Special Permit. And the first
14 way is to find that the development in the
15 form of two or more structures on the lot
16 will not significantly increase or may reduce
17 the impact of the new construction should it
18 occur in the single structure.

19 If we can make that finding, we can
20 grant the permit.

21 STEVEN WINTER: Can you read it one

1 more time?

2 HUGH RUSSELL: The development in
3 the form of two or more structures on the lot
4 will not significantly increase or may reduce
5 the impact of the new construction should it
6 occur in a single structure.

7 Now, do you want to present anything
8 more to the Board at this time?

9 KEVIN EMERY: Yes, just quickly.

10 HUGH RUSSELL: Sure.

11 KEVIN EMERY: Chairman, Members of
12 the Board, for the record, again, my name is
13 Kevin Emery. I own the project with my
14 partner Eamon Fee who is sitting over there.
15 At the last meeting the Board requested
16 additional information which we dropped off.
17 I assumed everyone's received the package?
18 Okay.

19 One of the major concerns of the last
20 meeting was whether it was in the flood plane
21 or not. And we had our engineers do a

1 complete survey. And Dan Cameron from D&H
2 Survey is here and he can touch on that, and
3 it was not in the flood plane.

4 Also, there was a concern about the
5 existing driveway. So we went out and did a
6 field test with a survey and did exactly plot
7 plan on the certified plot plan how far the
8 driveway was which was is Exhibit A which all
9 the Board members have.

10 And the second thing we did was show
11 the house on the lot with the proposed
12 driveways and the large amount of green space
13 that will exist when the project was
14 completed.

15 As you can see on that one, I mean,
16 when the house is completed, you still have a
17 40-foot backyard to the rear lot line and 50
18 plus feet to the nearest house. So you have
19 very large lot with very large backyard with
20 very -- a lot of green space that will still
21 be there.

1 As a matter of fact, we marked down the
2 existing drive which is falling down which is
3 almost on the lot line that will give you
4 more of a backyard which existed.

5 Exhibit C shows a photograph on how the
6 proposed house will look from the back of the
7 lot. We took a picture of a similar house
8 that we built in the neighborhood,
9 (inaudible) and kept it on the main part of
10 the house and show you what it will look
11 like. And, again, it's a far superior than
12 what's out there now. If you look at the
13 back of the other house, you'll see garage
14 the falling down and that's what you'll see
15 when it's built.

16 And then Exhibit D we'll show you what
17 we can do on the current zoning as-of-right
18 project. We've been working diligently in a
19 cooperative effort with the Historical
20 Department on this project that you see
21 before you. We believe, both of us, that

1 this project is superior to that of the
2 as-of-right project in the city. Just to say
3 the historical building they want to save.
4 And on that, Danny will touch upon the flood
5 plane.

6 DAN CAMERON: Hi, my name is Dan
7 Cameron, I'm with D&A Survey Associates. We
8 did go back out there and do a topographical
9 survey, and it just so happens that in
10 accordance with FEMA and the flood study that
11 was done in the City of Cambridge back in
12 2010, is the flood elevation in this area is
13 between 6.8 and 7.0. And based on, you know,
14 our survey, we have determined that the
15 lowest elevation in that area is about 7.3 to
16 7.4. So it is above the flood elevation.
17 And as you get out to the edges of the lot,
18 and in particular to the street it approaches
19 eight. So we will -- the procedure now is we
20 are going to be filing with FEMA a letter of
21 amendment asking them that area be removed

1 from -- which is typical, because these maps
2 are done from aerial photography and so
3 forth. So once you get into the ground
4 level, you can start doing a more accurate
5 survey. And there already have been, I think
6 I said before, a number of houses in this
7 area that property's been removed from the
8 one area of the flood plane mostly because
9 of, you know, financing and so forth because
10 of having to purchase flood insurance. But
11 obviously ours is different because we want
12 to remove the entire property which we will
13 petition to do in a few months.

14 Thank you.

15 HUGH RUSSELL: Okay, thank you.

16 So Ahmed asked me a question which is
17 how come the map -- what's the relationship
18 between the map?

19 AHMED NUR: What's the relationship
20 between this map and it looks like it's a --

21 HUGH RUSSELL: Okay, so if I can

1 answer that question?

2 AHMED NUR: Thanks.

3 HUGH RUSSELL: Which is the maps
4 that are made by the government which this is
5 taken from, are done by aerial -- certain
6 topography surveys. So, if you can do it on
7 the ground, you can get a more accurate
8 result. That's what he's done. He's shown
9 that the -- that line should not be drawn to
10 the site because it's three-tenths of a foot
11 or about that much above the flood, your
12 flood plane based on an actual survey. And
13 the actual survey governs over the
14 photometric thing.

15 AHMED NUR: Okay, thank you.

16 MICHAEL BRANDON: Mr. Chair, if I
17 may just have one minute?

18 HUGH RUSSELL: This is not --

19 MICHAEL BRANDON: I understand, Mr.
20 Chair.

21 HUGH RUSSELL: This is not a

1 heari ng. So what' s your questi on?

2 MICHAEL BRANDON: I j ust wanted to
3 call the Board' s attenti on to the fact, and
4 have the record refl ect, I' m Mi chael Brandon,
5 27 Seven Pi nes Avenue. Ri chard Cl arey who
6 was here before you and i s an abutter
7 together wi th hi s wi fe Carol yn had a heart
8 epi sode and was ambul anced to the hospi tal
9 over the weekend. Can' t be here hi msel f. He
10 was very concerned that the record refl ect
11 that addi ti onal materi al s had been submi tted
12 to you. Probl ems that were descri bed wi th 40
13 Norri s, because of the holi days, the publi c
14 and the abutters have not had a full chance
15 to analy ze them. They were not posted
16 on-l i ne. Just for the record, some materi al s
17 have been submi tted to the staff, and we
18 woul d ask that those woul d be i n the record
19 and consi dered by the Commi ssi on. And I
20 won' t speak to the substance of them other
21 than to say that the materi al s that were

1 submitted by the applicants are insufficient
2 for you to make the findings that you're
3 considering making.

4 Thank you.

5 HUGH RUSSELL: Ahmed.

6 AHMED NUR: Mr. Chairman, I have
7 another question for you actually. I was at
8 the job site today or at the site rather, 11
9 Brookford Street. The building and permit
10 notice that's there is dated in December.
11 I'm not too familiar. Is that acceptable or
12 should it have been posted as -- that there's
13 hearing. Actually, it's not a public
14 hearing, sorry.

15 HUGH RUSSELL: You got it.

16 AHMED NUR: You threw me off.

17 MICHAEL BRANDON: Sorry.

18 HUGH RUSSELL: The diagram on the
19 Zoning envelope shows that if you built one
20 structure, it would encompass -- it could
21 encompass the essentially the same area that

1 the two structures encompass. Now it's an
2 envelope that shows the maximum actually.
3 And as the -- when it was submitted, there
4 was discussion that said, yes, we understand,
5 we can't build it all, we would, you know, we
6 would nibble away at it just as the proposed
7 building has a new regular outline. This
8 would end up on your regular outline. The
9 floor plate that's shown here is 2,000 square
10 feet, and I think the -- we would have to
11 nibble away about 25 percent of it to meet
12 the actual floor area permitted, but it
13 showed me that what we're looking at is one
14 structure in the same area, or two structures
15 with a gap in between them. And taking
16 advantage of the existing non-conforming
17 status of the existing historic house, to put
18 more of the building on the front of the lot
19 and keep the existing building. So I think
20 based on that it seemed to me pretty easy to
21 determine that the impact of the two

1 structures was going to be less than the
2 impact of a single structure.

3 AHMED NUR: I agree with that, yes.

4 HUGH RUSSELL: And given that,
5 that's the finding we have to make.

6 H. THEODORE COHEN: Before we go
7 there, I have a question for you or for staff
8 or for the developer.

9 Is it not possible to simply enlarge
10 the existing building because of its
11 non-conforming status to build something new
12 single building, would that have to be
13 demolished and started all over again?

14 HUGH RUSSELL: If you were to
15 enlarge the existing building, then you would
16 get involved in getting variances.

17 H. THEODORE COHEN: It would require
18 variances?

19 HUGH RUSSELL: Right. So it's not
20 an as-of-right thing, although it could be
21 done. One could ask for those, and so it's

1 a, it's a curious sort of artifact the way
2 the Ordinance works. You can make it smaller
3 without a variance.

4 H. THEODORE COHEN: Right.

5 HUGH RUSSELL: And you can build a
6 second structure with a Special Permit that's
7 being requested. That almost would imply
8 that we're trying to get people to build
9 second structures. And maybe this is
10 actually a demonstration of what that's wise.

11 Tom.

12 THOMAS ANNINGER: Well, just picking
13 up on your analysis of the impact question to
14 add to your point that two structures with a
15 gap is less of an impact than one long
16 building, they both having a setback from the
17 farthest lot line of roughly 35 feet. There
18 are a couple of other impacts. One is the
19 historical one. It seems that the Historical
20 Commission has come to the conclusion that it
21 would be a whole lot less of a historical

1 impact if they did this two structure thing.
2 So that I think that goes also to the
3 statutory question of whether we have impacts
4 here that are not significantly increased or
5 even reduced. And I think the architectural
6 impact, I leave alone the open space one, is
7 not insignificant to have two structures both
8 of which are in character with the
9 neighborhood as opposed to one long one which
10 is out of character and out of size. It
11 isn't an impact that I think worth
12 considering.

13 And I think it actually has a chance to
14 improve the back of this building, because
15 right now it is under maintained with a
16 garage and another building and home to make
17 a happy backyard out of this. I think
18 actually has the opportunity to make this
19 better, even though we have to acknowledge
20 and I do that, that this represents a
21 substantial change for Richard Clarey and his

1 wife. I believe -- I think that is something
2 we have to understand, and for a few others
3 at that corner. But I think the people who
4 are most impacted are the Clareys. They are
5 going to see something quite different from
6 what they have been used to seeing, and I
7 don't think we can take that lightly.
8 Somehow you're going to have to find a way to
9 come to peace with them. And I think you're
10 going to need to lean over backwards to help
11 them through this, be that a good fence, good
12 landscaping, good whatever it takes. And I
13 think that's very important.

14 KEVIN EMERY: We've met with them.
15 We've offered fencing. We've offered
16 different types of landscaping. We first met
17 with them at the beginning of the project.
18 We've already offered this to them and had
19 this discussion already.

20 THOMAS ANNINGER: But putting that
21 aside, I agree with Hugh, that under this

1 rather tricky statute to read, it's actually
2 quite simple if we go with 2A on this
3 question of impacts, and I think the impacts
4 are if anything reduced by what you're
5 proposing. It's -- I'm prepared to go ahead
6 with what you've asked for.

7 H. THEODORE COHEN: I'd like to
8 follow up on the Variance question. And you
9 don't have to answer it, but have you
10 considered the possibility of seeking a
11 Variance to build on the existing house?

12 KEVIN EMERY: We looked at all
13 different options and that was the, you know,
14 going for a Variance and going through the
15 process, that was the least one, you know,
16 because of what goes on with Variances and so
17 forth, you know. So we did look at different
18 options, and that one wasn't the best of the
19 bunch, you know. Because of what it takes
20 for a Variance versus a Special Permit and
21 the procedure and, you know. And Historical

1 -- you know, we worked with Historical on
2 this very tightly and, you know, that's --
3 and that's why we're pretty much here. And
4 I, you know, from starters I was going to
5 knock the building down and build what came
6 by right under the Zoning. And I
7 particularly like this project much better.
8 I think it fits better in the neighborhood,
9 because now all the houses have more of an
10 alignment on the street where the other one
11 is pushed back 15 feet because of the Zoning.
12 The reason it's pushed back 15 feet is
13 because of the Zoning. And I think this is
14 far superior product for the neighborhood.
15 Again, we go into the neighborhood and make
16 some change, and the neighborhood is at first
17 a little up in arms, they don't like change.
18 We worked with the neighborhood. We did it
19 on Harvey Street. And most people are
20 thanking us, it looks better and thanking us
21 as long as we're considerate while

1 construction is going on.

2 MICHAEL BRANDON: There's a petition
3 from the neighborhood I forgot to mention --

4 HUGH RUSSELL: Excuse me. Does
5 anyone else wish to comment on this?

6 AHMED NUR: No, but I would like to
7 hear your comment on this.

8 HUGH RUSSELL: My comment is that I
9 think observing the existing historic house
10 fronting the street is a pretty strong value.
11 And the having the space in between the
12 structures so that there's sort of more
13 vision possible is better than having one,
14 long continuous structure.

15 The architectural character of the
16 proposed structure, new structure seems to me
17 to be attractive and appropriate to scale for
18 the neighborhood. And the -- and this is
19 right at the end of Brookford Street, so that
20 the abutting properties are actually on Mass.
21 Avenue and they're -- the properties are --

1 one's a parking lot, another one is -- it's
2 actually sort of a long structure that comes
3 all the way back. So I don't think we're --
4 from that side, we're really not doing any
5 harm on Mass. Avenue side. So, I really
6 think this is fairly simple and straight
7 forward and we ought to grant this.

8 AHMED NUR: Okay.

9 This space between the existing
10 historical and the new --

11 HUGH RUSSELL: Yes.

12 AHMED NUR: I didn't have a tape
13 measure, but it looks about 75 feet from the
14 curb to the end of the existing historical
15 building. So where is it exactly? How much
16 space is zoned between them?

17 HUGH RUSSELL: So the plan submitted
18 says there's 15 feet between the existing
19 dwelling and the proposed dwelling. And the
20 total existing dwelling appears to be 28 feet
21 plus the 15 feet plus another six or seven

1 feet. So the present structure is about 50
2 feet deep or maybe 55, somewhere in that
3 range.

4 AHMED NUR: Okay. For some reason I
5 never got this. Okay.

6 HUGH RUSSELL: Okay?

7 Is there anything more we want to say?
8 Do we want to go to a decision?

9 AHMED NUR: Right.

10 STEVEN WINTER: I'm ready to go.

11 H. THEODORE COHEN: Yes.

12 HUGH RUSSELL: Would you like to
13 make a motion?

14 STEVEN WINTER: I don't know if I
15 can do that right now.

16 HUGH RUSSELL: Okay, let's see if we
17 can find the original submittal of the
18 petition. So what's being sought is a
19 Special Permit under Section 5.53.2. That's
20 the only thing that's being sought. I think
21 we would -- and we've discussed the findings

1 under paragraph A, that the impact is -- does
2 not significantly increase and in fact may
3 reduce and does reduce. Tom listed several
4 factors.

5 STEVEN WINTER: We also mentioned
6 that the designing of the additional dwelling
7 seems to be appropriate and to the
8 neighborhood.

9 HUGH RUSSELL: Right.

10 STEVEN WINTER: And we also
11 mentioned that the location of the new
12 construction is at the end of the
13 neighborhood.

14 HUGH RUSSELL: Okay.

15 And then we have sort of the general
16 Special Permit criteria that applies to
17 everything. That first is that the
18 requirements of the Ordinance will be met by
19 granting the Special Permit.

20 Second is we -- there's about traffic
21 generated or patterns of access or egress

1 would cause congestion, hazard, or
2 substantial change in established
3 neighborhood character. I think we find that
4 it's the same. The driveway's the same. The
5 number of units is the same.

6 The continued operation of the
7 development of adjacent uses would be
8 adversely affected by the nature of the
9 proposed use. So putting a house next to
10 another house we could say does not affect
11 that use, residential use, next to
12 residential use does not adversely affect.

13 STEVEN WINTER: In this instance.

14 HUGH RUSSELL: Correct.

15 STEVEN WINTER: Yes, it can, but not
16 in this instance.

17 HUGH RUSSELL: Right.

18 And then the general nuisance or hazard
19 being created. I think there we would rely
20 upon the survey findings that is not in the
21 floor plane. That was a concern that

1 building here would alter the flood plane.

2 And then the last thing is consistent
3 with the urban design objective in the city.
4 So that's that the proposal is responsive to
5 the existing development because of the
6 retention of the existing house and
7 relationship to the street.

8 The pedestrian and bicycle friendly I
9 think is obvious where it's impact on city
10 services. There's going to be no impact
11 because it's such a small scale. And that
12 new housing is going to be created. And no
13 publicly accessible open space. So those are
14 the factors.

15 So that's the package of findings that
16 we would be making. So now you can make a
17 motion to grant the permit in accordance with
18 the findings that have been announced.

19 STEVEN WINTER: So moved.

20 HUGH RUSSELL: Is there a second?

21 AHMED NUR: Second.

1 HUGH RUSSELL: All right.

2 Discussion on the motion?

3 All those in favor of the motion?

4 (Show of hands).

5 HUGH RUSSELL: Five members voting
6 in favor.

7 * * * * *

8 HUGH RUSSELL: The next item on the
9 agenda is the Mass. Avenue.

10 Okay. You've got a shell shocked
11 audience but proceed.

12 TAHA JENNINGS: Thank you. My name
13 is Taha Jennings. I'm a neighborhood planner
14 with the City of Cambridge Community
15 Development Department. And I first came
16 before the Board in April to talk about a
17 planning study that we had been conducting to
18 look at ways to improve what we're referring
19 to as North Mass. Avenue, to improve the
20 character of North Mass. Ave. from Porter
21 Square up to the Arlington Line, and the

1 strategies that we were focusing on including
2 potential Zoning changes, strategies to
3 support retail and streetscape improvements,
4 not on the level of major infrastructure work
5 or construction but things such as
6 landscaping, street trees, and other types of
7 pedestrian amenities at that scale. Which
8 together these strategies, we feel, represent
9 good opportunities not only to make key
10 improvements along the avenue, but also to
11 leverage some of the positive features of the
12 avenue that exist already, including an
13 existing mix of uses, the population density
14 nearby, MBTA access, Linear Park that we've
15 heard mentioned earlier tonight. And even
16 the fact that this corridor can almost be
17 considered part of a wider retail area, that
18 includes Porter Square, Davis Square, and to
19 some extent Fresh Pond.

20 Since the 1980s virtually every part of
21 this section of Mass. Avenue is within

1 walking distance to an MBTA subway station.
2 And that has, for obvious reasons, led to
3 development pressure which we expect to
4 continue even today. But we've also had the
5 chance to see how some of that development
6 has begun to affect the look and feel of
7 North Mass. Ave. and get a sense of what we
8 might consider to be some missed
9 opportunities.

10 Now from our perspective in the City,
11 and I think there's agreement even amongst
12 the neighborhoods, that residential uses here
13 overall are positive for the avenue. But
14 there are some examples of residential
15 developments, particularly on large sites
16 along Mass. Ave., and in some instances that
17 replace retail uses, where the design
18 outcomes might not be quite what people were
19 expecting or anticipating. And they don't
20 necessarily provide the level of street
21 activity or interest that we've heard a lot

1 of interest expressed in.

2 And we're also starting to see some
3 shifting populations and even attitudes and
4 expectations regarding density and transit
5 access, street activity, and walkability.
6 And it's in this context throughout our
7 process that a vision began to emerge from
8 North Mass. Ave. as a safe, walkable, mixed
9 use street with active ground floors and an
10 overall appealing character. And it's from
11 that vision and working closely with the
12 community throughout this process, that we're
13 able to come up with a set of both Zoning and
14 non-Zoning recommendations. And tonight we
15 wanted to talk a little bit more about the
16 Zoning recommendations that we're proposing
17 as part of this study.

18 And one of the main Zoning strategies,
19 which we actually introduced the last time we
20 were before the Board, is to require active,
21 non-residential uses on the ground floor

1 along the avenue here. And there was really
2 a consensus that active, non-residential
3 uses, particularly things like neighborhood
4 focus retail and even general office uses,
5 add a level of interest and activity at the
6 street level that you don't always get with
7 some of the all residential developments that
8 have been happening along the avenue.

9 Now, under current Zoning there's
10 actually a disincentive in terms of FAR is
11 allowed to including non-residential uses on
12 the ground floor of the structure or
13 building. Our proposed Zoning removes this
14 incentive and creates a strong incentive, and
15 really in most cases requires that lots
16 include at least one non-residential use on
17 the ground floor.

18 There are two other Zoning
19 recommendations that we're proposing. One is
20 to facilitate outdoor seating for eating
21 establishments or outdoor dining. We are

1 proposi ng to do thi s by exempti ng parki ng
2 requi rements for seasonal , temporary outdoor
3 seati ng for certai n times a year maybe from
4 say April to October, up to a certai n amount
5 of seats.

6 And the next Zoni ng recommendati on that
7 we' re proposi ng has to do wi th exami ni ng
8 where the BA-2 Di stri ct li nes extend passed
9 the typi cal 100 feet from Mass. Ave. i nto a
10 more resi denti al nei ghborhoods. And our
11 proposal actual ly i nvol ves a map change for
12 parcel s i n the Trol ley Square area to rezone
13 those parcel s where they extend more than 100
14 feet from Mass. Ave. from a BA-2 Di stri ct to
15 a Resi dence CB-2 Di stri ct whi ch al l ows
16 si mi lar densi ty but i ncrease setback and open
17 space requi rements.

18 We' re not expecti ng the proposed Zoni ng
19 to lead to i mmedi ate or drasti c changes, but
20 rather more i ncremental changes. And what
21 we' re hopi ng for i s that these i ncremental

1 changes include some of the things we're
2 thinking about, such as non-residential uses
3 on the ground floor.

4 We were last before the Board for this
5 process in August. And since that time we've
6 moved further along with the actual Zoning
7 language that we're proposing. And I'd like
8 to take a few moments just to briefly go over
9 the format of the document and the -- some of
10 the ideas behind the actual text changes that
11 we're proposing.

12 We had submitted in our packet the
13 Zoning text that we're proposing, and it's on
14 the page that starts with Mass. Ave. Overlay
15 District at the top. And they should be in
16 color. And the blue text are the areas, the
17 actual text changes that we're proposing to
18 the Zoning Ordinance. And the text within
19 the boxes, just to explain it, is really
20 meant to be explanatory. And for the
21 purposes of our discussion and to explain

1 what the text changes below are, what we're
2 trying to do with those.

3 I also want to point out that some of
4 the changes, particularly at the beginning of
5 the document are intended primarily to
6 clarify some of the existing text in the
7 Zoning Ordinance. And we're proposing these
8 kinds of changes after consulting with Les
9 Barber who many of you know is the former
10 director for land use and zoning for the City
11 and is very familiar with the Ordinance as
12 well as areas that could be cleaned up as he
13 likes to put it.

14 So -- and all of the changes that we're
15 proposing are done within the section of the
16 Zoning Ordinance that has to do with the
17 Massachusetts Avenue Overlay District. And
18 starting on the first page, the first thing
19 our proposal does is actually change the
20 Mass. Ave. Overlay District or divide the
21 Mass. Ave. Overlay District into three

1 subdistricts for the purposes of addressing
2 the certain area that we want to talk about.

3 So Overlay Subdistrict 1 will extend
4 from the vicinity from Harvard Square up to
5 Porter Square.

6 Overlay Subdistrict 2 would be at
7 Porter Square.

8 And Overlay Subdistrict 3 encompasses
9 most of the study area that we're referring
10 to, North Mass. Ave. from Porter Square up to
11 the vicinity of Cottage Park Avenue.

12 And most of the changes that apply
13 specifically to Subdistrict 3 in the document
14 that I'm referring to start actually on the
15 middle of page 8. And it starts by stating
16 that for any lot that's in that Overlay
17 Subdistrict 3, the ground floor must include
18 at least one of the listed active
19 non-residential uses and goes on to lay out
20 the dimensional requirements for those
21 required uses.

1 There was also some flexibility
2 provided with the Planning Board Special
3 Permit in terms of including a
4 non-residential use that's not specifically
5 listed here, and also some flexibility in
6 terms of the dimensional requirements that we
7 were talking about.

8 The proposed language also lays out the
9 instance where there might not be a
10 non-residential use on the ground floor. And
11 what we're proposing is that generally this
12 would not be allowed without a Variance. The
13 only way it would be allowed without a
14 Variance is if the site does not currently
15 contain an active ground floor
16 non-residential use, and has not for five
17 years, is the non-residential use would be
18 detrimental to abutting properties or to the
19 neighborhood, and would not be viable at that
20 location.

21 We're proposing that the FARs allowed

1 in this subdistrict would be 1.75 for any
2 mixed use structure that meets the ground
3 floor non-residential requirements that we're
4 talking about. And all other uses would have
5 a maximum FAR of 1.0.

6 Buildings that are historically
7 significant here would be exempt from these
8 ground floor requirements. And we're also
9 proposing some additional dimensional
10 modifications for buildings that do meet the
11 ground floor non-residential requirements
12 such as a height limit of 50 feet up from 45
13 feet, and an exemption from the bulk control
14 plane requirements which requires a setback
15 after a certain height.

16 The gross floor area of basement space
17 that directly serves the non-residential use
18 that we're requiring, would be exempt from
19 the calculation of FAR. And the parking
20 requirements for the ground floor
21 non-residential use would be allowed to be

1 waved for up to 5,000 square feet of area.

2 The final bullet point actually on the
3 bottom of page 12 in that document is --
4 deals with the outdoor seating for eating
5 establishments as I mentioned. And it's
6 intended to facilitate outdoor dining through
7 Zoning by exempting, as I mentioned, a
8 certain amount of seasonal outdoor seating
9 from parking requirements. And this would
10 only happen during certain times a year, and
11 only up to a certain amount of seats.

12 And finally in regards to the last
13 Zoning change that we're talking about where
14 we're looking at areas where the BA-2 based
15 Zone of the Overlay District extends more
16 than 100 feet from Massachusetts Avenue,
17 there are three areas where this happened
18 that we looked closely at. One is at the
19 Henderson Carriage Building near Porter
20 Square. The second area is in the vicinity
21 of Trolley Square. And the third area is in

1 the vicinity of Cottage Park Avenue.

2 Cottage Park Avenue was actually
3 rezoned as part of the Fox Petition, and
4 we're not proposing any change at the
5 Henderson Carriage Building because of the
6 nature of the existing development.

7 What we are proposing, as I mentioned
8 in the Trolley Square area is a map change
9 where the parcels extend more than 100 --
10 that typical 100 feet from Mass. Ave., from a
11 BA-2 Zone to a Resident BA-C2 Zone.

12 So those are the Zoning proposals, and
13 we're looking for the Board's support on
14 these proposals as well as the language as
15 we've written it so that it can be formally
16 submitted as a Planning Board Zoning
17 Petition. At that point it would actually be
18 forwarded to City Council Ordinance Committee
19 and back to the Planning Board for public
20 hearings.

21 So, with that I'll turn it back over to

1 you. Thank you for your time and
2 consideration on this. And myself and staff
3 here would be happy to answer any questions
4 that you might have.

5 HUGH RUSSELL: Okay, I'd like to
6 make two comments. I think I found a
7 typographical error on page 9, paragraph 3
8 that says the required ground floor
9 residential use shall occupy a minimum of 75
10 percent of the linear frontage of the
11 building. I think that should be
12 non-residential use.

13 TAHA JENNINGS: That's correct.
14 Actually a resident had pointed that out to
15 us earlier.

16 HUGH RUSSELL: And the other thing I
17 would put out is the -- I'm curious about the
18 timing for the outdoor seating, because
19 certainly this year there was lots of times
20 November that people were sitting outdoors.
21 And so it appears from the global climate

1 change we're experiencing that we can't
2 really predict what might be nice. I was
3 wondering why you did the cutoff from April
4 15th to October 31st.

5 TAHA JENNINGS: I don't know how we
6 came up with the exact dates. They seem to
7 make sense. I think it actually -- and,
8 Stuart, help me out if you remember. I think
9 it actually might have had to do with other
10 requirements in the City and other -- I think
11 those dates are actually used possibly by DPW
12 or Licensing for a similar issue.

13 STUART DASH: That's right. I think
14 we can look at expanding them for what we've
15 experienced recently for weather.

16 HUGH RUSSELL: Other questions or
17 comments?

18 WILLIAM TIBBS: What's your game
19 plan relative to timing on when you'd like to
20 get it to the City Council or how much time
21 do we have to review this or look it over, or

1 what do you expect?

2 TAHA JENNINGS: That would be at
3 your discretion. We would be submitting it
4 as a Planning Board Zoning Petition. So when
5 you're comfortable with the proposals and the
6 language, we would fix all the typos and
7 formally submit it.

8 HUGH RUSSELL: Steve.

9 STEVEN WINTER: Please go ahead,
10 Ahmed.

11 AHMED NUR: Thank you. Sorry. I
12 just needed a clarification on needing a
13 Variance. If the ground -- if it's an
14 existing building and the ground level is a
15 residential, they need a Variance?

16 TAHA JENNINGS: No. If there is no
17 -- if there is not a non-residential use on
18 the ground floor currently, they would not
19 necessarily need a Variance, but they would
20 still need a Special Permit to not include
21 the non-residential use. And that non -- and

1 if they were not to include that, their FAR
2 would only be 1.0.

3 The point was to really make sure that
4 we protected areas that had existing
5 non-residential uses so we don't continue to
6 lose them along the avenue here.

7 AHMED NUR: Okay. You mentioned the
8 on the list I guess there was a doctor's --
9 dental and doctor's office and so on and so
10 forth, and the requirements within that
11 language was -- I actually never got the
12 package, but shading and lights on and so on
13 and so forth. Your thoughts?

14 TAHA JENNINGS: I'm sorry, I'm not
15 sure what you're saying.

16 AHMED NUR: Office versus retail,
17 restaurants and related. And I don't see how
18 -- I guess, I guess I would exclude the --
19 for my personal opinion, a dentist office.
20 It's not to me considered as a public use per
21 se to welcome pedestrians. It's not along

1 the same line as restaurants, sitting
2 outside.

3 TAHA JENNINGS: Right.

4 AHMED NUR: I oftentimes walk by
5 them and the shades are down and they're out
6 of there by six o'clock. Just a comment.

7 TAHA JENNINGS: Yes.

8 HUGH RUSSELL: My dentist is on
9 Mass. Ave.

10 STUART DASH: We're hoping to
11 encourage outdoor seating with the dentist.

12 HUGH RUSSELL: We're not in
13 California.

14 WILLIAM TIBBS: With a drill.

15 STEVEN WINTER: Mr. Chair, I just
16 had a couple of questions.

17 How does the Lesley University Zoning
18 that we just dealt with recently, how does
19 that interact with this overlay?

20 TAHA JENNINGS: The Lesley
21 University Zoning I believe would fall under

1 the Overlay Subdistrict 2.

2 STEVEN WINTER: 2, yes.

3 TAHA JENNINGS: Yes. And we're not
4 proposing changes to that. The dividing into
5 subdistricts was really to address the issues
6 on this part of Mass. Ave. here. So we're
7 not proposing any other changes to other
8 parts. That's not to say it couldn't happen
9 in the future.

10 STEVEN WINTER: Okay.

11 And is required ground floor retail in
12 the Kendall Square Overlay Districts that we
13 have?

14 TAHA JENNINGS: I don't believe so.
15 I don't know if Stuart knows.

16 STUART DASH: No.

17 STEVEN WINTER: Is there any reason
18 we would look for here and not there?

19 TAHA JENNINGS: Any reason we would
20 look for --

21 STEVEN WINTER: For required ground

1 floor.

2 TAHA JENNINGS: Yes, we're looking
3 for active non-residential uses on the ground
4 floor. And our intention is to create a
5 strong incentive for it and really not lose
6 it where it exists already along North Mass.
7 Ave. here. We had a lot of discussion with
8 the community and amongst staff about the
9 whole issue of whether or not to require it
10 here, and there was agreement that the --
11 you're not going to get retail along the
12 entire stretch of the avenue here. There are
13 some areas that are more appropriate than
14 others for it, so we tried to leave some
15 flexibility in there, especially for sites
16 with historic properties where there are a
17 handful actually along the avenue here, but
18 really make it toughest to get out of where
19 you had an existing retail establishment so
20 you can kind of build on those features of
21 the avenue.

1 STUART DASH: And, Steve, you might
2 be thinking of East Cambridge where the
3 Planning Board heard from property owners
4 where they were trying not to be subject to
5 the retail requirement. So in that area we
6 asked them to have retail specifically. And
7 they were saying, please, let us put office
8 in. And actually that was one of the
9 breakthroughs that we had with the
10 neighborhood where we said the neighborhood,
11 you know, the people in East Cambridge were
12 saying please let us do office. And the
13 neighborhood said sure, include office as one
14 of the uses. That's fine with us. And I
15 think we felt it was comfortable that that
16 was open enough to be able to require that.
17 If you said retail and office were okay, then
18 that was flexible enough to make it feel like
19 that was comfortable to do this kind of
20 Zoning.

21 STEVEN WINTER: Okay.

1 And the last question I have is the
2 seasonal, temporary outdoor seating which I
3 think is tremendous, is that done by permit
4 by individual eating establishment or is that
5 done informally by them?

6 TAHA JENNINGS: They're -- it can't
7 totally only be addressed through zoning, but
8 -- and our discussions with some of the
9 business owners out there, the zoning was
10 actually an impediment for them doing that
11 because they had to add parking for whatever
12 seats they added outside. And so we're
13 attempting to just address that issue, to at
14 least help facilitate it in that respect.
15 They would still be subject to License
16 Commission requirements, DPW requirements as
17 far as the sidewalk and things like that.

18 STEVEN WINTER: So there's a
19 constellation of other things --

20 TAHA JENNINGS: Yes.

21 STEVEN WINTER: -- that the owners

1 have --

2 And then the last question I have, in
3 general, how is the outdoor dining trending
4 in Cambridge in the temperate months? Do we
5 see it -- do we have numbers? Do we track
6 it? Is it on the rise? Are more people on
7 the outside?

8 TAHA JENNINGS: I'm not sure that
9 it's tracked. Just from experience being
10 outside and seeing it, and I think the
11 overall feeling, and at least throughout our
12 process is that it's a positive thing as far
13 as street activity and on the avenue. And we
14 want to at least have the option and not
15 impede a bakery or a diner from being able to
16 do that, or a restaurant from being able to
17 do that here.

18 WILLIAM TIBBS: We'll turn North
19 Cambridge into Paris.

20 H. THEODORE COHEN: It already is.
21 I think the concept is great and I

1 especially -- well, I live in North
2 Cambridge, have for a long time. But with
3 all the cases we've been hearing, I've been
4 spending a lot of time walking up and down
5 the avenue and looking at all the streets,
6 and I think what you've talked about is true,
7 is that it's -- I think it's unfortunate that
8 some of the new large residential buildings
9 that went in suffer from not having a
10 non-residential component on the ground floor
11 and it -- those blocks, you know, are not
12 particularly interesting to walk on. And I
13 think the blocks that even do have dental
14 offices or doctor's offices or anything else
15 is just a lot more visual appeal and ground
16 level interest and excitement.

17 One of the things I was thinking about,
18 though, in looking at one of these new
19 residential buildings is the drive that
20 enters right into Mass. Ave. And my
21 recollection when we talked about St. James,

1 the development that there is something else
2 in the Zoning that encourages, if not
3 mandates, access from Mass. Ave. rather than
4 the side streets. And I wondered whether
5 that was considered at all when you were
6 working on this?

7 TAHA JENNINGS: I'm not aware of
8 that requirement. I don't know.

9 STUART DASH: I don't think anything
10 in this sort of affects those requirements or
11 preferences from Traffic and Parking in terms
12 of where traffic moves. I mean the Mass.
13 Overlay rules remain, you're not parking in
14 front of the building, you can have a
15 driveway that goes to the back or side of the
16 building.

17 H. THEODORE COHEN: Okay. But am I
18 just making this up? Wasn't that an issue in
19 the St. James building, that there was a
20 definite preference for the access into the
21 garage to be on Mass. Ave. rather than on

1 Beech Street?

2 HUGH RUSSELL: Well, there's
3 certainly the people who lived on Beech
4 Street wanted to have the garage access on
5 Mass. Avenue. The Traffic Department --

6 STEVEN WINTER: The Traffic
7 Department did not.

8 HUGH RUSSELL: -- did not, and I
9 think it was related to the median barrier
10 which they felt that by having the access off
11 Beech Street people were better served.

12 H. THEODORE COHEN: Right. So it's
13 not something that's already in the Zoning
14 Ordinance that expresses that preference?

15 WILLIAM TIBBS: I think it was by
16 the circumstances.

17 STUART DASH: The commercial
18 entrance is on Mass. Avenue. You may
19 remember that from St. James and the
20 commercial entrance was -- and the main
21 entrance was supposed to be on Mass. Ave.

1 That was part of the discussion. The actual
2 driveway was based on discussion whether
3 Beech or Mass. Avenue, and it's more of the
4 particulars of that site, and I don't think
5 anything we're talking about here will change
6 that determination from Traffic and Parking
7 on a site-by-site basis.

8 HUGH RUSSELL: So, this appears to
9 me to be extremely well thought out, heavily
10 discussed. I think it's ready to go into the
11 formal process myself.

12 WILLIAM TIBBS: Me, too.

13 STEVEN WINTER: If the staff feels
14 that's appropriate, yes.

15 HUGH RUSSELL: So I would say let's
16 go ahead and submit it and then we'll have
17 hearings and find out all the things that are
18 wrong about it.

19 TAHA JENNINGS: Okay, thank you.

20 WILLIAM TIBBS: Even though it's

21 our --

1 TAHA JENNINGS: Right. It's
2 officially from you guys. It's out of my
3 hands now.

4 WILLIAM TIBBS: We can still change
5 it later.

6 HUGH RUSSELL: The City has many
7 very good people.

8 Okay, if there's nothing else to do, we
9 are adjourned.

10 (Whereupon, at 10:45 p.m., the
11 Planning Board Adjourned.)

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1 ERRATA SHEET AND SIGNATURE INSTRUCTIONS

2
3 The original of the Errata Sheet has
4 been delivered to the City of Cambridge
5 Planning Board.

6 When the Errata Sheet has been
7 completed and signed, a copy thereof should
8 be delivered to the Planning Board, to whom
9 the original transcript was delivered.

10
11 INSTRUCTIONS

12 After reading this volume, indicate any
13 corrections or changes and the reasons
14 therefor on the Errata Sheet supplied and
15 sign it. DO NOT make marks or notations on
16 the transcript volume itself.

17 REPLACE THIS PAGE OF THE TRANSCRIPT WITH THE
18 COMPLETED AND SIGNED ERRATA SHEET WHEN
19 RECEIVED.

20

21

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COMMONWEALTH OF MASSACHUSETTS
BRI STOL, SS.

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

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

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 29th day of February 2012.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 23, 2015

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