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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, February 21, 2012

7:00 p.m.

in

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

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

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

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P R O C E E D I N G S

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

LIZA PADEN: I didn't see anything in particular here, but I can answer questions possibly if you do see a case that you want to look at more.

H. THEODORE COHEN: What is No. 10222, 1678 Mass. Ave. What is it currently? Does it a Variance because it's a fast food establishment?

LIZA PADEN: The Variance is to convert the existing store to the -- it's down in the area between -- the single story -- the store's down by Jor Daviv (phonetic), and I'm trying to remember what the cross street is.

HUGH RUSSELL: Somewhere near Shepard Street?

1 LIZA PADEN: It's towards Porter
2 Square, but it's outside of Mass. Ave.

3 AHMED NUR: Across from the white
4 church?

5 LIZA PADEN: Not that far.

6 BRIAN MURPHY: Near the gas station?

7 LIZA PADEN: It's a vacant spot, and
8 I can't remember what was there before. It's
9 further towards Porter Square than say the
10 guitar store.

11 BRIAN MURPHY: Mass. Avenue.

12 LIZA PADEN: Right. I don't know
13 what was there before. I looked it up
14 online, it's such an old picture, it was
15 vacant then as well.

16 HUGH RUSSELL: This will fall in the
17 category as something we're trying to
18 encourage; right?

19 LIZA PADEN: Yes. To fill in
20 another use, yes.

21 PAMELA WINTERS: Should we make that

1 comment?

2 HUGH RUSSELL: It is a great use for
3 this stretch of Mass. Avenue without, you
4 know, we haven't studied the case and there
5 might be special circumstances, but in
6 general we think it's a good use.

7 THOMAS ANNINGER: It sounds like a
8 major addition to Brattle Street. Two-story
9 garage? Not always easy to do that on
10 Brattle Street.

11 HUGH RUSSELL: 50, is that -- that
12 must be in the Historic District?

13 LIZA PADEN: Oh, yes.

14 THOMAS ANNINGER: A-1 Zone.

15 LIZA PADEN: Yes.

16 HUGH RUSSELL: So, that's a real
17 Historic District.

18 LIZA PADEN: Yes.

19 HUGH RUSSELL: They look at the
20 doorknobs.

21 LIZA PADEN: It's this building.

1 THOMAS ANNINGER: Oh, isn't that the
2 hi stor i cal --

3 HUGH RUSSELL: That's on the river
4 si de of the street; right?

5 LI ZA PADEN: Ri ght. Thi s i s not the
6 Longfel low House.

7 THOMAS ANNINGER: No, I di dn' t mean
8 that.

9 HUGH RUSSELL: It's not very far
10 from the Longfel low House.

11 LI ZA PADEN: No.

12 PAMELA WI NTERS: But the Hi stor i cal
13 Commi ssi on wi ll be taki ng a lo ok at i t I'm
14 sure, so. . . .

15 LI ZA PADEN: Oh, yes. They have
16 thi s schedul ed for a Certi fi cate of
17 Appropri ateness.

18 THOMAS ANNINGER: Can I -- I guess I
19 woul d be i nterested to see --

20 LI ZA PADEN: You want to see i t?

21 THOMAS ANNINGER: -- the layout.

1 L I Z A P A D E N: That's the parcel map,
2 and then that's the plans.

3 T H O M A S A N N I N G E R: This is on the
4 south side?

5 L I Z A P A D E N: Yes, this is on the
6 south side of Brattle Street. Right. That's
7 Brattle Street. This is the house. Okay?
8 And then this is the garage that they want to
9 add towards the second story.

10 T H O M A S A N N I N G E R: It's existing?

11 L I Z A P A D E N: That garage is -- let
12 me see how this goes. So what they want to
13 do is add. . . .

14 T H O M A S A N N I N G E R: Very close to
15 Longfellow? No, I guess it's further. It's
16 on the other side of Sparks Street? It's
17 west of Sparks Street.

18 L I Z A P A D E N: I think so. I think
19 so.

20 So if you look at the site plan, this
21 is the proposed two-family. Right now this

1 is the existing one. So this building is
2 there. This is the existing site plan.

3 THOMAS ANNINGER: I got you.

4 LIZA PADEN: This is the proposed
5 that they want to build in the back of the
6 lot.

7 THOMAS ANNINGER: And still keep
8 this?

9 LIZA PADEN: I believe so.
10 No, it's going to be removed actually.
11 Line of the existing garage to be removed.
12 So what will happen is the driveway will
13 continue on the side of the lot line and then
14 come to this space here.

15 THOMAS ANNINGER: It might be an
16 improvement.

17 HUGH RUSSELL: An improvement from
18 the street point of view.

19 THOMAS ANNINGER: Yes.

20 LIZA PADEN: I think it actually
21 gets them a -- I mean, this garage footprint

1 Looks very small.

2 HUGH RUSSELL: Yes.

3 THOMAS ANNINGER: It does chew up
4 some backyard, but the --

5 PAMELA WINTERS: As long as the
6 Historical Commission says it's okay.

7 THOMAS ANNINGER: This will be a
8 driveway. Yes, I see what they're getting
9 at. What's hard to know is what's going on
10 here and here, but it makes some sense to me
11 now that I've seen it.

12 Thank you.

13 H. THEODORE COHEN: (Inaudible).

14 THOMAS ANNINGER: Well, there's
15 probably -- the yards are very big and
16 there's plenty of vegetation in between it.

17 LIZA PADEN: If you look at the
18 photographs, you'll see that there's a lot of
19 landscaping in this area where they're
20 proposing to put that garage.

21 THOMAS ANNINGER: Yes, it's

1 magnificent back there.

2 PAMELA WINTERS: (I n a u d i b l e).

3 THOMAS ANNINGER: That might
4 actually look nice. And it might actually --
5 this is probably attractive. It will open
6 this up a little. All right.

7 HUGH RUSSELL: Well, I don't know
8 where it is, because that's 115 right there.

9 THOMAS ANNINGER: Where's Sparks?

10 HUGH RUSSELL: Sparks is there.

11 THOMAS ANNINGER: Yes, so it is
12 west, yes. I see where it is.

13 HUGH RUSSELL: That's not it.
14 That's 115.

15 LIZA PADEN: That's north. Yes,
16 this is --

17 HUGH RUSSELL: It could be that.

18 LIZA PADEN: It's in the section
19 here somewhere. It's one of these.

20 THOMAS ANNINGER: Oh.

21 HUGH RUSSELL: I wonder if it's

1 that?

2 LIZA PADEN: No, that's A-2. It's
3 in the A-1 District.

4 THOMAS ANNINGER: Oh, I see. So
5 it's in this stretch here. I think I see the
6 house.

7 HUGH RUSSELL: Okay. Well, anyway,
8 I'm sure the Historical Commission can be
9 relied upon to --

10 LIZA PADEN: Take care of it?

11 PAMELA WINTERS: Yes.

12 HUGH RUSSELL: -- protect the public
13 interest on what that street looks like.

14 LIZA PADEN: Okay.

15 PAMELA WINTERS: Yes.

16 HUGH RUSSELL: And they're probably
17 not terribly interested in our opinion even
18 if we agree with it.

19 LIZA PADEN: Okay.

20 THOMAS ANNINGER: Unless we want to
21 say we defer to the Historical Commission,

1 but that's probably obvious.

2 PAMELA WINTERS: It's obvious.

3 THOMAS ANNINGER: It's not
4 necessary.

5 HUGH RUSSELL: I mean, I mean we can
6 say, you know, that we're choosing not to
7 comment because it's under the Historical
8 Commission review.

9 PAMELA WINTERS: That's good.

10 HUGH RUSSELL: All right. Is that
11 the only sheet we have?

12 LIZA PADEN: Yes.

13 AHMED NUR: Liza, the last case.

14 LIZA PADEN: Pardon?

15 AHMED NUR: The fast food cafe for
16 Mass. Avenue.

17 LIZA PADEN: Yes.

18 AHMED NUR: Do you know what kind of
19 fast food it is?

20 LIZA PADEN: I think it's Dunkin'
21 Donuts.

1 HUGH RUSSELL: I think we do have an
2 interest in having big franchises like that
3 not look like their company stores.

4 STEVEN WINTER: We have an interest
5 in the signage facade that they choose to put
6 up.

7 HUGH RUSSELL: So --

8 PAMELA WINTERS: That's a good
9 point.

10 HUGH RUSSELL: Essentially it's not
11 really different than anybody else. It's
12 like we want it to look like a mom and pop
13 cafe and donut shop.

14 AHMED NUR: Like and the Nelly's
15 Cafe?

16 HUGH RUSSELL: That's an extreme
17 example.

18 LIZA PADEN: The Mass. Ave. facade
19 is going to be 22 feet wide. This is a very
20 narrow storefront.

21 HUGH RUSSELL: Do we have any

1 drawings of it?

2 LIZA PADEN: Of what it will look
3 like?

4 HUGH RUSSELL: Yes.

5 LIZA PADEN: Well, we have a
6 photograph. I mean, this is the floor plan
7 of the restaurant itself. And then that's --
8 this is the West Side Lounge, and this is the
9 supermarket, Evergood.

10 STEVEN WINTER: Oh, that was the Law
11 School Coop.

12 LIZA PADEN: That's what it was.
13 And that was the temporary location.

14 STEVEN WINTER: Yes, temporary
15 location.

16 LIZA PADEN: Okay. I couldn't
17 remember that.

18 HUGH RUSSELL: So maybe we want to
19 comment to the condition saying that we'd
20 like the Zoning Board to carefully look at
21 the signage and make sure that it's

1 consi stent wi th the --

2 STEVEN WINTER: The character.

3 HUGH RUSSELL: -- the character
4 of --

5 LIZA PADEN: Well , at 22 square feet
6 they' re goi ng to have -- that' s the maxi mum
7 amount of si gnage they can have on that
8 bui l di ng.

9 STEVEN WINTER: Are they li mi ted, is
10 it up here that they' re li mi ted?

11 LIZA PADEN: Yes.

12 AHMED NUR: It' s hal f the wi dth of
13 the storefront.

14 HUGH RUSSELL: Ri ght, and --

15 LIZA PADEN: No, 22 square feet is
16 the wi dth. It' s 22 feet wi de and they get
17 one square foot for every li near foot. So
18 it' s 22 square feet.

19 HUGH RUSSELL: Ri ght, and then there
20 are thi ngs that probab ly that don' t conform
21 the Ordi nance.

1 LIZA PADEN: Yes. I'm not doing
2 enforcement these days, though.

3 HUGH RUSSELL: Okay.

4 H. THEODORE COHEN: And that's on
5 the interior.

6 LIZA PADEN: Well, yes, because
7 that's on the sign, and they don't have a
8 ground floor presence.

9 HUGH RUSSELL: So it does count as a
10 sign.

11 LIZA PADEN: It counts as a sign,
12 it's on the second floor, it's behind the
13 window.

14 HUGH RUSSELL: Right. There are
15 signs that they could put up there that would
16 be okay.

17 LIZA PADEN: So you want to change
18 the original comments that encourage the use
19 to --

20 STEVEN WINTER: I think we still say
21 we encourage the use, but we are concerned

1 about the signage detracting from the
2 character and flavor of what is a very
3 viable, vital, urban shopping scene.

4 LIZA PADEN: Okay.

5 HUGH RUSSELL: Yes. Okay.

6 The next item on our agenda is the
7 update from Brian Murphy.

8 BRIAN MURPHY: The update is, let's
9 see, on -- again, no meeting March 4th
10 because the presidential primary. The next
11 meeting is March 20th where there's a public
12 hearing on 603 Concord Avenue and also on
13 160-180 Cambridge Park Drive. For general
14 business we'll have a design update on Smith
15 residential, Planning Board No. 175. As well
16 as an update on Article 22, just sort of have
17 a discussion about how it's been working,
18 where things are going, where we think -- I
19 think staff might like to look at that going
20 forward.

21 STEVEN WINTER: That's all on the

1 20th?

2 THOMAS ANNINGER: What's Article 22?

3 BRIAN MURPHY: Article 22, is a
4 green building.

5 And then for April 3rd for now we've
6 got Kendall Square, Central Square update to
7 try to provide you with a little bit of an
8 update about what's been going on and sort of
9 a discussion of some of the issues around
10 height that we've been chatting about within
11 the committee, as well as a proposal on bike
12 parking zoning to try to update that. Free
13 bike parking zoning from automobile parking
14 since they seem to be moving in different
15 directions.

16 PAMELA WINTERS: Brian, what's at
17 603 Concord Avenue? What's going up on that?
18 I'm just curious.

19 BRIAN MURPHY: That's residential?

20 ROGER BOOTHE: Yes.

21 BRIAN MURPHY: 61 units are

1 resi denti al and I thi nk we --

2 ROGER BOOTHE: Ground floor retail.

3 BRI AN MURPHY: Ri ght.

4 HUGH RUSSELL: Where is 603?

5 ROGER BOOTH: Just beyond the rotary
6 there, on the corner of Wheeler and Concord.

7 BRI AN MURPHY: Former gas station
8 si te.

9 ROGER BOOTHE: Right next to the
10 dri ve-i n bank.

11 THOMAS ANNINGER: The former Sunoco
12 stati on?

13 ROGER BOOTHE: Yes.

14 THOMAS ANNINGER: They can get in
15 that lot 63 uni ts?

16 LIZ A PADEN: It i ncl udes a parki ng
17 lot behi nd i t.

18 ROGER BOOTHE: Yes. Si mi lar scal e
19 to the other housi ng that's ri ght next to i t
20 on Wheeler.

21 HUGH RUSSELL: Okay.

1 So we can't get biotech people to go
2 into the quadrangle but gradually we're going
3 to eventually infiltrate it with housing.

4 BRIAN MURPHY: Well, it's
5 interesting in terms of the biotech piece.
6 Right now there's still an incredible premium
7 for Kendall Square in proximity thereto, and
8 then the question I think will be as Kendall
9 gets more and more filled, how many choose to
10 look at North Point? How many choose to look
11 at the quadrangle versus to how many choose
12 to look at the fan pier in Boston. And
13 that's some of the tension what's going on
14 now. And the other issue with the Kendall
15 study, I guess to preview coming attractions,
16 is where does sort of your next stage growth
17 company go? Of the Cambridge Innovation
18 Center is very successful, bursting at the
19 seams in fact. They need more space. Where
20 does a company go when it's not quite ready
21 to be Biogen yet but still hopes to be some

1 day?

2 HUGH RUSSELL: Right, and they used
3 to be in those buildings in Alexandria.

4 BRIAN MURPHY: Right.

5 HUGH RUSSELL: Okay. Next item on
6 our agenda is adoption of meeting
7 transcripts.

8 LIZA PADEN: So, since last time we
9 met we have gotten the transcript for January
10 3rd.

11 HUGH RUSSELL: Okay. And you
12 recommend that we --

13 LIZA PADEN: Yes, I recommend that
14 you accept it as the record of the meeting.

15 HUGH RUSSELL: Okay.

16 STEVEN WINTER: So moved.

17 HUGH RUSSELL: Okay.

18 AHMED NUR: Seconded.

19 HUGH RUSSELL: Okay. All those in
20 favor.

21 (Show of Hands, all members voting in

1 favor).

2 HUGH RUSSELL: We accepted them.

3 Thank you.

4 Next item is a public hearing, Planning
5 Board case 268 for 60 Clifton Street.

6 Welcome back.

7 KEVIN EMERY: I'm back. Good
8 evening. Chairman, members of the Board, for
9 the record, my name is Kevin Emery. I own
10 the property at 60 Clifton Street with my
11 business partner Eamon Fee sitting right
12 here.

13 We purchased the property approximately
14 about seven to eight months ago with the
15 intention of demolishing the building. Following
16 the current zoning which is RB district in
17 building one continuous structure with two
18 units similar to the ones we built in this
19 area recently, mostly on Harvey Street.

20 Right around the corner from this site.

21 We went in front of the Historical

1 Commi ssi on to get permi ssi on to demo the
2 bui l di ng. They i nsti tuted a si x-month del ay.
3 And after si x months we went back to the
4 Hi stori cal Commi ssi on to get permi ssi on to
5 rai se the bui l di ng. At that ti me the
6 Hi stori cal Commi ssi on voted to Landmark the
7 bui l di ng. And most notabl y because i t was
8 bui l t i n 1855, and i t was the fi rst I ri sh
9 cottage bui l t i n a nei ghborhood. Ori gi nal l y
10 i t was on Ri ndge Ave. and then i t was
11 eventual l y moved to the l ocati on where i t i s
12 now, whi ch i s 60 Cl i fton Street.

13 After thi s we worked together wi th the
14 Hi stori cal Department, most notabl y Charli e
15 Sull i van and Sarah Burks, and we come up wi th
16 a plan that' s before you toni ght that both
17 parti es are exci ted about and both parti es
18 want to move forward wi th.

19 The fi rst step was to go i n front of
20 the Hi stori cal Commi ssi on after we worked
21 wi th the Hi stori cal Department, and at that

1 time it was approved -- the plan was
2 approved. And the next step was we went in
3 front of the Zoning Board of Appeals on
4 February 16th in which we needed two
5 Variances at that time to build a product the
6 way that both parties agreed upon. And on
7 February 16th the Zoning Board of Appeals was
8 gracious enough to give us permission on the
9 Variances.

10 So tonight we're in front of you asking
11 for a Special Permit that's necessary to
12 build the project.

13 This plan includes saving the main
14 building. Here's a picture of the building.
15 I think you all have this paper. Saving the
16 main building and knocking down parts of the
17 building that were added on during -- at the
18 18th which would be the side building, side
19 structure here. And a porch section here.
20 And then the rear of the building.

21 So the main part of the building which

1 is approximately 22-by-16 is going to be
2 saved. And then we're going to put an
3 addition on that building, and then we're
4 going to have open space for 15 feet, and
5 then we're going to propose to construct a
6 single-family condo behind the 15 feet which
7 is shown with green space and so forth here.

8 So you have the existing building which
9 will be approximately this line here. The
10 dotted line is the what's existing now. And
11 what's proposed is outside the dotted line.
12 And then you've got the single-family
13 structure sitting by itself behind it which
14 is approximately 15 feet from the existing
15 house.

16 And also here are the plot plan, you
17 have a copy of the certified plot plan
18 showing --

19 JAMES WILLIAMSON: Is there a way
20 for the public to follow along for us who
21 don't have copies?

1 KEVIN EMERY: You want to show it to
2 hi m?

3 The property abuts Russell Park which
4 is an open, large area and the way the
5 property abuts to that. And the neighborhood
6 consists of single families, two families.
7 There's a couple of -- it's an 11-unit
8 structure and a 12-unit structure. So it's a
9 mixed use neighborhood.

10 Okay.

11 HUGH RUSSELL: So the relief is
12 being asked for under Section 5.53, and
13 that's the one we looked at last time or the
14 last one for Brookfield.

15 KEVIN EMERY: Brookford Street.

16 HUGH RUSSELL: Brookford Street in
17 which there is a paragraph if we can make a
18 finding of the first paragraph then we can
19 grant the permit. The finding is almost in
20 my mind, but it's actually right here.

21 (Reading) That the development in the form

1 of two or more structures on the lot will not
2 significantly increase, or may reduce the
3 impact of new construction, should it occur
4 in single structure.

5 And/or we can go through part B which
6 has six different things which maybe that's
7 the way we need to go on this one. I don't
8 know. But in any case, that's sort of the
9 regulatory framework.

10 STEVEN WINTER: Do we want to dig
11 into that at some point maybe after the
12 public has testified?

13 HUGH RUSSELL: I think, yes, that
14 would be the time to do it.

15 Are there any questions that the board
16 members want to ask before we hear from the
17 public?

18 THOMAS ANNINGER: Just that you call
19 it a condo, so I assume that these two,
20 although detached from each other, would be a
21 condominium? Each of them are condominiums

1 of an association of two units.

2 KEVIN EMERY: Two units because it
3 consists on one lot. So we're not going to
4 subdivide a lot so we make it common units.
5 Single-family detached common units.

6 HUGH RUSSELL: Okay. Does that
7 complete your presentation or do you have
8 more to say?

9 KEVIN EMERY: No, one more thing.

10 HUGH RUSSELL: Yes.

11 KEVIN EMERY: This project is
12 consistent for the required finding from
13 Section 5.53 paragraph 2A. That the new
14 construction proposal for this application
15 will have less impact on the immediate
16 abutters in the neighborhood as of whole than
17 as-of-right project which is a long,
18 continuous building. And I think I've got
19 paperwork. And that's what shows what we
20 could build there as of right if
21 Historical -- if we weren't working together

1 with Historical.

2 Such an alternative scheme was
3 presented to the Historical Board and was
4 turned down. By establishing two separate
5 buildings for airport green space and private
6 yards surrounding each of the two units, the
7 development will be more consistent with the
8 character of the neighborhood. It will not
9 present a long, uninterrupted wall adjacent
10 to abutting neighbors, and we will provide
11 open space amenities to future residents of
12 the project, as well as to residents of
13 abutting lots.

14 Thank you.

15 HUGH RUSSELL: Okay. So, we'll go
16 on to the public testimony portion of the
17 hearing. So, the only person who's signed
18 the sheet is James. He's put a question
19 mark. So I'm going to ask who would like to
20 speak on this project? And James, you can
21 start. You know the rules of three minutes,

1 so please begin. Others may not.

2 JAMES WILLIAMSON: Well, James
3 Williamson, 1000 Jackson Place.

4 I've followed this back and forth both
5 here and at the Historical Commission with
6 some interest.

7 I really -- there isn't enough
8 information from what's -- I haven't been
9 able to, you know, from what's been presented
10 tonight, I don't understand what has been
11 proposed and how it's been changed. So, it's
12 really hard for me to comment, although I'd
13 like to -- if I had a better understanding,
14 there might be something I would like to say.
15 But absent understanding what it is that's
16 being proposed and not having a chance to
17 really see what they were showing you, my
18 only thought is that the immediate abutters,
19 some of whom are family members of people
20 I've come to know in the years I've been
21 living in North Cambridge, if abutters are

1 satisfied, that would be important to me.

2 HUGH RUSSELL: Okay, thank you.

3 Does anyone else wish to speak?

4 (No Response.)

5 HUGH RUSSELL: Yes, James. You

6 didn't use your full three minutes.

7 JAMES WILLIAMSON: Yes. In looking

8 at the plans I did see vinyl siding and vinyl

9 rail, rails. And I wonder, I guess is

10 that -- does that indicate what I think it

11 does, which is that there's a plan to use

12 vinyl in the new construction? And

13 personally I'm not a big fan of vinyl and

14 it's impossible to get rid of when you --

15 there's huge problems with incineration from

16 polyvinyl chlorides.

17 KEVIN EMERY: The original plan --

18 excuse me, the original plans had a typo on

19 the plans which have since been changed with

20 the Historical. So we will be using

21 clapboard.

1 And as far as the neighbors goes, the
2 neighbor -- one of the direct abutters is the
3 one who suggested going to two buildings.

4 HUGH RUSSELL: Okay, thank you.

5 So, I see no one else wishing to speak
6 in this case so I guess we would close the
7 hearing for oral testimony.

8 Have you had your --

9 THOMAS ANNINGER: Yes, we have. And
10 we can close it, but I regret that there is
11 no abutter speaking tonight and it's possible
12 that after talking about it we may come to
13 the conclusion that we want to keep it open
14 for yet another meeting to hear the abutter.
15 So I'm inclined to suggest that in this case
16 we keep it open.

17 HUGH RUSSELL: Is there any
18 objection to that?

19 STEVEN WINTER: I object to delaying
20 a decision.

21 HUGH RUSSELL: I think that's a

1 different question.

2 STEVEN WINTER: Okay.

3 HUGH RUSSELL: I myself feel
4 comfortable about this because of the
5 Historical Commission review and basically
6 straight forward nature of what's being
7 asked.

8 STEVEN WINTER: I concur. I believe
9 the proponent has worked also to make those
10 changes.

11 HUGH RUSSELL: And, you know, I
12 think it's strange to not have abutters
13 appear, but I don't, you know, that's just
14 the way it is. This is a neighborhood that
15 is, you know, thoughtful, well-organized. If
16 there were a small brush fire let alone a
17 firestorm, we'd hear more.

18 STEVEN WINTER: I believe so.

19 AHMED NUR: Mr. Chairman, I could
20 have confused myself, but when I went to that
21 site, there was a hearing notice that was on

1 the door that was expired. That last meeting
2 that we had was not a public hearing; was
3 that right? Because I asked why was not the
4 abutters notified that there was going to be
5 a public hearing, and I think there was no
6 public hearing but now there is a public
7 hearing on this? And well then in that case
8 if there's no public hearing that's why the
9 abutters are not here.

10 HUGH RUSSELL: No. This was
11 advertised as a public hearing; right, Liza?

12 LIZA PADEN: This was advertised.
13 It was posted. I sent notices to all the
14 abutters. In fact, I went beyond the area.
15 It's been in the Cambridge Chronicle. It's
16 been on the Cambridge web page.

17 AHMED NUR: Okay.

18 LIZA PADEN: And it's been posted on
19 the city website.

20 HUGH RUSSELL: And (inaudible)
21 personally went and delivered cookies.

1 LIZA PADEN: I don't know what else
2 to say.

3 AHMED NUR: Well, with that I feel I
4 join you and Steve that there's no reason to
5 delay if the abutters were notified.

6 HUGH RUSSELL: Yes, Pam.

7 PAMELA WINTERS: I also feel
8 comfortable because of the memo that we
9 received from the Historical Commission, and
10 it was a very thoughtful letter from Charlie
11 Sullivan and, you know, it seems as though --
12 I like what they did with the house. I'm
13 glad they changed it to wood clapboard, and I
14 think that, again, the fact that none of the
15 abutters showed up tonight is a message that
16 if we approve of this, we can vote on it
17 tonight.

18 HUGH RUSSELL: Yes. I mean, I
19 actually think the architectural character --
20 I like the they've been able to add on to the
21 old structure and still maintain the

1 character of the new building is not exactly
2 -- not the same but not incompatible. You
3 know, sort of using similar vernacular and so
4 it's, you know, a real -- maybe a little hard
5 to tell whether it's a 21st century building
6 or a 20th century building, but, you know,
7 it's just fine.

8 PAMELA WINTERS: I live in a similar
9 building, you know, back and front, and our
10 house was built in 1846 so that was kept
11 intact and the newer part was built in the
12 back and, you know, it's fine.

13 HUGH RUSSELL: I guess I live in a
14 similar thing, too.

15 PAMELA WINTERS: That's right.

16 HUGH RUSSELL: But my house -- the
17 back house was built in 1874. The front
18 house was built not much earlier than that.

19 So, do other people want to weigh in on
20 this?

21 H. THEODORE COHEN: Well, weighing

1 in on closing the public hearing I have no
2 problem with, and I have no problem if we
3 want to immediately deliberate either.

4 HUGH RUSSELL: Well, I could kind of
5 -- I guess when Tom made that request, it's
6 sort of our custom if somebody makes that
7 request, and nobody objects to that, we can
8 go with that.

9 H. THEODORE COHEN: Right, but I
10 mean unless we --

11 THOMAS ANNINGER: Eventually we'll
12 close it.

13 HUGH RUSSELL: Right. If we make a
14 decision.

15 THOMAS ANNINGER: If we're on the
16 verge of voting, then we can close it.

17 HUGH RUSSELL: All right.

18 THOMAS ANNINGER: All right. Let's
19 leave it at that.

20 HUGH RUSSELL: And I think if we
21 vote, we have effectively closed the hearing.

1 THOMAS ANNINGER: That's one way to
2 look at it.

3 HUGH RUSSELL: I can't imagine
4 somebody coming and saying, wait a minute,
5 you didn't close the hearing before you
6 voted.

7 THOMAS ANNINGER: I have a feeling
8 that Ted would say we ought to close it first
9 and then vote.

10 HUGH RUSSELL: Okay.

11 H. THEODORE COHEN: I believe that's
12 the procedurally correct thing to do.

13 HUGH RUSSELL: Let's do it that way
14 then.

15 THOMAS ANNINGER: But let's talk
16 about it first maybe.

17 HUGH RUSSELL: Yes.

18 So I guess one question is do we -- is
19 option A under 5.53 or option B the one that
20 we should be looking at for this project?

21 THOMAS ANNINGER: Can we sort of

1 talk about, before we even get to that
2 Ordinance our views on it. I did drive by.
3 I think, this will be fine as a solution to
4 the historical issues and to the
5 neighborhood. It just so happens that
6 next-door there are two houses as well so
7 that it fits actually more in line with the
8 character of next-door than we had comparing
9 it to Brookford. And I guess there's another
10 aspect to it which makes it somewhat easier
11 to accept. On the one hand the lot itself is
12 not large in back if you -- and I'm using
13 this side by side with Brookford. Brookford
14 had a much larger lot, and there was much
15 more open space left after the two buildings
16 went up. Here this will take up a fair
17 amount of the backyard space.

18 On the other hand, in the back putting
19 aside that there's a fence, there's all of
20 Russell Field, so it's very open space. It
21 is not closed in space and, therefore, I

1 think this will do no harm and it is
2 certainly better than one long building.
3 I will say that this trend, if one can
4 call it that, because we've had Brookford and
5 now this back-to-back, is not one that I hope
6 will be coming to us in a very frequent
7 basis, because I do think that there is a
8 loss of backyard space that historically I
9 think goes back quite a ways, and as best as
10 I can tell is well used in these
11 neighborhoods. So that while I'm not
12 certainly against some increased density, I
13 wouldn't like to see these neighborhoods
14 substantially changed by a lot of increased
15 buildings filling up backyard space. So I
16 think in this case I see no harm in actually
17 some improvement to the preservation of the
18 historical building, and in comparison to a
19 long building, but I don't think that this is
20 a terrific solution to every lot in the
21 neighborhood.

1 STEVEN WINTER: Tom, I concur with
2 your thoughts on filling in the back yards.
3 It's a slippery slope, and I think we need to
4 be careful about it. Although, I'd also like
5 to recognize it, it's happened quite a bit,
6 and maybe that's something for us to look
7 into also. You know, are there, the controls
8 enough to keep it where we want to keep it?
9 But I concur with you. I have that also.

10 HUGH RUSSELL: Yes, it's interesting
11 that the Brookford case and this case, both
12 of them by building farther into the lot it
13 allows you to preserve an existing historic
14 structure that is, you know, history in terms
15 of the development, not that it's associated
16 with fine craftsmanship or people or places,
17 but it is still part of the story of the
18 neighborhood and that it has a very,
19 attractive scale. And that's the tradeoff
20 here. In a way that's why I think sometimes
21 we should go with paragraph B of 5.53 because

1 this plan allows, accomplishes certain things
2 that couldn't be accomplished otherwise, one
3 of which is the historic. The other is, you
4 know, sort of disbursing cars throughout in
5 different places, providing open space next
6 to each unit.

7 But what happened in my neighborhood is
8 Mid-Cambridge which has a different Zoning
9 District, which is predominantly Resident
10 C-1, people started building three or four
11 unit townhouses in their backyards, and that
12 got to be as of great concern. And so the
13 neighborhood introduced a neighborhood
14 conservation district which now has a board
15 and they can turn down a proposal or modify
16 it based on a finding of excess in-fill which
17 is not highly defined in the neighborhood
18 ordinance. You have to have common sense.

19 Now, that might also be a broach to
20 North Cambridge who might wish to think about
21 which is to establish a neighborhood

1 conservation district that can apply greater
2 scrutiny and controls. And I think we've --
3 I think we all see this in terms of the, you
4 know, the plan as an isolated lot as a
5 reasonable way to handle this lot with the
6 structure on it.

7 Ted.

8 H. THEODORE COHEN: Yes. I think it
9 is an isolated instance. I spent a lot of
10 time on Clifton Street looking at it, and
11 looking at a lot of the other additions on
12 the block. And there are some very unusual
13 additions. I think it's a small lot. I
14 don't think it's that enormous. And I think
15 the second house on the one side that's
16 abutting it is not the most felicitous
17 situation. Although clearly that must have
18 been done to preserve the cottage in the
19 front, too.

20 Were it not for I think the Historical
21 Commission considering this very significant

1 to their point of view, I personally think I
2 would have preferred one larger structure
3 that would have been up on the street line
4 and would have left a significant backyard.
5 I do appreciate that it abuts the fields
6 behind it, and I can understand that being
7 the rationale, not putting words in the ZBA
8 mouths, but I could see that being the
9 rationale for their being okay with the
10 Variance for the backyard.

11 You know, Brookfield seemed to make a
12 lot more sense to me to have a second
13 structure in the back, although the design of
14 this seems to be fairly appropriate, and that
15 the front structure will pretty much mask the
16 back structure. And given the significance
17 to the Historical Commission, I'm willing to
18 go along with that.

19 HUGH RUSSELL: Okay. Ahmed is
20 nodding his head.

21 AHMED NUR: Yes, I was nodding my

1 head to Ted's comment. I second that
2 definitely. I was wondering why it wasn't
3 one big structure up on front along the road
4 as opposed to two different structures.
5 After reading the historical letter, it makes
6 sense. So I'm okay.

7 HUGH RUSSELL: So, are we ready to
8 proceed to granting the Special Permit?

9 THOMAS ANNINGER: Have you come to a
10 preference between -- and this is getting
11 technical now, between A and B?

12 HUGH RUSSELL: Well, I think A says
13 -- is about two structures on the lot
14 reducing the impact of construction, and B is
15 about particular identifiable benefits that
16 come from having two structures. I think in
17 this case, it's the identifiable benefit of
18 the preservation of the historically
19 significant structure, the reducing the
20 impact of the parking because of the way it's
21 going to be handled.

1 STEVEN WINTER: Is that No. 5?

2 HUGH RUSSELL: Five.

3 Six, the opportunities to reduce the
4 height and bulk which is really, you know,
5 that's connected to the historic
6 preservation. It allows the small bulk in
7 front to work. And --

8 STEVEN WINTER: Mr. Chair, I also
9 think that No. 3 is appropriate here. To the
10 extent to which that two or more structures
11 provides an enhanced living environment for
12 the residents on the open lot.

13 HUGH RUSSELL: It gives them open
14 space, it's not huge open space, but it's
15 open space.

16 And in this -- and one really is not --
17 we're supposed to consider these things.
18 One, I think we consider the large,
19 continuous open space in the rear of the lot
20 is really not relevant here because of the
21 size of the continuous open space and the

1 public domain behind it. And then in this
2 area, Clifton Street, we're not trying to get
3 the backyards together. And two is not a
4 benefit of this particular plan, but we do
5 think it is, that pattern has precedence in
6 other abutting properties so that it's not
7 inconsistent with the development pattern in
8 the rest of the neighborhood. So if we made
9 those findings, then all we need to do is
10 make a motion.

11 THOMAS ANNINGER: Well, I think
12 you've been brave to tackle B. Whenever I
13 read it, I never get to the bottom because I
14 find it's so difficult to understand and
15 interpret, but I think you did a great job.
16 And I think you're right, that B is better
17 suited than A. I found A well adapted to --
18 is it Brookford or Brookfield? I always get
19 it wrong.

20 LIZA PADEN: Brookford.

21 THOMAS ANNINGER: I actually thought

1 Brookford was an improvement. Here this is,
2 this is a more of a balancing question and,
3 therefore, I do think that B is better suited
4 if you can make your way through this tangle
5 here, but you did. So I'm okay with it
6 myself and I'm prepared to go along with what
7 you suggested.

8 HUGH RUSSELL: Okay. Would you put
9 that in a form of a motion?

10 H. THEODORE COHEN: I move that we
11 grant a Special Permit pursuant to Section
12 5.53 to be of the Ordinance to allow for two
13 structures on the lot at 60 Clifton Street.

14 That we have considered all of the
15 criteria in Section 2B and particularly
16 Sections 2; that the two buildings are
17 compatible with the development pattern of
18 the neighborhood.

19 That three, it provides two structures
20 providing enhanced living environment for
21 residents in the lot.

1 Five, that it reduces the visual impact
2 from parking.

3 Six, that it increases opportunities to
4 reduce height and bulk. But especially four,
5 that having two structures results in the
6 preservation of the historic worker's cottage
7 in the front of the lot which we find --
8 which the Cambridge Historical Commission has
9 found preferably preserved and they were
10 actually moving on a landmark designation,
11 and that this Special Permit would preserve
12 that structure.

13 HUGH RUSSELL: Okay, is there a
14 second to that motion?

15 PAMELA WINTERS: Second.

16 HUGH RUSSELL: Pam.

17 Discussion?

18 AHMED NUR: And in compliance with
19 the Historical Society letter, I just wanted
20 to add that.

21 HUGH RUSSELL: So that in terms of

1 the -- you want to --

2 STEVEN WINTER: We could mention
3 Historical Commission's support.

4 AHMED NUR: One structure to comply
5 with the --

6 HUGH RUSSELL: Yes, yes, that would
7 be part of the decision.

8 THOMAS ANNINGER: I think it would
9 be worth just mentioning in testimony we've
10 heard that the materials would be wood and
11 not vinyl.

12 HUGH RUSSELL: Yes.

13 I don't think we have to put a
14 condition that they're subject to the
15 Historical Commission because they are
16 subject to the Historical Commission, but if
17 staff finds that is incorrect, then they
18 should bind them to the Historical Commission
19 in our decision because we're relying on it.

20 AHMED NUR: Right.

21 HUGH RUSSELL: Okay, on the motion,

1 all those voting in favor, raise their hand.

2 (Show of hands.)

3 HUGH RUSSELL: And we have six votes
4 in favor. The Permit is granted.

5 KEVIN EMERY: Thank you very much.

6 (All members voting in a firm active).

7 STEVEN WINTER: Mr. Chair, before we
8 move on to the next piece, is there any
9 value, Tom, in talking about this issue of
10 in-fill into backyards? Is there any
11 discussion that the Planning Board might want
12 to request to be teed up by staff or with
13 some information? Where could we go with
14 that?

15 THOMAS ANNINGER: Yes, that's a good
16 one and you're right, it's in the air. I
17 don't know what to do with that.

18 PAMELA WINTERS: Tom, may I make a
19 comment?

20 So in 1995 there was a huge amount of
21 development in backyards, particularly in Res

1 B nei ghborhoods, Hol worthy Street, my
2 nei ghborhood. There was a li ttle area off of
3 Huron Avenue. And one parti cul ar devel oper
4 was, you know, sort of gobbl ing up those l ots
5 and bui l di ng i n backyards. And so a peti ti on
6 was fi led. And so i n terms of townhouses
7 anyway, there were restri cti ons pl aced on
8 that to reduce the l ot sizes and the hei ght
9 and FAR and so forth. So --

10 HUGH RUSSELL: And I thi nk probabl y
11 thi s l anguage came out of that, too?

12 PAMELA WINTERS: Yes. So that was
13 referring to j ust townhouses, though.

14 HUGH RUSSELL: So maybe we shoul d
15 ask the department to consi der wheth er thi s
16 i s somethi ng they thi nk based on thei r
17 nei ghborhood studi es and other thi ngs,
18 warrants another l ook at thi s or not and
19 report back to us.

20 STEVEN WINTER: I 'm happy to go
21 al ong wi th that.

1 HUGH RUSSELL: I'm not talking about
2 a half a million dollar study but maybe more
3 a meeting.

4 THOMAS ANNINGER: We may be somewhat
5 over zoned right now in this situation. And
6 this may, 5.53 may not be quite on the mark
7 anymore.

8 BRIAN MURPHY: I'll take a look.

9 HUGH RUSSELL: All right. So then
10 shall we move on to the next item on the
11 agenda which is Norris Street?

12 LIZA PADEN: What I'm passing out
13 now, there is a correction to the roof plan
14 that came with your materials. So the window
15 openings are now in the correct location, and
16 there is a memo from the Historical
17 Commission.

18 HUGH RUSSELL: So last time I seemed
19 to recollect we felt that we didn't have time
20 to fully consider it, it was either late or
21 we were tired or both, and since then there's

1 been some more meetings in the neighborhood;
2 a letter that has lots of people signing it
3 that was sent out with seven points.

4 We have Mr. Hope's response to that
5 letter. We may have considerations of our
6 own that are in addition to those seven
7 points, and I think what we need to do to --
8 I would propose that we wouldn't dismiss any
9 of these seven points at hand. They all seem
10 to be matters of reasonable substance. Some
11 of them reasonably answered, but we should
12 put everything out on the table; the things
13 that we want to talk about tonight, the
14 things that are going to be -- we have to go
15 through before we reach a decision on this
16 case.

17 So do people want to put things out on
18 the table as things are there, still wanting
19 more discussion on?

20 STEVEN WINTER: Mr. Chair?

21 HUGH RUSSELL: Sure, Steve.

1 STEVEN WINTER: Thank you,
2 Mr. Chair. I still feel that the light
3 pollution issue is there, but I think we need
4 to clarify that it's correct now. I'm not
5 sure about it.

6 I would like to know the proponent
7 response to the plans for the location of the
8 dumpster to some concerns expressed.

9 I believe that the attic space was --
10 that we addressed that in the last
11 discussion, but I just want to confirm with
12 my colleagues that we did in fact, and
13 perhaps with the discussion with the
14 proponent, but I feel that we did address it.
15 I want to make certain.

16 I am a little fuzzy on what exactly the
17 issue is with the gate that's mentioned
18 between the parking lot and Drummond Place.
19 And I think to the Attachment A, that the
20 community concerns, I felt that three or four
21 of them were legitimate, but I also felt that

1 there was enough questions that I had that
2 maybe we would want to go down that list and
3 make sure that we're okay with that.

4 HUGH RUSSELL: Yes.

5 STEVEN WINTER: Oh, and I also
6 wanted to ask if the staff had reviewed the
7 document on the February 13, 2012, re:
8 Parking Lot Lights for the amended Special
9 Permits application. And if the staff has
10 reviewed it, if they have any comments that
11 they would care to provide?

12 HUGH RUSSELL: Okay. I have
13 comments of my own on that subject.

14 STEVEN WINTER: Okay. Those are
15 mine.

16 HUGH RUSSELL: Ahmed.

17 AHMED NUR: I think that everything
18 was met to my satisfaction at the last
19 meeting and I was ready to deliberate.
20 However, looking at this roof HVAC plan,
21 there might be a variation. I thought we

1 talked about having a chimney -- existing
2 chimney, and all the HVAC piping would go
3 right through that. But there might have
4 been some changes made according to this, and
5 I would just like the proponent to walk us
6 through if possible.

7 HUGH RUSSELL: Yes, I think -- I
8 think there's a -- we can take a look at
9 that. I think the thing, the chimneys are
10 huge. But so, it looks like the roof is
11 actually a chimney on the plan.

12 Tom, are you raising your hand?

13 THOMAS ANNINGER: Well, just to put
14 it in the hopper some of the issues that
15 we've been raising and dealing with. I
16 thought the reason we postponed our decision
17 was to look closer and to give, among other
18 things, the neighbors and the community a
19 chance to look closer at plans that were just
20 barely off the press. And I'm glad we did,
21 because I thought the letters that we got

1 were good ones and it gave, I think, all the
2 issues have been well briefed now and I think
3 we understand them better. And I'll mention
4 a few of them. I think the central one that
5 actually did not come up much in this latest
6 round of letters, is this whole question of
7 number of units. It really only came up in
8 two letters out of what were there, maybe 10?
9 And my sense is that we've done as much as we
10 can on the number of units. I think the
11 reduction has been substantial from where it
12 started out. We went through the process of
13 or the Council did and we did of a Zoning
14 change to what is it, 5.28?

15 HUGH RUSSELL: Yes.

16 THOMAS ANNINGER: And we have even
17 reduced back from that a couple of units. I
18 looked through the plans carefully again over
19 the last couple of days, and the number of
20 units on each floor. Just about every unit,
21 every apartment is very large. And there's

1 no fooling ourselves, this is a very
2 substantial building in a tightly-knit
3 neighborhood. There's not much we can do
4 about it if that's what we want to preserve.
5 And I think there's consensus on that issue,
6 not just historical, but I think everybody
7 happens to like the building and thinks it
8 adds character to the street. Somehow that
9 building has to be either filled or we leave
10 a lot of empty space. I think it is now well
11 designed and well filled. There are a couple
12 of small units, but only a couple, and I
13 think that's unavoidable, too, given the
14 configuration and the geometry of it. So I
15 think 25 units is a reasonable outcome. And,
16 therefore, I think I would urge us to stop
17 there. I don't think cutting it back any
18 more would make any difference at all in
19 terms of density or congestion. It would
20 just move square footage around, it wouldn't
21 change anything.

1 The other issues -- and, therefore, I
2 think it almost is an outgrowth of that
3 comment. The skylights are an outgrowth of
4 the use of that building in an intelligent
5 way. And if the Historical Commission has no
6 problem with the skylights, I don't either.
7 And so I think here we are fortunate to have
8 people who care deeply about such issues at
9 the Historical Commission, and I'm happy that
10 they are in agreement with how I feel about
11 it even independently. I don't think the
12 skylights deserve to be treated as a
13 detriment to the design of the building. I
14 think it is an outgrowth of readaptation to a
15 different use.

16 I look to others for the outdoor
17 lighting. I hope you will speak to that,
18 Hugh. I think you will.

19 Mr. Young did something very
20 interesting, and I think you're going to pick
21 up on that. And I think you'll understand it

1 much better than I do.

2 Dumpster, style of fence, a lot of
3 those things, again, the Historical
4 Commission is looking at so I see no reason
5 for me to add to that mix.

6 I think the issue around the emergency
7 access gate that goes to -- what's the name
8 of that?

9 STEVEN WINTER: Drummond Place.

10 HUGH RUSSELL: Drummond.

11 THOMAS ANNINGER: Drummond Street.

12 I think there's less there than meets the
13 eye. I can understand why they want to have
14 access to that as an emergency. I don't
15 think it should turn on whether the fire
16 department insists on it being there or not.
17 I don't think that's the test. I think it's
18 very reasonable to have some possibility of
19 going down that path instead of down the
20 other side of the building, but to keep it
21 locked except when needed. So I think the

1 letter that addressed that in greatest detail
2 was not convincing in the need to close that
3 off.

4 No ise, I thi nk maybe you wi ll address
5 that, too, Hugh, and that's i mportant. But I
6 guess that is something that we ought to
7 perhaps menti on as a condi ti on.

8 And I thi nk the pri vacy and the wi ndow
9 treatment has been deal t wi th and probab ly
10 ought to be added as a condi ti on to the
11 permi t, but I thi nk that, too, has been
12 addressed. So I thi nk the li st of i ssues
13 whi ch I thought al l came out cl early i n the
14 l etters, have been to a l arge extent
15 addressed, and I'm prepared after some
16 further detai l on some of these thi ngs, to go
17 forward wi th an approval of a Speci al Permi t.

18 HUGH RUSSELL: Okay.

19 PAMELA WINTERS: I concur wi th
20 everythi ng that my col l eagues have stated,
21 and parti cul arly what Tom has j ust stated.

1 So I'm not going to take up time.

2 HUGH RUSSELL: Okay, well, then we
3 should go down the list of 11 things.

4 STEVEN WINTER: Mr. Chair, before we
5 start that, could I ask a procedural
6 question?

7 HUGH RUSSELL: Yes.

8 STEVEN WINTER: Would it be -- is it
9 appropriate for us to, in looking at the
10 eight items from the Cambridge Historical
11 Commission that they consider to be still
12 under discussion, is it appropriate for us
13 to, if we so decide, to put into the Special
14 Permit that these issues must be resolved to
15 the Historical Commission's -- I mean,
16 this -- I don't know. This is why I'm
17 asking.

18 HUGH RUSSELL: My understanding is
19 the Historical Commission does have legal
20 jurisdiction over this building and,
21 therefore, we don't have to --

1 THOMAS ANNINGER: Say that.

2 HUGH RUSSELL: -- we don't have to,
3 through our decision, grant -- I think we
4 should recognize that, but in the case where
5 we might weigh in on some of these subjects,
6 we may need to exercise some discretion.

7 STEVEN WINTER: I concur. I
8 understand. The legal jurisdiction makes
9 sense to me. I understand that now.

10 HUGH RUSSELL: So I'm going to --
11 I'm looking at Attachment A from the
12 concerned neighbors of 40 Norris Street, a
13 list of 11 items on a single page.

14 So the first condition was upgrading
15 the sewer and water main to meet the city's
16 standards. That would be a condition of our
17 decision because we understand that's what
18 the city is putting on the project.

19 And the response is fully aware of the
20 scope and cost and will satisfy all of the
21 Cambridge and Water Department's

1 requirements. So I think that's --

2 STEVEN WINTER: May I?

3 HUGH RUSSELL: Yes.

4 STEVEN WINTER: May I clarify the --
5 do we ask all petitioners to provide adequate
6 performance and/or payment bond to the City
7 of Cambridge for this kind of work?

8 HUGH RUSSELL: No, we do not.

9 STEVEN WINTER: So I don't see why
10 we need to do it here if we don't do it --

11 HUGH RUSSELL: Right. Because the
12 condition of our permit they can't get an
13 occupancy permit for the building if work is
14 not done, and that is usually sufficient
15 incentive. I mean, it's only if you felt
16 that the deal was so shaky that they might
17 get partway through and everything would fall
18 apart and that you'd have to go in and take
19 it forward.

20 STEVEN WINTER: And clean it up,
21 yes.

1 HUGH RUSSELL: Clean-up the mess.

2 STEVEN WINTER: Yes.

3 HUGH RUSSELL: And, you know, and
4 performance payment bond allows you to do
5 that more rapidly than the other things. We
6 don't usually try to make that determination.

7 STEVEN WINTER: So it should not be
8 part of our decision?

9 HUGH RUSSELL: So I would say it's
10 not part of our decision, but that the actual
11 work is part of our decision.

12 STEVEN WINTER: Yes.

13 HUGH RUSSELL: And two, window
14 treatments and coverings. The answer is yes,
15 they would do that; right?

16 And we would -- so we would incorporate
17 the language in the response I think of our
18 decision.

19 Three, this is the lighting issue.
20 Now, we got an elaborate and thoughtful
21 presentation on the lighting.

1 THOMAS ANNINGER: There's one in
2 color.

3 HUGH RUSSELL: Yes, there is one in
4 color. I know it has to be here because I
5 just had it. Here it is.

6 No, this is the earlier one. This is
7 just my own color on it. So it must be up
8 under here.

9 So I guess my first question is the
10 first sheet that's provided is on a
11 photometric plan, PH1, on a cost of design
12 sheet.

13 JAI SINGH KHALSA: I haven't seen
14 this.

15 HUGH RUSSELL: So here's the -- why
16 don't you just take this whole package. But
17 my first question, is that actually
18 information that you --

19 JAI SINGH KHALSA: This is our
20 sheet.

21 HUGH RUSSELL: Yes. What's curious

1 about it, is it doesn't look like any other
2 photometric plan that I've ever seen because
3 the light level under the light fixture is
4 actually lower than the light fixture level
5 removed from the picture, and I've never seen
6 a light fixture that does that.

7 JAI SINGH KHALSA: Well, I think if
8 you look at Mr. Young's diagram, you'll
9 notice the same thing happens on that diagram
10 as well.

11 HUGH RUSSELL: No. In Mr. Young's
12 diagram there's like four-foot candles;
13 right? Four, six-foot candles right in here.

14 JAI SINGH KHALSA: You've got four
15 here, you've got 6.3, you've got 3.8 --

16 HUGH RUSSELL: Right, right. But on
17 yours -- if this is yours, it's all 0.5
18 uniformly all over the whole lot as if the
19 light fixtures are hung by a balloon by 100
20 feet. That's the only way you can do it. So
21 I don't believe this.

1 JAI SINGH KHALSA: Okay. All I know
2 is that this is what my engineer provided me.
3 I'm relying on what the engineer provided. I
4 didn't prepare it.

5 THOMAS ANNINGER: Our engineer is
6 Mr. Young.

7 JAI SINGH KHALSA: Okay.

8 HUGH RUSSELL: Mr. Young's gone to
9 the manufacturer. I just don't believe what
10 your engineer provided you. It doesn't make
11 sense to me particularly if this is for the
12 500-watt fixture, because that produced very
13 intense light close to the fixture and it
14 doesn't show that. So, it's very strange.

15 JAI SINGH KHALSA: Well, we're
16 certainly happy to work with the RAP fixture
17 and adopt the photometric plan that I've
18 already provided.

19 HUGH RUSSELL: Right. I think this
20 photometric result for Attachment B is
21 reasonably satisfactory. It shows one to

1 half a foot candle in most of the middle of
2 the lot. It doesn't show much of the entry,
3 but I bet you have some lights at the entry.

4 JAI SINGH KHALSA: We have some
5 recessed lights up there.

6 HUGH RUSSELL: Right. So that they
7 don't show up in the photometric plans. So
8 that area would be well lit. And there's
9 very little spill onto adjacent properties.
10 And the ratio between the highest and the
11 lowest is not totally out of whack. It's a
12 reasonable plan. So --

13 JAI SINGH KHALSA: We'd be happy to
14 work with RAP Lighting to do this adopt this
15 approach to the photometrics. I think they
16 might actually might be able to do a little
17 better with it when the cutoffs are put in to
18 not have the spill off the side lot lines as
19 well.

20 HUGH RUSSELL: Right. But it's only
21 a tenth of a foot candle. It's not very

1 si gni fi cant.

2 JAI SINGH KHALSA: Now we know where
3 to go for our photometrics next time.

4 HUGH RUSSELL: Yes.

5 So we could, I think, say that this is
6 the sort of photometric we want to have
7 furnished. And then staff would simply have
8 to compare the two drawings and find that
9 they were similar.

10 JAI SINGH KHALSA: Can I keep this?

11 LIZA PADEN: I have a copy for you.

12 JAI SINGH KHALSA: You have a copy?

13 HUGH RUSSELL: I've got two copies.

14 So why don't you keep that one.

15 THOMAS ANNINGER: Talk to Mr. Young
16 about it.

17 HUGH RUSSELL: Right.

18 UNIDENTIFIED MALE: It's Mr. Kim.

19 HUGH RUSSELL: Mr. Kim.

20 THOMAS ANNINGER: Young Kim. Excuse
21 me. Mr. Kim, I'm sorry.

1 HUGH RUSSELL: Okay. Appropriate
2 noise remediation for --

3 H. THEODORE COHEN: Wait. Can we
4 stick with the lighting for a minute?

5 HUGH RUSSELL: Sure.

6 H. THEODORE COHEN: Which I will
7 confess I know very little about. But as I
8 understood the comments, there was a
9 difference of opinion as to the value of the
10 different types of lighting. And are we
11 going to get into that or is that something
12 we're leaving up to the developer when we
13 otherwise approve the project?

14 JAI SINGH KHALSA: May I address you
15 for a second? The Historic Commission has
16 weighed in on this and they have told -- and
17 are weighing in on what they want for light
18 quality as well as what they want for a
19 fixture. I know the fixtures that are
20 indicated here they will accept, and they
21 have not given us a ruling yet in terms of

1 what they want for the color or quality of
2 the light itself.

3 HUGH RUSSELL: All right. And I
4 think that's probably best in their hands.

5 H. THEODORE COHEN: Fine.

6 AHMED NUR: Absolutely.

7 HUGH RUSSELL: I think the concerns
8 are were that people couldn't understand how
9 a 500-watt light somehow produced less glare
10 than a 150-watt light. And the Kim proposal
11 effectively reduces the light to even less.
12 It's an LED proposal, so you're dealing with
13 a fixture that's more, it puts out more
14 lumens per watt, and I don't remember exactly
15 what that ratio is, and I'm not sure it's a
16 fixed ratio in the world today.

17 JAI SINGH KHALSA: It varies.

18 HUGH RUSSELL: It varies because the
19 LED's vary somewhat. But it's a factor of
20 two or three over the high intensity
21 discharged lamps, so that we're going back

1 down into the things that are inherently less
2 bright, but they're very nicely engineered to
3 get the light where you want it.

4 JAI SINGH KHALSA: And the RIB makes
5 a very nice lighting fixture. And we already
6 have broached with the client as well, but we
7 recommended using a LED fixture in this area.

8 HUGH RUSSELL: We're going to see
9 the LED lighting. Whatever happened to the
10 city's LED lighting experiment?

11 BRIAN MURPHY: It's actually gone
12 reasonably well, and my hope is that we're
13 going to be looking for a significant
14 expansion of LED streetlights in the next
15 fiscal year.

16 HUGH RUSSELL: Okay.

17 THOMAS ANNINGER: Mr. Kim has his
18 hand up. Had his hand up. I don't know if
19 there's any reason not to --

20 HUGH RUSSELL: So Mr. Anninger asks
21 that Mr. Kim be recognized.

1 So did you want to speak, Mr. Kim?

2 YOUNG KIM: Yes, may I?

3 HUGH RUSSELL: Yes briefly.

4 YOUNG KIM: Yes, very briefly. I
5 would like to mention thank you for giving me
6 the opportunity on the light. Just imagine
7 yourself being the abutter on the Rice
8 Street. You're having a picnic in the
9 summertime and you are looking right at the
10 lights. Do you want to look at the shoebox
11 lighting which is like a rest area light? Or
12 I found several, at least couple of
13 manufacturers who will cooperate with the
14 developer to come up with a much more
15 traditional looking lights. So all I ask is
16 to let them investigate that and follow
17 through. I only found two. There may be
18 dozen of others.

19 Thank you.

20 HUGH RUSSELL: Okay, thank you. I
21 think we're going to leave that issue to the

1 Historic Commission. It's one of the ironies
2 of modern life is that traditional lights
3 have very bad photometrics, they tend to
4 throw light everywhere, and they have a lot
5 of glare. And the shoebox light is one of
6 the most controllable source because it only
7 -- it's a box that has light only coming out
8 of the bottom. And so -- and right. You do
9 sort of have a choice. If you want
10 something -- there are fixtures like, say, on
11 the Cambridge Common that look sort of
12 traditional but are actually sort of stealth
13 shoebox lights. The light only points down
14 and not sideways. But it's difficult. And I
15 feel, again, the Historical Commission is
16 going to look at this properly.

17 So are we okay with that?

18 Noise remediation for air conditioning,
19 condenser, and cooling tower.

20 STEVEN WINTER: Mr. Chair, if I
21 could, I believe it is correct and, Brian,

1 you can help me out if I am not, that this
2 noise is controlled by Ordinance. And there
3 are specific Ordinance that say when
4 installed, this is the maximum level of
5 noise. So, this would in fact be an
6 enforcement issue once the air conditioning
7 and condenser cooler tower were working.

8 BRIAN MURPHY: That's right.

9 HUGH RUSSELL: And we have
10 Mr. Khalsa's advice that he's done this same
11 kind of installation with similar equipment
12 and the results have been good.

13 STUART DASH: We checked early on
14 with Mr. Khalsa about this unit. It's
15 adjustable so you can adjust the fan speed
16 according to the need. So when it doesn't
17 need to be high at the top noise producing,
18 it doesn't have to be. It won't be there.

19 JAI SINGH KHALSA: If I may, it's
20 also rated at full speed, full tilt at 57
21 decibels which is speaking volume. So it's

1 going to be quieter than the air conditioner
2 put in somebody's window, you know, in the
3 neighborhood.

4 HUGH RUSSELL: It's limited to 50
5 decibels at the property line; right?

6 JAI SINGH KHALSA: Yeah, it's 57 at
7 the source.

8 HUGH RUSSELL: Right. And you've
9 got shielding around it and it's dropped in
10 the well.

11 JAI SINGH KHALSA: Right.

12 HUGH RUSSELL: So I think maybe this
13 is the time, then, to go to the question of
14 the stuff on the top of the chimney, the roof
15 of the chimney. You've got a new roof plan
16 that Liza gave us and there's some rectangles
17 with lots of notes for them, pointing to
18 them. Those are actually the chimneys.

19 AHMED NUR: Right. I was under the
20 impression that there was some sort of a
21 masonry chimney existing.

1 HUGH RUSSELL: There is.

2 AHMED NUR: And then all of a sudden
3 on this drawing it shows some sort of a --
4 what was that thing you read, Brian? This
5 circle.

6 BRIAN MURPHY: Side exhaust.

7 AHMED NUR: Is there anything new
8 other than -- because we talked about putting
9 everything, all the pipes through that
10 chimney?

11 JAI SINGH KHALSA: Yeah, I'll just
12 clarify. First of all, let me just say that
13 what the revised plan, quote, unquote, is
14 that the underlay that the engineer had that
15 he was working off of, wasn't the latest
16 scheme in terms of the skylight presentation.
17 So now the location of the windows in his
18 drawing are consistent with the architectural
19 drawings that the Historic Commission already
20 reviewed, and that you have in your packet.
21 So I just want to clarify that.

1 We said before we're going to bring all
2 the mechanicals up and out the chimney.
3 There are actually four chimneys. There's
4 two smaller ones at the back edge of the
5 building and then there's two huge chimneys.
6 Historic Commission wanted additional
7 information from us exactly how that's going
8 to penetrate and go through. So what we've
9 done is, the only penetration through the top
10 of the chimney is that little dome thing that
11 you see which is collecting all of the
12 heating units, flues, and bringing them up to
13 one location on each chimney. So you've got
14 a little 12-inch cap coming up through the
15 top of the chimney, existing masonry chimney
16 and the chimney cap that does that. All of
17 the bathroom vents, the plumbing vents, the
18 kitchen exhaust, those all go through louvers
19 that will be put in the side of the chimney
20 that are facing in towards the building. So
21 the roof comes down, the chimneys go up, and

1 the best places to hide them are on the side
2 of those chimneys facing in towards the roof
3 rather than having a whole slew of pipes
4 coming up and out the top. We felt was a
5 much more elegant treatment. And the --

6 HUGH RUSSELL: Those are signified
7 by the arrows, the engineering arrows.

8 AHMED NUR: Right.

9 HUGH RUSSELL: They tell you what's
10 there.

11 JAI SINGH KHALSA: And the louvers
12 will painted out the brick color so they fade
13 in if you do happen to catch some angle where
14 you can see them.

15 HUGH RUSSELL: And the fans are
16 located where for those?

17 JAI SINGH KHALSA: In the attic.

18 HUGH RUSSELL: In the attic. So
19 they're remote?

20 JAI SINGH KHALSA: Yeah, they're an
21 accelerated in-line fan, accelerated remote

1 in the attic. And we do have an attic space
2 that we can fit them in; right.

3 HUGH RUSSELL: From an acoustic
4 point of view, that fan is now removed from
5 the grill.

6 JAI SINGH KHALSA: Yep.

7 HUGH RUSSELL: Which helps even
8 more.

9 AHMED NUR: So this is a 12-inch, as
10 you mentioned, is in the chimney. It
11 indicates -- I confused myself when I saw the
12 lines. I figured it was outside of the brick
13 facade.

14 JAI SINGH KHALSA: No, it's all
15 inside the facade.

16 AHMED NUR: It's inside, okay. I
17 know. That's it.

18 JAI SINGH KHALSA: Okay.

19 HUGH RUSSELL: Five, snow avalanche
20 system. I think the response says -- is
21 there a response?

1 STEVEN WINTER: Six is snow and
2 waste management, but I don't know if that's
3 snow slides.

4 AHMED NUR: Off the roof the snow
5 slides.

6 HUGH RUSSELL: Right. We heard
7 testimony before that they're going to have
8 snow guards.

9 JAI SINGH KHALSA: Again, if I might
10 spend a minute to address it. We actually
11 looked through a lot of manufacturer's data
12 and we met with Charlie Sullivan and Sarah
13 Burke to go over this. And what we're
14 proposing to do is two layers of snow rails,
15 and then above that the cleats that go in
16 with the slates. And that's the best
17 protection that could be done and it's to the
18 manufacturing and industry standards to do
19 that.

20 STEVEN WINTER: That's this one
21 here?

1 JAI SINGH KHALSA: That's -- yeah,
2 that one there.

3 STEVEN WINTER: Yes.

4 JAI SINGH KHALSA: Now, the fences
5 are the long, you know, pipes that go on
6 brackets, and the Historic Commission staff
7 picked the style that they'd like to see in
8 it. Right now there's very limited areas of
9 the roof that have it, and this will protect
10 all of the perimeter.

11 AHMED NUR: And you said this was a
12 no heat trace?

13 JAI SINGH KHALSA: No, there's no
14 intention to heat trace it.

15 AHMED NUR: Okay.

16 HUGH RUSSELL: Snow falls, it's a
17 slate roof and fairly steep pitch and snow
18 will -- certain conditions likes to avalanche
19 off.

20 JAI SINGH KHALSA: I live in a
21 building with a very steep slate roof that

1 has flat roofs on the sides. And, you know,
2 at night all of a sudden you hear it rumble
3 and it comes crashes down and hit where we
4 don't have the fences, and I think the fences
5 are an essential addition to this building.

6 STEVEN WINTER: It's a safety issue?

7 JAI SINGH KHALSA: It is.

8 HUGH RUSSELL: Okay.

9 So six, parking -- petitioner shall
10 comply with the Zoning Ordinance parking
11 requirements once commercial occupants are
12 finally determined.

13 And I was a little -- I didn't
14 understand -- and the response is yes, we'll
15 do that. But does that mean that when a
16 commercial tenant comes in, there might be a
17 requirement for additional parking?

18 Mr. Hope.

19 ATTORNEY SEAN HOPE: So we
20 specifically -- the use was general office,
21 and the actual square footage is --

1 AHMED NUR: Can you turn on the mic
2 there?

3 ATTORNEY SEAN HOPE: Okay. Yes, the
4 use that we selected, that was allowed by
5 5.28 was general office, and the square
6 footage was below 2,000 square feet. And so
7 when we looked at the parking, we actually
8 allotted this space for one reasonable space
9 that we could rent but also below the parking
10 threshold. So my comments in the letter is
11 also that if there was a -- there is a myriad
12 of uses that we're allowed, but we're
13 obviously proposing general office. But if
14 we went and if market forces suggested a
15 different use that was allowed in the 5.28,
16 we would then have to go satisfy those. But
17 as the plan presented, we have general office
18 and we have the parking, and it's below the
19 parking threshold. So we are below what is
20 required for additional parking, but -- and
21 we (inaudible) visitor parking and visitor

1 parking spaces. I only wanted to suggest
2 that if we change the use, that would require
3 that we would meet that threshold as required
4 by ISD. But as stated for general office, we
5 don't have an additional mandated parking
6 requirement.

7 STEVEN WINTER: Mr. Hope.

8 HUGH RUSSELL: So that might be --
9 since I don't believe there's a place to put
10 another car on this site, that might then
11 backwards limit what you've --

12 ATTORNEY SEAN HOPE: Exactly.
13 Right.

14 HUGH RUSSELL: Yes.

15 ATTORNEY SEAN HOPE: So we plan to
16 do that, but obviously we'd have to get
17 Zoning relief or some other type of relief if
18 we wanted to change the use and we're
19 required to meet that parking requirement.

20 HUGH RUSSELL: Right. Because there
21 are provisions in the Ordinance for off-site

1 parking within three or four hundred feet.

2 So there could be other arrangements.

3 Okay, thank you. I understand that.

4 STEVEN WINTER: Mr. Hope, Sue
5 Clippinger's memo, January 31st, her No. 2
6 recommendation is that we recommend that in
7 order to make sure cars are not parked on the
8 street, the parking lot should act as a field
9 of parking for residents, commercial units,
10 and all building visitors, and individual
11 spaces should not be dedicated to individual
12 users for their sole use 24/7.

13 What is your response to that?

14 ATTORNEY SEAN HOPE: I think that
15 stands for itself. So that the way we have
16 it set up there we're not mandating parking
17 spaces.

18 STEVEN WINTER: Okay, I just wanted
19 to clarify that.

20 ATTORNEY SEAN HOPE: Yes.

21 STEVEN WINTER: So you are indeed

1 following this recommendation?

2 ATTORNEY SEAN HOPE: Yes.

3 STEVEN WINTER: That's what I needed
4 to hear.

5 HUGH RUSSELL: So we'll get back to
6 parking when we hit 10. We might as well
7 keep going in order.

8 Adequate plan for trash pick up,
9 recycling and vermin control.

10 And part of that is, part of that
11 construction process for which there's a plan
12 that gets presented; right, as part of the
13 Building Permit process that addresses those.
14 And part of it is a permanent, long-term
15 plan. And we've seen that there are
16 provisions for trash and recycling, and
17 vermin control is just one of the things you
18 get into when you own a multi-family
19 property. You have to take responsibility
20 for that. And if you don't, then people will
21 complain to the Board of Health and bring the

1 wrath of the ci ty down on you and maybe get
2 some acti on.

3 STEVEN WINTER: Mr. Chai r?

4 HUGH RUSSELL: Yes.

5 STEVEN WINTER: If I coul d refer to
6 a l etter from a Ri ce Street resi dent who was
7 uncl ear about the pl an that the dumpster
8 woul d be marked -- woul d be masked by the two
9 garages that meet, and she' s i ndicati ng that
10 that doesn' t i n fact occur. And I wonder if
11 you coul d, Mr. Khal sa, hel p us understand
12 that?

13 JAI SINGH KHALSA: Sure. On the
14 edges of where the trash -- the dumpster is
15 going to be and the trash encl osure is going
16 to be, there are two garages. Garages don' t
17 touch each other. There' s some gap between
18 them and that' s going to be fi lled i n wi th
19 fenci ng, wood fenci ng.

20 STEVEN WINTER: Thank you.

21 JAI SINGH KHALSA: Okay.

1 HUGH RUSSELL: There's actually, it
2 says, as I look at your plan, there's
3 actually a planting strip also in between the
4 dumpster and the fence or -- there are two
5 fences; right? There's a fence around the
6 dumpster and there's a fence on the back
7 line, and there's some planting in there and
8 so that, so the gap has two fences and some
9 shrubs in it.

10 JAI SINGH KHALSA: Yeah.

11 HUGH RUSSELL: And if there were --
12 I assume you're going to stay in contact with
13 the abutters, and if they have particular
14 notions of what should precisely happen in
15 that corner, you will --

16 JAI SINGH KHALSA: We'll be happy to
17 accommodate.

18 HUGH RUSSELL: Right.

19 Snow removal plan. And we don't
20 usually require or sort of like a written
21 snow removal procedure. I think that what

1 we' ve heard from the proponent is that they
2 understand that there' s not much space for
3 snow storage on the si te. They' ve tried to
4 select plants so that they coul d perhaps have
5 a li mi ted amount of small snow storage in
6 small events, but they' re going to have to
7 remove the snow. And I woul d agree that if
8 it were my next-door nei ghbor -- well , when
9 the ci ty runs thei r plow through my backyard
10 to plow behi nd the school at three o' clock in
11 the morni ng, I know it and I' m not happy wi th
12 it. It' s pretty qui ck, but mi ni ng snow out
13 of a parki ng lot. The other i ssue about snow
14 removal from a mul ti -fami ly project is that
15 it almost always happens duri ng the daytime
16 because the tenants' cars are gone.

17 PAMELA WINTERS: That' s ri ght.

18 HUGH RUSSELL: You know, they come
19 in and they wi ll plow somethi ng el se, peopl e
20 can get out. And then when they' re gone,
21 they wi ll do a better j ob to get ri d of the

1 rest of the snow. It's the only feasible way
2 to do it. Doing it at night is really not
3 feasible because all of the tenants will be
4 parking there. You can't control the snow
5 and indeed we haven't seen much this year.

6 Yes.

7 STEVEN WINTER: It's a snow removal
8 question unless you had another thing to add.

9 HUGH RUSSELL: Go ahead.

10 STEVEN WINTER: The proponent has
11 indicated several times that the snow removal
12 will be handled internally by utilizing the
13 owner's full-time construction staff and snow
14 removal equipment. And I guess my question
15 to the Board is that strong enough language
16 for us or do we want to say that the owner
17 must contract to remove snow? Must -- you
18 know, I don't know what that means. The
19 owner's full-time construction staff. I just
20 don't know what that means. So is there any
21 specific language that we use in general to

1 indicate that the proponent or the owner is
2 responsible, period, that's it?

3 HUGH RUSSELL: And I see Stuart
4 saying to me visually that, yes, we do not
5 typically put this fact into our decisions.

6 STEVEN WINTER: Okay.

7 H. THEODORE COHEN: I would either
8 also comment that the market of the people
9 who park in the back there are going to
10 ensure that the management company or the
11 association is clearing up the snow.

12 HUGH RUSSELL: Right. I mean, I
13 guess we would ask the staff if there's any
14 language that should -- enforcement should
15 the snow removal be lax, I mean, ultimately
16 they're in violation of the Zoning --

17 STEVEN WINTER: Okay.

18 HUGH RUSSELL: -- of the decision
19 because they don't have the parking. That's
20 not a very fast process. Is there anything
21 we can put in the decision that would help in

1 considering the new penalties that were for
2 administrative review?

3 STUART DASH: I wouldn't think,
4 unless you saw there was some obvious place,
5 you know, that everyone knew it would be a
6 problem area.

7 STEVEN WINTER: Stuart, I understand
8 that. And my only intent is to ensure good
9 faith.

10 STUART DASH: I think the people who
11 live there are going to be much faster in
12 their response time. And if you saw
13 something like this, the obvious place they
14 might put snow is some bad place in the
15 public domain or something like that, we'd
16 look at that. But it doesn't look like that.

17 HUGH RUSSELL: Open the gate to
18 Drummond Place and ship it all there.

19 UNIDENTIFIED MALE: That's not at
20 all funny.

21 HUGH RUSSELL: I want to make sure

1 that somebody doesn't think that's a great
2 idea at the moment.

3 Okay, and we're on Drummond Place.
4 Now, there's a -- I found the letter we
5 received and the dialogue with the fire
6 department to be quite interesting, because
7 it was a clear intent of that and from Ranjit
8 also saying the city's not requiring that
9 access.

10 STEVEN WINTER: Right.

11 HUGH RUSSELL: Now, because it's a
12 private way, the actual property line goes
13 out to the middle of Drummond Place. So
14 it's, you know, there's a right of passage
15 for everybody out there. And it's also my
16 understanding that nobody wants regular
17 traffic to be there. And also that there's a
18 -- if you put a gate in, then what's to
19 prevent the sign going up on that gate saying
20 keep this area clear? And I understand for
21 many years people have been parking along

1 that fence as part of the way they solve
2 parking on Drummond Place. And I believe
3 that if we're trying to reduce the impacts of
4 this project on the neighborhood, we should
5 not -- we should not change that situation.

6 STEVEN WINTER: I concur.

7 HUGH RUSSELL: And if for
8 convenience they want a gate that's the size
9 of a man in someplace that seems reasonable,
10 I wouldn't object to that. But I don't see,
11 you know, they have full rights to get on
12 Drummond Place to maintain the building
13 because of their ownership and their rights
14 to Drummond Place. So I don't believe -- I
15 don't see why that opening is there. It
16 doesn't make sense. And I think it's better
17 not to change something that's been working
18 and it's better that the Drummond Place cars
19 be not competing for the very few available
20 spaces on the street.

21 Mr. Hope.

1 ATTORNEY SEAN HOPE: And I'll be
2 brief. As you know, this is a conversion
3 from a school to 25 residences. So although
4 there hasn't been an access to Drummond
5 Place, there's been a fence. This is a
6 totally different use, and it's a
7 residential. Our impetus in my conversation
8 with the fire department, this is not
9 something that's required by the city, so
10 this is not a threshold that we need to meet.
11 But this is really about a safety and about a
12 desire to have this access. And as you saw
13 in my letter, there were restrictions about
14 parking having the gate locked for emergency
15 purposes, and we are willing to do that.
16 This is an opportunity to convert this
17 building. This is a residential building,
18 and we also do have feeding rights to that
19 private way. Now, if we were going to use it
20 as an access or an entrance, we would have
21 had to have applied for that as part of the

1 permit. Also in terms of protection, having
2 a locked gate is not going to add any
3 parking, any cars parked to Drummond Place.
4 Nor is the owner intentionally or trying to
5 satisfy any parking requirements on the site
6 to that access to Drummond Place. What we do
7 here tonight is in perpetuity. The owner
8 doesn't sell his properties, he maintains his
9 properties. That's why this is a rental
10 unit. By providing this gate that is locked,
11 this adds another level of safety that
12 wouldn't otherwise be provided. And when I
13 actually talked to Captain Grogan, and I told
14 him about, you know, our desire to do this
15 and would it be a benefit, you're right, in
16 the letter the second permit is not a
17 requirement. But it's also the actual
18 properties in Drummond Place. If you look
19 down Drummond Place and Rice Street, they're
20 essentially landlocked. There is a safety
21 for the building, and I believe the owner

1 forecast worst case scenario where there may
2 be a need for that. But I also think it does
3 provide a benefit for access to those other
4 places.

5 Again, this is not a requirement, but I
6 think this is an opportunity. And if you
7 want to safeguard Drummond Place, it can
8 easily be done with some sort of lock or some
9 sort of condition. But if we don't put the
10 gate there, there's no opportunity -- and in
11 an emergency, we may look back and say you
12 know what, the fire department didn't require
13 it but we didn't have it. So we would just
14 request -- it's a desire. I think it's going
15 to be a benefit to the property, and I think
16 there are other ways to address parking on
17 Drummond Place.

18 THOMAS ANNINGER: I assume that
19 you'd be willing to agree not to put a sign
20 up saying keep this opening clear so that it
21 would be an emergency access, but if you

1 needed it, you would have to somehow find the
2 owner of whatever car was blocking it and you
3 would negotiate around that.

4 ATTORNEY SEAN HOPE: That's right.

5 THOMAS ANNINGER: But we could put
6 in a condition that that cannot be used as a
7 reason to eliminate a space on Drummond
8 Place.

9 ATTORNEY SEAN HOPE: Yes. And
10 actually I think the plans have been revised,
11 actually have the gate, well, not just a
12 stockade chain link fence, but also to have
13 it swing inward. So there's an idea if
14 there was an emergency, you wouldn't
15 necessarily have to require, and obviously if
16 there's a car parked there you would have to
17 make some accommodations. But to your
18 question, yes.

19 STEVEN WINTER: Mr. Chair, unless
20 this is an ordinance gate, I really don't
21 want to put -- I don't want to make that an

1 opening. I think the owners of the buildings
2 can change. I think that the conditions can
3 change, and I really think that's a step in
4 the wrong direction to put a gate there.

5 H. THEODORE COHEN: I actually
6 disagree with that. I feel very
7 uncomfortable prohibiting a gate to be used
8 for emergency vehicles only. I mean, the
9 only access now is from the one side of the
10 building. And in the event of some emergency
11 or some catastrophe or a snowstorm that
12 blocks that side and a fire engine has to go
13 down into the back of the building, perhaps
14 even to put out a fire on an abutting
15 property on Rice Street, I am uncomfortable
16 with the concept that we would prohibit
17 something that could be a safety feature.
18 I'm perfectly content with the concept of it
19 being a locked gate only for use in an
20 emergency and for putting up a sign that
21 indicates the parking is allowed in front of

1 it so that an emergency, if necessary, the
2 fire department can tow a car. But to
3 prohibit something that could be helpful in
4 an emergency is something that I would not
5 want to do.

6 HUGH RUSSELL: I think, you know,
7 this question of access to apartment
8 buildings comes up all the time, and most
9 particularly suburban fire departments want
10 you to build a road all the way around every
11 building. The actual fire prevention code of
12 the Commonwealth requires access to one side
13 of every multi-family structure. This is a
14 building that has full sprinklers, has fire
15 alarm system, has access to it on three
16 sides, and indeed, if the fire department
17 wanted to drive down Drummond Place, they
18 tend not to like to get real close to burning
19 buildings, which Drummond Place would qualify
20 as real close. So they don't want to take
21 their half million dollar fire truck and get

1 too close to a fire. They have to protect
2 their personnel and their equipment. So I
3 think this is like a fantasy that it's got
4 safety value. And it's not been here for
5 many, many years. And I think, yes, you
6 know, you could require them to tear down all
7 the houses within a 50-foot thing and that
8 would make it more safe. But that's, you
9 know, I think you -- there's no, you know --
10 I think you've got to look at this in terms
11 of what the law requires, which they weigh
12 all the provisions of the law, and what the
13 history of it has been. And I think that
14 there's a danger that this feature will be
15 misused in the future and it's just better
16 not to do it.

17 The other thing is what's the nature of
18 this fence right now?

19 ATTORNEY SEAN HOPE: So it's a
20 stockade fence. I think initially we had a
21 chain link fence with year-round ivy. And

1 the Hi stori cal Commi ssi on di dn' t l i ke the
2 year-round i vy. So, i t' s a stockade fence
3 wi th the i dea of any l i ght spi l l age onto
4 Drummond Pl ace has been addressed and to the
5 nei ghbors.

6 HUGH RUSSELL: Okay. Because i t' s
7 not di ffi cul t for the fi re department to take
8 down a stockade fence. They can probabl y do
9 i t i n a mi nute. They come equi pped. If they
10 reall y had to take that fence down, i t woul d
11 not be hard for them to do that.

12 ATTORNEY SEAN HOPE: I woul d j ust
13 l i ke to bri efl y add al so, we have two
14 commerci al spaces, and al though the Cambri dge
15 Fi re Code for resi dences onl y requi res a
16 certai n amount of access, we al so have two
17 commerci al spaces. But more i mportantl y --

18 HUGH RUSSELL: Ri ght, and the state
19 fi re code requi res no access -- does not
20 requi re access to a commerci al bui l di ng. I
21 happen to know thi s because I' m worki ng on a

1 building in Lowell which is in a mill yard
2 which is surrounded by other buildings, and
3 I've gone into great detail over this
4 particular provision of the fire code.

5 ATTORNEY SEAN HOPE: I think most
6 importantly if the fence is seen as -- or not
7 having the fence is seen is to protect the
8 parking on Drummond Place, I think that's
9 probably not the best use of that. I mean,
10 the parking on Drummond Place, the owner of
11 40 Norris Street, as well as the other
12 Drummond Place owners have free rights to the
13 center line of the street. Whether that gate
14 is there or not does not preserve parking. I
15 think the conditions can satisfy that. But I
16 think we're talking about future eventualities
17 where we don't something is going to get a
18 safety concern. And frankly, you know, as
19 the owner in terms of liability we're more
20 comfortable saying well, we have a gate for
21 emergency and we'll satisfy those conditions

1 whether -- and those will run with the land.
2 So if another owner buys the property, those
3 will run with the land. But to say today
4 that now you add 25, 20 residential users
5 that you can foresee no circumstance where
6 this would be a benefit, I don't think it
7 outweighs the balance of potentially
8 protecting parking spaces on Drummond Place.
9 Those are a risk or those are protected
10 regardless of the fence.

11 HUGH RUSSELL: Well, that's why I
12 suggested a human size gate, because I think
13 the condition of driving -- you can't drive a
14 fire truck through that onto a 12-foot wide
15 thing. It's just not --

16 STEVEN WINTER: You can't.

17 HUGH RUSSELL: If you look at the
18 turning radiuses of fire trucks, you can do
19 it with a Smart Car.

20 ATTORNEY SEAN HOPE: Reasonable
21 access to, you know, a private way that all

1 of the abutters have doesn't necessitate the
2 opportunity for a gate. Now it could be 18
3 feet wide, we predicted that, because if a
4 fire truck needed to back up. But if you
5 wanted to limit the size of the gate to 12
6 feet for a car, but I think the lock on that
7 already satisfies the idea this won't be used
8 by pedestrians. And I do think if you had a
9 man-sized gate, that will probably keep
10 people from wanting to walk in and out. The
11 gate would swing inwards as we had
12 suggested and I just think --

13 HUGH RUSSELL: Okay, thank you. I'm
14 not convinced.

15 STEVEN WINTER: I remain completely
16 unconvinced. And I do want to say, Ted, with
17 all due respect I do value your common sense
18 and I do value your positions, but I think
19 we're anticipating problems that the Code or
20 the fire department does not require us to
21 anticipate here. And that's all that I'm

1 saying. If there was a Code, I'm willing to
2 go there, but I don't want to second guess
3 the public safety by saying well, the Code's
4 not there but I think we should go this extra
5 mile.

6 H. THEODORE COHEN: But rather than
7 second guessing it, you're prohibiting
8 something and I don't understand that point
9 of view. I mean, if there are sufficient
10 conditions and there are conditions for any
11 number of other things in this project, and
12 if they're significant conditions that
13 prevent it from being used, except in an
14 emergency, I don't see the point of
15 prohibiting it simply because the Code
16 doesn't require it.

17 STEVEN WINTER: We differ on that.

18 THOMAS ANNINGER: And I think people
19 have decided on this question and I'm not
20 sure any more words are going to make a
21 difference. I'm with Ted, as I said at the

1 outset. I would allow this access. Ted
2 would allow it. I don't know where Ahmed and
3 Pam are, but --

4 AHMED NUR: I would allow it.

5 THOMAS ANNINGER: We have to vote
6 and move on.

7 AHMED NUR: I would allow it. I
8 would allow it because there is a wall and
9 there's a gate. Gate is always better
10 access. It's residential. Whether it's
11 furniture moving in and out, it's not being
12 used right now, why not use it?

13 THOMAS ANNINGER: I love it. Pam,
14 what are you going to do now?

15 PAMELA WINTERS: I feel like I'm on
16 The Voice, the TV show. Who am I going to
17 pick? I think I'm going to go with my
18 initial gut and say that I would allow the
19 fence.

20 HUGH RUSSELL: Allow the gate you
21 mean?

1 PAMELA WINTERS: Allow the gate.

2 That's just my initial gut. And so --

3 STEVEN WINTER: Mr. Chair, do you
4 see any option other than to go with the
5 wisdom of the group which I am prepared to
6 do?

7 HUGH RUSSELL: And I'm prepared to
8 do that. And I think that I'm very nervous
9 about the arguments that have been made, but
10 if they're willing to -- if we put the gate
11 and we have a condition that you cannot put a
12 sign on the gate that prohibits parking in
13 front of the gate, then I think that will
14 accomplish what needs to be accomplished
15 here.

16 Are you a Drummond Place resident.

17 LILLA JOHNSON: I am not. This is
18 Drummond Place. You can't get anything
19 bigger than an SUV down it. There is no
20 turning radius.

21 HUGH RUSSELL: We know that.

1 LILLA JOHNSON: I've never been over
2 that side.

3 HUGH RUSSELL: Yes, Ma'am.

4 LISA ORAY: Lisa. I live on Norris
5 Street. I just want to point out.

6 HUGH RUSSELL: Can you give your
7 name, please?

8 LISA ORAY: Lisa Oray, 31 Norris
9 Street.

10 HUGH RUSSELL: And excuse me, before
11 you start, can you tell us your name, too,
12 please?

13 LILLA JOHNSON: Lilla Johnson, 23
14 Rice Street.

15 LISA ORAY: I'm at 31 Norris. I
16 just want to say it's not a publicly plowed
17 street. So I kind of feel like you can't
18 have it both ways. If you're gonna to start
19 something new, I hope you provide more
20 services to that street.

21 HUGH RUSSELL: Sure.

1 DAN BERTCO: Dan Bertco, 13 Norri s.
2 I'm not sure -- I don't quite understand why
3 the car gate is important. The Drummond is
4 so narrow, you can't turn an emergency
5 vehicle on to the property. However,
6 LaCourte has purchased 57 Cedar Street which
7 has a very long backyard. Drummond Place is
8 in the way to connect it with the school. I
9 -- this is conjecture, but I think there's --
10 I think there is a subplot here about a
11 future purchase of -- they want to establish
12 access for a double gate there because there
13 may be some future plan to connect the
14 properties. I don't think this is just an
15 emergency access issue.

16 HUGH RUSSELL: Okay. Can we write
17 in the condition state whose definition of an
18 emergency it is? So in other words, if the
19 police or the fire department say there's an
20 emergency, the gate has to open then that's
21 the standard. Okay? Well, I think we've --

1 we have a majority that feels one way and a
2 minority that is willing to go along with the
3 judgment of the majority. So I think we've
4 gotten passed this one.

5 Separately charging tenants and
6 occupants for parking.

7 STEVEN WINTER: Is that addressed in
8 Mr. Hope's memo? Because Mr. Hope has
9 already indicated that he concurs with
10 Traffic and Parking's recommendation.

11 THOMAS ANNINGER: That's right.

12 STEVEN WINTER: Am I in the right
13 place here?

14 HUGH RUSSELL: Yes. I think this is
15 actually --

16 STEVEN WINTER: This is not about
17 assigning, this is about charging? Yes.

18 THOMAS ANNINGER: I think this is
19 not consistent with what the Traffic
20 Department is recommending to us --

21 STEVEN WINTER: That's correct.

1 THOMAS ANNINGER: -- and then,
2 therefore, I think we would, as I understand
3 it, we are not accepting this condition.

4 HUGH RUSSELL: I don't think that
5 it's inconsistent. I think they're getting
6 it different management strategies. If the
7 condition on charging were -- if you get the
8 right parking, the parking lot as part of
9 your rent, one car --

10 STEVEN WINTER: Right.

11 HUGH RUSSELL: -- that's consistent
12 with what the Traffic and Parking wants which
13 is not assigned spaces, but the right to park
14 there.

15 STEVEN WINTER: And can we --

16 THOMAS ANNINGER: No, no.

17 STEVEN WINTER: Okay.

18 THOMAS ANNINGER: That's not how I
19 read it.

20 HUGH RUSSELL: I mean, I believe, if
21 you -- someone who's got a significant budget

1 issue looks at a bill of \$100 a month for
2 parking, says well, I can't afford that, I'm
3 going to park on the street because my rent
4 is already so high. That's what we're trying
5 to -- that would be very unfortunate if that
6 happened. And if the lot was empty and
7 people were trying to park on the street
8 because they didn't want to pay for parking.

9 STEVEN WINTER: I do believe that
10 Tom is -- my colleague is correct, that Sue
11 Clippinger's memo does not address that
12 specific issue. She does say that it should
13 be open parking. She does not say -- she
14 does not make a recommendation about how that
15 parking is paid for.

16 HUGH RUSSELL: I mean, I --

17 THOMAS ANNINGER: Sorry she's not
18 here because my guess is that -- I would be
19 interested to know if the staff could help us
20 clarify what Sue Clippinger's intent is on
21 this issue.

1 ROGER BOOTHE: I mean, this is again
2 an issue I don't think the Board is usually
3 going to have in its decisions, and normally
4 that would be part of the rent. I'm not sure
5 it's something that we can regulate.

6 HUGH RUSSELL: Well, in the Planning
7 Board case 169 O'Brien Highway, the Board did
8 see fit to make this a condition.

9 THOMAS ANNINGER: Weren't those
10 condominiums?

11 ROGER BOOTHE: Those were
12 condominiums, were they not?

13 HUGH RUSSELL: No. They were rental
14 apartments with a building with insufficient
15 parking.

16 Yes, Mr. Hope.

17 ATTORNEY SEAN HOPE: Yes, and you
18 all have the letter in front of you. One of
19 the key points to the letter was about
20 flexibility. And I think prohibiting
21 charging separately for rent ongoing as a

1 condition to the Special Permit, locks us
2 into one position. So at this moment there's
3 probably some good rationale by the neighbors
4 for wanting to do this. But if conditions
5 were to change, we're not allowed the
6 flexibility to be able to manage that.
7 Obviously as a marketing building, we want to
8 provide parking to all the tenants and also
9 have that work. But I think -- I don't
10 understand the rationale. And when we met
11 with Traffic and Parking, I'm not going to
12 speak on their behalf. But I do think if the
13 letter is read into the file, they do
14 emphasize the flexibility to be able to
15 change and attach it or not, and I do think
16 this provision limits that so I just ask that
17 be consistent with the letter in the memo.

18 HUGH RUSSELL: I am told that the
19 letter does not address the issue of payment.
20 And I think this is very important.

21 STEVEN WINTER: I do, too.

1 PAMELA WINTERS: I do, too. I
2 agree.

3 STEVEN WINTER: I think it's a very
4 important neighborhood issue that we need to
5 do the best we can with.

6 HUGH RUSSELL: Right. And so I
7 think we should put it in a provision in
8 there that basically it says when you rent an
9 apartment, you don't have to pay separately
10 for a single parking space.

11 STEVEN WINTER: Can we refer to our
12 169 O'Brien Highway decision? This has to be
13 a defensible --

14 HUGH RUSSELL: No, I think --

15 STEVEN WINTER: We have to have a
16 defensible point.

17 HUGH RUSSELL: Well, the defensible
18 point is we're trying to control spill over
19 parking for this building. You know, if they
20 said the parking was going to be more than,
21 you know, \$25 a month, I wouldn't put that

1 condi ti on here. But I have no reason to
2 think that the parking will not be rented for
3 a substantial amount. And that might cause
4 people to, you know, to -- which we don't
5 want them to do because there isn't capaci ty
6 on the street for spill over parking for thi s
7 bui l di ng.

8 STEVEN WINTER: And in fact that's
9 our defensi bl e poi nt. What we're doi ng here
10 -- in bri ngi ng thi s much densi ty i nto one
11 bui l di ng on a resi denti al street, we're
12 maki ng a provi si on that the parki ng will be
13 used by the peopl e who live in the bui l di ng
14 and not in fact opt out of that parki ng
15 because i t's an expense and have them park on
16 the street, have an addi ti onal 20, 30, 40
17 cars on the street. I think I can hang my
18 hat on that.

19 THOMAS ANNINGER: I think what Sue
20 Cl i ppi ng er woul d say i s that thi s eli mi nates
21 a di si ncenti ve for somebody to have a car.

1 That if it's paid for already and it's
2 included, why not have one? I think this is
3 the kind of thing just like we defer to the
4 Historical Commission for so many things, our
5 practice is on something, to a certain extent
6 this is complex. As complex as this ought to
7 be -- we ought to, at a minimum, get advice
8 from the Traffic Department on this. And my
9 preference would be to defer to them whatever
10 they say. And I don't know how we can build
11 that into this decision, but I'm not in
12 agreement with how the conversation is going
13 by requiring this without further advice from
14 Sue Clippinger.

15 PAMELA WINTERS: Tom, may I say
16 something? The odds are that everybody is
17 going to have or probably will have a car in
18 those units. And so I mean that's the
19 reality. We would like them not to, but the
20 reality is that they will probably have a
21 car. And if they park in the street, it's

1 going to make it more difficult for the
2 neighbors, you know, to find parking and so
3 forth.

4 THOMAS ANNINGER: I don't think the
5 data bears that out. I think on the
6 contrary.

7 PAMELA WINTERS: Oh, oh, contraire.

8 HUGH RUSSELL: There are very few
9 parking spaces on the street at nine o'clock
10 at night.

11 PAMELA WINTERS: Right.

12 HUGH RUSSELL: I mean, I don't
13 remember the exact counts, but they were, I
14 think, there were times when there were none,
15 and there were times when there were few and
16 now we're adding 25 families, and we want
17 them in that lot. And I think we need in the
18 decision whatever tools that it takes to get
19 them in that lot and not in the street.

20 Stuart.

21 STUART DASH: I think we should

1 consider it cuts both ways. And I was
2 talking with Jeff about it and we've been in
3 discussions over the years, because you can
4 get families with some with two cars and some
5 with no cars. And in fact, there are people
6 in Cambridge with no cars. If they're
7 walkable, (inaudible), and it sort of forces
8 them to then say there can be an open space
9 for a car. So it does cut both ways, that
10 requirement.

11 STEVEN WINTER: I'm not sure what
12 that means, Stuart.

13 STUART DASH: If you require
14 everyone --

15 HUGH RUSSELL: Jeff wants to
16 explain.

17 STUART DASH: Yes, go ahead, Jeff.

18 JEFF ROBERTS: So just to try to
19 give a brief thing without going for too
20 long. The way the -- we generally have a one
21 space per unit requirement which isn't the

1 same as assuming that every household has one
2 car. Generally the way it balances out is
3 you get about half households that have one
4 car, about a quarter that have no cars, and
5 about a quarter that have two cars. And I
6 think the concern trying to try to channel
7 Sue a little bit, and I hope I'm doing a good
8 job of this, the part of the concern with
9 requiring that each unit have one space
10 reserved for and included in the rent is that
11 what you might end up with is, you know, half
12 of the households that have one car are using
13 their spaces. The cars -- the households
14 that have no cars are basically sitting on
15 empty parking spaces. And then those
16 households that have two cars, their second
17 cars are being pushed out into the street.
18 So often what Sue brings up in terms of
19 flexibility is really making sure that there
20 is the accommodation within the parking lot
21 to accommodate all the cars that are

1 collectively owned by residents of the
2 building and to not, not to do something that
3 will unnecessarily force cars out on to the
4 street.

5 Does that make sense?

6 HUGH RUSSELL: Yes.

7 PAMELA WINTERS: Well,
8 mathematically it sounds like it will come up
9 perfectly.

10 HUGH RUSSELL: So maybe we need to
11 institute a process in which we have a rule.
12 I'm not quite sure what that rule is, but we
13 have rule A, require annual monitoring of
14 what's happening in terms of utilization of
15 the parking lot and on-street parking, and
16 have the ability to change -- to have the
17 rule changed until we get the desired result.

18 THOMAS ANNINGER: If somebody is
19 willing to administer that rule, I think it
20 would be great but it's asking a lot.

21 HUGH RUSSELL: I don't think it's

1 going to be very hard for a Traffic and
2 Parking Department to -- I mean, it's like a
3 letter that says, you know, maybe they go
4 once a month and they check. And at the end
5 of the year they say, January was fine and
6 February and March and here's what we found
7 and they sit down and try to work it out.
8 But, you know, I think this is one of the
9 problems when you've got a large, new
10 building on a small street that doesn't have
11 parking resources and it doesn't -- and it's
12 not like you can just well, go to the end of
13 the block and there would be this big huge
14 field of parking. There's no huge field of
15 parking anywhere near this. So, I mean, yes,
16 you could -- people are going to find places
17 for their cars. We don't want somebody who
18 is living in, you know, at 19 Norris Street
19 to have to walk three blocks just because the
20 house was built without a garage because, you
21 know, somebody -- because the rents structure

1 and the parking rents structure is such
2 that --

3 STEVEN WINTER: Mr. Chair, what's
4 your starting point? I like where we're
5 going, but I'm not sure where you're
6 starting. Are you starting with each unit?

7 HUGH RUSSELL: I think in that sense
8 I could start with by saying, Sue, you tell
9 us where to start.

10 THOMAS ANNINGER: That's where I'm
11 going.

12 H. THEODORE COHEN: Okay.

13 STEVEN WINTER: Okay, I can do that.

14 H. THEODORE COHEN: If I could just
15 jump in. I'm more comfortable with that. I
16 mean, whether it's explicitly stated or not,
17 I read Sue's comments as I inferred that she
18 did not expect there to be a charge for
19 parking. I'm sorry, I did not read that as
20 her expecting that we would require that
21 parking be included at no charge. And I also

1 think that if we were to mandate that parking
2 be included, that that was going to end up in
3 the rents that are charged and that people
4 who don't have cars probably would not rent
5 here because why would they have to pay this
6 hidden charge when they could go someplace
7 else and get an equivalent unit for a lesser
8 rate? So I think it cuts in all directions.
9 And I would be more comfortable if a starting
10 point was let Parking and Traffic tell us
11 what they think ought to be the situation and
12 monitor it and then --

13 HUGH RUSSELL: So there's another
14 way that my clients have addressed this
15 issue, and it sounds like it's a workaround,
16 but they say okay, parking's in the rent, but
17 if you don't have a car, we'll give you a
18 discount at 50 bucks a month. Now, it's --
19 and the discount isn't, like, the full market
20 value of a parking space, but again there's
21 incentive there. That's a management

1 strategy that tries to achieve the goals.
2 I'm not -- I think, I like the idea that we
3 let Sue come back and try to negotiate a
4 starting point with the property owner and
5 then we have a reporting process of the
6 ability to work it out.

7 BRIAN MURPHY: I've been trying to
8 get Sue by e-mail and for whatever reason the
9 e-mail's not working right now. And I was
10 just talking with Roger and Stuart about
11 this. And I think in general Sue has been
12 quite reluctant to get into this kind of
13 monitoring situation. I think it came up
14 last time, if I remember correctly, when the
15 Board was looking at the Hampshire Street
16 proposal, and the particularly low desired
17 parking ratio there, and whether there were
18 alternatives for parking. And Stuart was
19 remembering that the last time anything
20 comparable to this came up was really on the
21 much larger scope, with the Porter Square

1 shopping center. And so there's the issues I
2 think that would, you know, like Jeff, I'm
3 trying to channel my inner Sue. The issues
4 that I think would come up would be one, just
5 to administerial task of what's involved with
6 actual monitoring. And then the second would
7 be the enforcement provisions that one would
8 find out what the data showed. So, you know,
9 in terms of I think there's a certain
10 reluctant to get that deep into it in terms
11 of an oversight role of what Traffic and
12 Parking is traditionally trying to do.

13 THOMAS ANNINGER: But you see this
14 -- put this in a form of question, do you see
15 a problem with us in our decision going as
16 finding some way to have Sue give us guidance
17 on how to handle this issue?

18 BRIAN MURPHY: No.

19 THOMAS ANNINGER: Rather than for us
20 to try to figure it out?

21 BRIAN MURPHY: Yes.

1 THOMAS ANNINGER: All right. I'll
2 go with that.

3 STEVEN WINTER: Mr. Chair, what do
4 you think about that?

5 HUGH RUSSELL: As long as the
6 Department is aware of the peculiar
7 circumstances of this project which is really
8 unlike -- it's not at all typical because of
9 the situation and -- I mean, they also are
10 probably aware of a number of projects where
11 there are similar issues. But I think, you
12 know, we have to tailor the solution to the
13 case in front of us. And if that requires
14 her to get into doing some monitoring or some
15 review or some discussion, well, you know,
16 that's what it takes to get the result we
17 want. We know what the result is. We just
18 don't know what it's going to take to get
19 there. And I am kind of nervous because
20 there's sort of a hardball attitude from the
21 proponent at certain points.

1 STEVEN WINTER: Indeed, yes.

2 HUGH RUSSELL: Like, well, we're
3 just going to take care of this our way.
4 Give us the permit. And I don't -- that
5 doesn't give me a feeling that our goal here
6 will necessarily be met. Somebody says well,
7 you know, I'm going to try 150 bucks a place
8 and that's the way it is. And I don't care
9 if the lot's empty.

10 STEVEN WINTER: Or where the cars
11 are.

12 HUGH RUSSELL: Or where the cars
13 are. I mean, sure at some point if people
14 can't -- you know, if they're forced back
15 into paying the parking fee because they have
16 to go three blocks to park their car, that's
17 the wrong thing. And it's about price
18 really. You need to set the price at such a
19 level that the lot is used for the people,
20 and I don't have the confidence that that's
21 going to happen in this case.

1 AHMED NUR: Mr. Chairman, if I may
2 jump in here. I'm willing to go along with
3 Sue's advice on this particular property.
4 That sounds like what we're leaning towards,
5 and I think we kind of -- it's a very
6 important subject. And it goes a lot deeper
7 than that. We have seen landlords that are
8 taking spaces away from tenants who are
9 actually paying the \$75 or \$125 and selling
10 that to a \$300 to a car share or any other
11 abutter who is willing to out, you know, pay
12 them. So the subject is definitely into
13 careful examination, and with staff and with
14 Sue and something has to come up and it has
15 to get off her hands.

16 HUGH RUSSELL: Okay.

17 All right. So I think we've reached
18 our agreement that we're going to -- that
19 something has to be worked out. And to know
20 exactly what it is, we have to have a
21 recommendation from Sue.

1 BRIAN MURPHY: Right. And we're
2 just trying to figure out what that might be.
3 And I don't know whether there's a
4 monitoring, you know, to check with Sue, to
5 see if there's a fair monitoring condition
6 that would work from her standpoint. And I
7 don't know if the Board wants to have a
8 default, if not, then to use the tool to
9 saying that it's included within the rent and
10 which recognizing that there are issues with
11 that, that sort of leads to a, you know, the
12 potential problem that lead up to the two car
13 households and whether or not there's any
14 informal relationship or how things get
15 worked out. I don't know, but maybe it's in
16 that kind of sort of alternative. And,
17 again, I apologize, for whatever reason the
18 internet's not working and I was trying to
19 track Sue down.

20 HUGH RUSSELL: And I think a piece
21 of this is that Sue might have some ideas,

1 but I think the property owner will want to
2 discuss this, to having those people in the
3 discussion about how to achieve the result.

4 ROGER BOOTHE: Would you like there
5 to be a requirement that we would report back
6 to you on the results of that conversation,
7 because that might be helpful to the Board?

8 HUGH RUSSELL: Yes, I think that
9 would be helpful to us. I mean, obviously
10 we'll see it in the decision. I will see it
11 in the decision once it's drafted, and we
12 could decide that we all wanted to see it
13 before I sign the decision and vote it.

14 ROGER BOOTHE: I mean, I would just
15 caution, as the Board knows this issue, there
16 are some issues that have come up before and
17 there really isn't a magic answer. So it's
18 just trying to make sure that best efforts
19 are made and there's good faith and that it's
20 being looked over and I think we can do that.

21 STEVEN WINTER: Your point is right

1 on target. And in fact I think that kind of
2 dialogue is something that we do really well
3 on this Board. I'm not sure that we always
4 are working with a proponent who has the same
5 good intentions and good spirit. So that's
6 when our ability to have this dialogue might
7 not be enough.

8 HUGH RUSSELL: Right. And the
9 building's going to be there for a long time.
10 We can't predict who's going to own the
11 building 5, 10, 15 or 20 years from now.
12 Buildings get sold. People's circumstance
13 change. So we need something that isn't tied
14 to a particular person.

15 All right. I think we've done 10. And
16 I would also throw in 11 into the same pot,
17 which is the ZipCar.

18 Did Sue have a specific recommendation
19 on the ZipCar?

20 STEVEN WINTER: No. I believe the
21 proponent indicated that they are open to the

1 ZipCar use. And I guess my -- I would ask
2 maybe that is something that Sue could
3 monitor, is a dialogue between the proponent
4 and ZipCar. ZipCar makes business decisions.
5 They'll even want a ZipCar there or not. If
6 ZipCar wants a car there, I think then they
7 will have a car there.

8 HUGH RUSSELL: Right. And I mean,
9 that's my sense. And it also provides --
10 each ZipCar gets rid of something like 18
11 cars.

12 DAN BERTCO: Not really.

13 HUGH RUSSELL: That's interesting.
14 There have been some interesting reports we
15 saw about a year ago that seem to indicate
16 that the car's shared by far more people than
17 18, but that if there was data, maybe it was
18 10, maybe it was 20, maybe it was 30 cars
19 that, you know, were no longer used.

20 STUART DASH: And just remember
21 ZipCar is not a legal use in that Res B at

1 thi s poi nt.

2 HUGH RUSSELL: It doesn't meet the
3 Zoni ng requi rements. So if they went and did
4 it, they would have to get relief to do it.
5 So we cannot requi re it.

6 STUART DASH: That was the
7 di scussi on that we had about a year and a
8 hal f ago.

9 THOMAS ANNINGER: What is it that
10 prevents them?

11 HUGH RUSSELL: Commerci al use in a
12 Resi dence B Di stri ct.

13 STUART DASH: Yes.

14 THOMAS ANNINGER: In a Resi dence B
15 Di stri ct.

16 H. THEODORE COHEN: So where di d we
17 al low it?

18 STUART DASH: We di d that Zoni ng --
19 the guy was goi ng to di scuss it at a later
20 ti me.

21 ROGER BOOTHE: I thi nk the questi on

1 is we have lots of ZipCar requirements and
2 commercial permits, so there are a lot of
3 PTDM requirements, but not for this kind of
4 -- no low density residential area.

5 HUGH RUSSELL: So I don't think we
6 -- because it's not permitted, we can't
7 require it. But we can certainly indicate
8 that we think this might be part of a good
9 solution.

10 STEVEN WINTER: And the proponent
11 has indicated the willingness to enter the
12 conversation.

13 LIZA PADEN: It's a use variance.

14 HUGH RUSSELL: It would be a use
15 variance, that's right. And you can vary
16 anything in the Ordinance with a Variance.

17 THOMAS ANNINGER: Do we have the
18 authority to do that?

19 HUGH RUSSELL: We do not.

20 DAN BERTCO: The ZipCar deals with
21 uni versiti es.

1 THOMAS ANNINGER: Colleges, is that
2 an illegal use by the city? Could LaCourte
3 have its own ZipCar for building residents
4 and that would not be involved, it would be
5 like a campus, like a campus use.

6 STUART DASH: Yes, I don't think so.

7 DAN BERTCO: Why not?

8 STUART DASH: We'll talk later.

9 STEVEN WINTER: Excuse me, there are
10 ZipCars in private driveways.

11 SUSAN GLAZER: It's illegal.

12 ROGER BOOTHE: A lot of those are
13 illegal.

14 AHMED NUR: I just want to qualify,
15 there are companies -- there's a term that's
16 called car share. There are companies.

17 HUGH RUSSELL: All right. We've
18 gone down the list. We discussed the
19 chimney, the gate, the noise, and somebody
20 said attic. They wanted some more thought
21 about the attic.

1 Was that you, Steve?

2 STEVEN WINTER: It was me that said
3 that I believe that we talked about the attic
4 space prior to this, and the proponent
5 addressed these issues and that this is no
6 longer an issue. And I just wanted to
7 confirm that. That's my understanding.

8 HUGH RUSSELL: I'm satisfied, yes.

9 STEVEN WINTER: Okay.

10 HUGH RUSSELL: All right. So now
11 we've gone through Attachment A. We have no
12 other issues on the table. We have a
13 proposal to address everything.

14 Yes, Stuart.

15 STUART DASH: Just the Article 22,
16 we had further discussions that we want to
17 have make sure part of the permit conditions
18 on the LEED system being proposed, there's
19 discussions back and forth. So that -- I
20 don't consider that our staff considered they
21 want to have further discussions like

1 assuming design review as part of that.

2 HUGH RUSSELL: So that would be a
3 condition that they continue to discuss the
4 Article 22 issues with the staff?

5 STUART DASH: Right, that's correct.

6 HUGH RUSSELL: And satisfy you that
7 they've done what needs to be done?

8 STUART DASH: Right.

9 HUGH RUSSELL: Now somewhere in all
10 this paper there's a sheet that says what
11 you're really asking for. And I think all
12 you're asking for is a 5.28 permit; is that
13 correct, or is there more relief?

14 ATTORNEY SEAN HOPE: Yes.

15 HUGH RUSSELL: I would propose that
16 the motion be prepared that we grant the
17 necessary relief to do this project in
18 accordance with our discussion and with the
19 plans presented and the conditions that have
20 been discussed.

21 H. THEODORE COHEN: Are there any

1 individual findings that we have to make?

2 HUGH RUSSELL: That's where I'm
3 going.

4 ATTORNEY SEAN HOPE: Yes, so the
5 question is 5.28 Special Permit, but also
6 relief under 6.44.1A and B, and that's
7 parking within 10 feet of habitable windows.
8 We have parking spaces that are abutting
9 habitable windows.

10 HUGH RUSSELL: The six spaces that
11 are three feet away instead of whatever it is
12 they're supposed to be there. And you're
13 putting glass block in those windows so that
14 they are not operable windows anymore. They
15 are ways of getting light in the building.
16 And we can even argue they're not windows
17 anymore. But the windows above --

18 ATTORNEY SEAN HOPE: That's right.

19 THOMAS ANNINGER: You sure that
20 covers it?

21 ATTORNEY SEAN HOPE: Yes. So it was

1 -- there was the relief, and then initially
2 we had applied for 8.221, the -- we applied
3 for 8.221 non-conforming. We were concerned
4 that we had to do any alterations to the
5 windows that were within the setback for
6 building purposes. We had to alter the sides
7 of those for access and egress. But actually
8 we're not looking for setback on either of
9 those sides. It's a corner lot so we have
10 two front, but that was part of the requested
11 relief. I can give the Chair the cover
12 sheet.

13 HUGH RUSSELL: Great, thank you.

14 Is that a copy I can keep?

15 ATTORNEY SEAN HOPE: Yes.

16 HUGH RUSSELL: So okay, under 5.28
17 Planning Board may permit uses not otherwise
18 allowed on a base zoning district subject to
19 the following conditions and limitations:

20 Institutional uses -- well, there's a
21 list of the potential commercial uses. So I

1 think we need to find that we have, that it
2 meets those requirements, the uses that are
3 proposed. The additional uses are consistent
4 with what the Ordinance requires. The --
5 what they're proposing to use general office
6 which is one of those uses.

7 STEVEN WINTER: Correct.

8 HUGH RUSSELL: So it's like
9 paragraph 3 is the option they're using there
10 which describes a series of different kinds
11 of offices.

12 They are underground. They're in the
13 basement of the building. It would determine
14 that non-residential uses are generally
15 compatible with the residential uses in the
16 area, including the dwelling units located
17 within the same building.

18 STEVEN WINTER: Correct.

19 HUGH RUSSELL: And we agree that's
20 the case?

21 H. THEODORE COHEN: We're there and

1 the proposal is both to have work,
2 work-related tenants.

3 HUGH RUSSELL: Right. But it's not
4 limited to that.

5 H. THEODORE COHEN: No, it's not
6 limited to that.

7 HUGH RUSSELL: Correct.

8 And we can determine that by permitting
9 this, there will be a compensating reduction
10 in the number of dwelling units that would
11 otherwise be permitted. And the answer is
12 that the use is occupy this space of what
13 would be two dwelling units. So that we can
14 make that finding.

15 And the reason I'm reading through this
16 is the first time we've granted under this
17 new language, and so the terminations are
18 there. There are a lot of rules in here
19 which we don't usually cite in chapter, verse
20 how they meet every provision of the
21 Ordinance.

1 So I'm looking for other things in here
2 that say we have to make a special
3 determination or a finding.

4 Criteria for approval of Special Permit
5 shall consider the standards of criteria
6 Point 1, in 1043, 1047, and 1047.1 of the
7 Ordinance. 1043 of the general Special
8 Permit criteria. I think 1047.1, is that
9 multi-family dwelling criteria? So the 1043
10 requirements are our old friends that the
11 requirements of the Ordinance can be met with
12 the Special Permit.

13 That the traffic generated will not
14 cause congestion, hazard or substantial
15 change in the established neighborhood
16 character. And we would say that's because,
17 in fact, when it was used as a school, there
18 was -- it was significant traffic coming
19 through this building.

20 And continued development of adjacent
21 uses would not be adversely affected by the

1 proposed use. And I think we find that a
2 residential use does meet that standard.

3 The nuisance or hazard would be
4 created -- the language here is funny. So I
5 have to -- so it's all put in the positive,
6 but it's really a negative so I'm trying to
7 translate as I go along.

8 The knots up in the first overall
9 paragraph anyway.

10 Impairing the integrity of the district
11 and adjoining district, and derogating from
12 the intent and purpose of the Ordinance.

13 It's a residential district. It's a
14 residential use. The Ordinance has recently
15 been rethought for precisely of what's going
16 on here.

17 STEVEN WINTER: Correct.

18 HUGH RUSSELL: It's right within the
19 intent.

20 And then there is no new building
21 construction, therefore, we do not need to

1 consider the urban design objectives.

2 STEVEN WINTER: Right.

3 HUGH RUSSELL: Because the urban
4 design is what we've got.

5 Then under 1047, criteria for
6 multi-family dwellings, first criteria is the
7 key features of the natural landscape should
8 be preserved.

9 Are there any trees along that fence or
10 are there no --

11 BLAIR HINES: There are some.

12 HUGH RUSSELL: There are some. And
13 you're maintaining them?

14 BLAIR HINES: And we're maintaining
15 them.

16 HUGH RUSSELL: Those are important.
17 This is not a new building, so two doesn't
18 apply.

19 And the landscaping provides some
20 benefits to abutters and passersby. Probably
21 more significant to the passersby, but there

1 is a planting strip in the front and around
2 the back. And there's also a fence that will
3 block the view of it.

4 Parking areas, landscaping shall
5 minimize intrusion of on-site parking so it
6 does not substantially detract from use and
7 enjoyment of either proposed development or
8 neighboring properties. And I think that's
9 why you landscape it. And they've done what
10 they can.

11 STEVEN WINTER: I think so.

12 HUGH RUSSELL: Yes.

13 And service facilities such as trash
14 collection apparatus shall be located so that
15 they're convenient and unobtrusive. And
16 they've done that.

17 And that is the end of the list.

18 Going back to 5.28 to see if there are
19 more lists.

20 Okay, then criteria of overall
21 projects.

1 one thing that's been considered. Minimizing
2 the number of skylights and their location to
3 the provision of bedrooms on the side wings
4 facing other people's bedrooms rather than
5 living room spaces. There may be other
6 things that come up.

7 So we believe that there is a
8 reasonable level of privacy for the abutters
9 generated by this proposal.

10 And they're not reducing the on-site
11 private open space beyond what exists. In
12 fact, they're increasing it. So we don't
13 have to make a finding.

14 And we also note that there are --
15 there's a community room within the building
16 which is available to compensate for the --
17 there's a small quantity of outdoor space.
18 And there's also park across the street which
19 leads to a bigger park.

20 And we would find reasonable efforts
21 have been made to address concerns raised by

1 the abutters. And they've had meetings and
2 they've addressed them in writing.

3 STEVEN WINTER: I believe we can say
4 that, yes.

5 HUGH RUSSELL: Right.

6 Okay, then additional criteria
7 applicable to larger projects. Now these are
8 more than 10,000 square feet or 10 dwelling
9 units. So, we have to give evaluated
10 proposal in light of the demand for parking
11 and the report and the city's staff on these
12 issues.

13 We've looked at the layout of the floor
14 space in the building, and the range of unit
15 sizes and the types and find that it's fairly
16 large units that are typical for the housing
17 in the neighborhood, and potential mitigating
18 affects of the proposed occupancy of the
19 dwelling units. Oh, I see. If there were
20 elderly residents or liveable spaces
21 occupying more options, I guess we would say

1 that the commercial space does provide an
2 option for liveable space.

3 STEVEN WINTER: Should be used, yes.

4 HUGH RUSSELL: It's one thing that
5 the larger project should do and this project
6 has made an effort in that regard.

7 And that's the end of it.

8 Okay, so given all of those findings
9 which I've summarized, is there a motion to
10 grant the relief? Is there a special finding
11 for 6.44.1, the parking closer to it -- I
12 mean, the point that we're doing is that
13 we're saying that the windows that are
14 directly next to the parking are being
15 converted to glass box and they're not
16 operable.

17 STEVEN WINTER: Yes.

18 HUGH RUSSELL: And so it's going to
19 have a negligible impact.

20 THOMAS ANNINGER: Those windows do
21 not lead to the apartments, do they?

1 HUGH RUSSELL: No. They lead to the
2 commercial space.

3 AHMED NUR: Were you're going to
4 attach the -- taking that chain link and
5 putting the gate in for that Drummond Place.

6 HUGH RUSSELL: So the proposal right
7 now calls for locked gates. And the only
8 condition that we're adding is that saying
9 that this shall be no sign limitation placed
10 on parking on the Drummond Place side of the
11 gate.

12 AHMED NUR: Okay. And not to go
13 back on to that, but there is nothing in the
14 Cambridge Ordinance that would say -- or
15 probably by the city saying do not park in
16 front of gates. If you see a gate, stay away
17 from it? And all of a sudden a tow truck
18 comes and takes these residents' cars away?

19 HUGH RUSSELL: Well, this is a
20 private property.

21 AHMED NUR: Oh, okay.

1 THOMAS ANNINGER: This isn't like a
2 curb cut.

3 AHMED NUR: Just making sure.

4 HUGH RUSSELL: This is actually the
5 proponent's property that we're talking
6 about, because they own the land to the
7 middle of the place and they share the rights
8 for the space with the other abutters.

9 AHMED NUR: Okay.

10 HUGH RUSSELL: Okay.

11 Motion?

12 H. THEODORE COHEN: Could I have
13 just the one sheet?

14 I would move that we grant a Special
15 Permit in accordance with the provisions of
16 5.28.2 to allow the conversion of the
17 property at 40 Norris Street into residential
18 and commercial unit; commercial building with
19 25 residential units in accordance with the
20 findings we've made under the provisions of
21 5.28.2 and in accordance with the discussion

1 we' ve had thi s evening and wi th al l the
2 condi ti ons that we have di scussed and
3 di rected to staff.

4 And that we al so grant the Speci al
5 Permi t under provi si ons of 6. 44. 1A and B to
6 al low for parki ng wi thi n 10 feet of habi tabl e
7 space.

8 HUGH RUSSELL: Is there a second?

9 THOMAS ANNINGER: Second.

10 HUGH RUSSELL: Tom.

11 Di scussi on on the moti on?

12 (No Response.)

13 HUGH RUSSELL: Al l those voti ng i n
14 favor?

15 (Show of hands.)

16 HUGH RUSSELL: Al l members voti ng i n
17 favor and the permi t i s granted.

18 Thank you, al l. There was so much
19 effort to try to make thi s as good as i t can
20 be.

21 We' re goi ng to take a short break.

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(A short recess was taken.)

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HUGH RUSSELL: All right. So I believe we're not going to discuss Bishop tonight; is that correct? Unless we want to reaffirm our full decision.

THOMAS ANNINGER: Yes.

BRIAN MURPHY: We can briefly give you an update which is it's likely to be voted on by the Council a week from yesterday. And I'm not sure if there's anything more. And in some ways the Council was looking at possibly going below Bishop, which we believe would require a filing of another petition, but our expectations in some form or another it's likely to come up for a vote next Monday.

HUGH RUSSELL: Okay, great.

So is there any point in our reaffirming our decision?

BRIAN MURPHY: No.

1 STEVEN WINTER: Just for that
2 record. That decision was we didn't support
3 the --

4 HUGH RUSSELL: We didn't support the
5 specific language.

6 STEVEN WINTER: Correct. That is
7 correct.

8 HUGH RUSSELL: Okay. So then are we
9 going onto the next item, Building G or North
10 Point next?

11 ROGER BOOTHE: Building G.

12 HUGH RUSSELL: Building G.

13 SAL ZINNO: Good evening. I'm Sal
14 Zinno.

15 HUGH RUSSELL: Could you spell your
16 name, please.

17 SAL ZINNO: Sure. Z-i-n-n-o from
18 Biomed. So as everyone knows we're here to
19 present our preliminary design on parcel G.
20 I know Liza mentioned that you guys requested
21 a little bit of history regarding the site

1 and the surrounding buildings.

2 Parcel G is a smaller building in
3 Kendall Square. It's 53,000 square feet, FAR
4 square feet. In our eyes it represents a
5 culmination of a long history in Kendall
6 Square, a multitude of buildings. Biomed
7 alone has quite a bit of ownership in the
8 area, but in Kendall Square, Building A,
9 which is the Vertex building, Building B,
10 which is the glass building on either side of
11 the rink in Kendall Square, and also D, which
12 is the Genzyme building, and also to the
13 north of parcel G. It's overall about one
14 million square feet in Kendall Square that
15 represents about 12 million square feet
16 nationally. And I think to keep the intro
17 brief, but, you know, we're pretty excited
18 here to be presenting what represents sort of
19 the crown jewel in our portfolio in Kendall
20 Square. It's an amazing location. It's
21 great to be on the canal in South Plaza which

1 was completed about a year and a half ago,
2 and we're really excited to be here tonight.

3 With that said, I'm going to turn this
4 over to go back to a little bit of history on
5 this site, planning and, thank you.

6 HUGH RUSSELL: Are you wearing a new
7 hat or are you here in your historical role?

8 DAN WINNY: I'm Dan Winny. I'm an
9 architect and planning consultant. I was
10 involved in the original master planning of
11 this project, and I'm currently an associate
12 architect with Arrow Street for the design of
13 Building G, and I'm happy to be so.

14 Sal implied this project received its
15 PUD permit in 1999. It's nice that there's
16 still representation on this Board from those
17 who were around in 1999. This is the site
18 plan of the project, and I'll figure out if I
19 can push the right button. Yes.

20 This project was originally called
21 Cambridge Research Park and it comprised of

1 seven buildings. This is the Broad Canal,
2 this is the Kendall Square T stop, Broadway
3 coming through standing at the main street,
4 and Longfellow Bridge.

5 So that the building we're going to
6 look at tonight which the Board has actually
7 seen three times before, I hope you're not
8 too weary of it. We're very pleased that
9 it's so close to getting built now. It's
10 right here. It's the smallest of the seven
11 buildings on the site, but it's really a
12 jewel. Because it fronts on the Broad Canal
13 and across a landscaped open space called the
14 South Plaza, which is part of the open space
15 system that was originally permitted which
16 includes the North Plaza which there are
17 concerts in the summer and skating in the
18 winter, and a strip of open space down in
19 front of the Genzyme Center and the South
20 Plaza with the canoe rental and canal access.

21 Parking is across the street from the

1 parking head house which is known as the Cat
2 in the Hat and you may see why later. And
3 these are -- this is the fifth building --
4 well, I guess it's going to be a race between
5 Watermark II which is going to be here and
6 Building G. And we're liable to be the fifth
7 or sixth building out of the seven.

8 That's the general context of the
9 project.

10 As you can see, the building backs up
11 to the Genzyme Center whose primary facades
12 here on the west and facing on to the north
13 plaza. And this facade of the Genzyme Center
14 was always planned to have a building in
15 front of it in the form of Building G. And
16 another contextual issue is that the Kendall
17 generating station is here where there are
18 large fuel tanks and the electricity
19 generating station which generates a certain
20 amount of noise and steam and so forth.

21 I'll recap the reasons why this is the

1 third time that the building has come before
2 the Board for design review under the
3 provisions of the Special Permit. The
4 building still complies entirely with the
5 design guidelines of the Special Permit and
6 all of the Zoning, and with the Conservation
7 Commission requirements and the Chapter 91
8 requirements which all relate to setbacks
9 from the canal on the step section of height
10 going away from the canal.

11 The first design was a residential
12 building, as was originally planned in the
13 master plan. It came before the Board I
14 think in about 2005, but didn't go ahead at
15 that time. It came back before the Board as
16 a differently configured residential building
17 put forward by Twinning Properties perhaps a
18 year ago I think, a little more. It's form
19 was slightly different. It was a
20 boxed-shaped building rather than a
21 stepped-shaped building. Subsequently

1 Twining Properties and Biomed came before the
2 Board for an amendment to the PUD Special
3 Permit in order to make some small changes to
4 the uses around the site. One of which was
5 that Building G would become an office and
6 life science building still with the retail
7 first floor, but the upper floors became lab
8 and office. That was felt to be appropriate
9 given the location of the generating station
10 next-door and given the success of other much
11 larger retail uses such as the two Watermark
12 buildings, the square and so on and so forth.
13 And the Board at that time saw fit to approve
14 that change of use.

15 So this -- and at the time of that
16 permit amendment for the change of use, some
17 preliminary drawings of the lab office
18 building was shown which were done by Arrow
19 Street. So we're here today, although it's
20 technically the only first stage of design
21 review because the second stage is at

1 construction documents, this is actually the
2 second time you've seen that configuration of
3 the building.

4 So some general context. This is a
5 view looking towards the generating station
6 with the Genzyme center on the left and the
7 Cat in the Hat on the right. You can also
8 see portions of the South Plaza Landscaping
9 which was all completed after approval by the
10 Board in the context of the construction of
11 the Watermark building. So that the parcel
12 of land you see generally between the two
13 buildings is where Building G goes. And most
14 of the landscaping around it is actually
15 already been completed, so there's limited
16 amounts of landscaping still to be done.

17 And here you see the proposed new
18 building placed on the site. Again, with a
19 Cat in the Hat on the right, the Genzyme
20 center on the left, the main entrance facing
21 down Kendall Street towards Third Street. So

1 that as you turn into the site on Kendall
2 Street from Third, this will be the primary
3 entrance view on the two primary elevations
4 of the building.

5 You'll also see the architecture which
6 Jim Batchelor from Arrow Street is going to
7 talk about later, combines both of the
8 angular elements of the Cat in the Hat and
9 the high tech elements and some themes played
10 on the colors of the Genzyme Center.

11 This is the existing view from the
12 other main visible elevation. You can see
13 the canal just a little to the right, and the
14 landscaping of the South Plaza in the
15 foreground and then directly in front of the
16 Genzyme building will be Building G which
17 steps out and makes a transition in height
18 and scale down from the Genzyme building to
19 the canal. We're kind of happy about this
20 because the earlier configuration of the
21 building which was more box-like and did not

1 have the stepped section was more of a sudden
2 scale transition down from the Genzyme
3 building. And this stepping down effect with
4 the roof terraces that it creates is a pretty
5 attractive one we think.

6 So this shows the general configuration
7 of the site. There's a dashed line here that
8 indicates the scope of this project and the
9 design review approval which we're
10 requesting. Everything else that's beyond
11 that line is already in place under previous
12 approvals.

13 Jim, would you like to talk more about
14 the landscaping?

15 JIM BATCHELOR: And I'm Jim
16 Batchelor. And I'm with Arrow Street.

17 So I'm pleased to be here and pleased
18 to talk a little further about the project
19 that we have been working on. Dan has
20 introduced it. I'll pick up with a little
21 more discussion of the landscaping.

1 As you can see in this overall plan,
2 our building is sitting right here, and most
3 all of the built surfaces right up to the
4 edge of our building are currently actually
5 in a quasi-finished form. We're making some
6 minor modifications. There is a dot-dash
7 line here and here which shows the limit of
8 what we're actually doing any work. We're
9 keeping much of the philosophy and the pallet
10 of materials that is on-site. We're making
11 some minor adjustments to it, which I'll
12 highlight. Along the south edge overlooking
13 South Plaza we're only doing what's necessary
14 to bring the paving that's here up to the
15 entries to the retail. The ground floor
16 space all along here will be retail as well
17 as, the entrances along here.

18 Same thing really along this edge. We
19 are bringing the pavement, which is pretty
20 much in place here, right up to the edge. We
21 have suggested some improvements, we think,

1 to the treatment of the landscape along here,
2 but they are in the spirit of what has been
3 started. There is a planter here, a
4 rectangular planter. We have modified the
5 geometry of it a little bit. We have
6 incorporated into the design of a relatively
7 simple curb definition in keeping with the
8 relatively simple concrete and related
9 materials on-site. We are using these
10 slightly rectangular shapes here and here.
11 There are, again, pieces of this relatively
12 large granite seawall which are available on
13 the site. We will be picking up a few of
14 those pieces and arranging them in a way that
15 we hope will be pleasant to sit if one is
16 outside the cafeteria kind of occupying this
17 green square.

18 Again, you'll see slightly angular
19 shapes here. I think people visualize the
20 larger context of this, just to jump back.
21 We have Broad Canal coming in, it takes a

1 slight and gentle shift here and in the
2 geometry, and a slight and gentle shift is
3 something that we have picked up in the
4 architecture of the building. It's a fairly
5 rectangular mass stepping back as it
6 approaches towards Genzyme, but we have
7 included some slight inflections which are a
8 little bit like the inflection of the Broad
9 Canal which has integrated this into the site
10 and giving a little bit more visual interest
11 to the massing.

12 DAN WINNY: And we might point out
13 there, too, that the general flow of
14 pedestrian traffic on that part of the site
15 is north and south, both connecting the two
16 primary open spaces of the site together and
17 also because from the south comes the main
18 flow of pedestrian traffic making its way
19 from the busses and T at Kendall Square up
20 into the site.

21 JIM BATCHELOR: Thanks.

1 Yeah, we've tried to make it easy for
2 people, pedestrians to flow up and back. And
3 I think everybody's pretty oriented.
4 Obviously Kendall Square proper and the T
5 station is over here in this corner.

6 There is an area between Building G and
7 Genzyme which is an extension of Kendall
8 Street. Its purpose is primarily that of
9 access to our building. And in this enlarged
10 view you can see this paving which is
11 extended over the streets. And, again, we
12 are primarily just filling it in around the
13 edge of the building. Most of the pallet is
14 really established and already exists out
15 here.

16 DAN WINNY: And that's a pattern of
17 asphalt pavers which has been used since the
18 beginning all through the site.

19 HUGH RUSSELL: I guess you're going
20 into far too much detail on the details of
21 every brick on the site. And I think we'd

1 really like to get more -- there's very
2 little information on what the building is
3 made out of. And other things like that.
4 And I think we're more interested in that.

5 JIM BATCHELOR: Happy to oblige.

6 Okay. So we have included in your
7 handout the floor plans, and we have most of
8 them up on the stream here. This is the
9 ground floor. Again, entry from this corner.
10 Kendall Street, this is the primary approach.
11 This is the retail tenancy which has access
12 to this side both to the west and to the
13 southwest South Plaza. Along the back side
14 we have our loading dock and mechanical
15 spaces. There is a little bit of access on
16 the east side which is up along the power
17 plant. In the lower right-hand corner in an
18 existing vent shaft which remains.

19 This is the second floor. It's
20 representative as well of the third floor.
21 You can see the core is drawn in. We are

1 anti ci pa ti ng a mi x of l ab and offi ce uses on
2 thi s flo or and throug hout the bui l di ng.

3 As you go up a l i t t l e bi t hi g h e r, on
4 the fourth floor, there is a l i t t l e bi t of a
5 terrace, as Dan mentioned, the bui l di ng steps
6 back as you are on the upper floors.

7 At thi s poi nt i t' s stepped back
8 further. Thi s i s the fi fth flo or. Thi s i s
9 al so the app ro xi ma te setback of the penthouse
10 whi ch i s app ro xi ma te ly the same footpri nt,
11 agai n, pi cki ng up wi th the sl i ght offset in
12 the fa ca des. Thi s i s the penthouse
13 me cha ni cal l evel .

14 Thi s i s a secti on whi ch shows key
15 hei ghts. There i s be low grade parki ng. Here
16 i s the canal , and thi s i s Genzyme. The setup
17 wi th Chapter 91 i s a setback l i ne whi ch you
18 can see comes up at the edge of parcel G, the
19 south side of the open space. And then i t
20 goes back to the two to one slope and then
21 has defi ned the cornu s l i nes of G and al so of

1 Genzyme.

2 There is a penthouse that is on the top
3 floor that is above the setback line.

4 This is a more detailed section through
5 the building. So again the penthouse is up
6 in here, and the two to one setback line is
7 going through those points there and coming
8 down here.

9 There are two levels where there's open
10 space on the roof terrace overlooking. This
11 is the fourth level, and this is the fifth
12 level.

13 It's an elevation, a -- we'll look back
14 at the rendering. It's a little easier to
15 visualize, but the essential exterior
16 materials here are metal panel and glass
17 curtain wall. You can see here an area of
18 glass curtain wall, and you can see here an
19 area of glass curtain wall. We're looking at
20 the west elevation which is as you would
21 approach from Third Street down Kendall

1 Street. The curtain wall extends primarily
2 around to the south side.

3 So we're here looking at the south
4 side, we've come around from this side, and
5 there is essentially glass curtain wall here.
6 It is designed with, I think, a reasonable
7 amount of clear glass for vision and spandrel
8 glass below so that from an energy point of
9 view, we're expecting this to be a high
10 performing building. It is designed for LEED
11 certification. We have built in with
12 mullions, the ability to set up lab benches
13 if desired along these walls. But also if
14 it's office use, to allow some amount of
15 glass to reach down to the floor.

16 I think you can visualize it a little
17 bit by looking at this edge. But at this
18 level there begins the setbacks. About the
19 fourth floor it's eight to ten foot setback,
20 and I think another 30 or 40 foot setback at
21 this level here.

1 This is the north side elevation, less
2 window on this side. And this is the east
3 side elevation that overlooks the power
4 plant. Again, less window here.

5 This is metal panel with punched
6 windows. You can see some of the curtain
7 wall that's predominantly on the south side
8 coming around this corner of the east
9 elevation. So, again, looking at it in
10 perspective, curtain wall glazing and
11 important corners, otherwise a metal panel
12 system coming around, and from the south
13 again, metal panel and curtain wall. I think
14 you can read the separation between the
15 vision and glass and the spandrel glass which
16 we think is good from the point of view of
17 daylighting and energy efficiency.

18 HUGH RUSSELL: Again, are the
19 different colors represent the intention to
20 have different colors on the building or is
21 that a rendering mistake?

1 JIM BATCHELOR: No, it's an
2 intention to have a range of colors that are
3 in the family of a light green. So that is
4 intentional.

5 SAL ZINNO: It's interesting you
6 wanted to mention how we arrived at the
7 color. I mean, you kind of look at it since
8 it's so much smaller than the other buildings
9 in Kendall Square and the Genzyme building
10 and 650 and the Genzyme building we wanted to
11 do something different. So less glass and
12 steel and more of a vertical continuation of
13 South Plaza. So it comes out of South Plaza,
14 it comes up as a, you know, smaller green
15 building, organic building, organic form and
16 then goes back to the Genzyme building which
17 is obviously much larger. Three times the
18 size.

19 THOMAS ANNINGER: By South Plaza you
20 mean?

21 SAL ZINNO: The grass area between

1 the canal .

2 THOMAS ANNINGER: The grass.

3 SAL ZINNO: And some of the mosaic
4 effect is similar to the panelling with -- on
5 675 where it's different than the ceramic.

6 JIM BATCHELOR: Yeah, I think we're
7 talking about using some shades that are
8 similar in hue. And, again, trying to give
9 it a little bit of a light motif, a little
10 bit more visual interest rather than a simple
11 box. I think it's a building that we hope to
12 in part a strong identity, and felt that this
13 color and the subtle faceting of it would be
14 a good amount of identity for a building in
15 this location.

16 HUGH RUSSELL: Okay.

17 Well, I really don't like it. Let's
18 start out make that clear. And I think the
19 massing is more or less okay. I think the
20 subtlety of the ins and outs will probably be
21 lost on anybody. The differing change, you

1 know, shades of the green that I hated in my
2 dorm room in the fifties really don't go for
3 me. Although I don't think it should be a
4 light colored building. You know, this is a
5 campus that has two extraordinary buildings
6 on it. The Vertex building, one of the most
7 sophisticated, gorgeous buildings in the
8 city, and the Genzyme building which is again
9 a wonderful building. This building is not
10 in that same league. And I think it needs to
11 be in that league.

12 I don't understand the penthouse at
13 all. The windows up there that are way too
14 small, they're not really windows in that
15 space. How you treat that huge mass, those
16 different colors. You know, it just looks
17 like a mistake. And also the variation, you
18 don't know what you're -- you haven't made up
19 your mind what you want this building to be.
20 They're just ideas thrown together.

21 The one part that I think is quite

1 successful is actually the entry view. That
2 I think is strong. It's got a real point of
3 view. It's really -- that, that I think has
4 really substantial character. And in that
5 rendering the panels also are much, the
6 differences are very subtle. They could be
7 just shadows from the clouds and maybe they
8 ought to be just shadows from the clouds.
9 This is a big building even though it's
10 smaller than the ones. At 50,000 feet it's
11 bigger than most buildings in the City of
12 Cambridge. So, I think it's really -- needs
13 substantial rethinking as to what the outside
14 should be, because it's got a three different
15 ideas and they sort of collide with each
16 other. So I'm, I'm disappointed. I think of
17 the three versions of this building this is
18 not the best.

19 Ahmed.

20 AHMED NUR: I do agree that that is
21 one of the best elevations that shows the

1 bui l di ng. And I understand why you're having
2 smaller windows on the back and have possibly
3 on the west elevation or south elevation.
4 The one thing that would probably help me
5 personally is to see if you could give us a
6 color elevation to view. So that way we know
7 where the curtain wall, you know, starts and
8 stops. Where the concrete is or metal panel
9 or whatever it is, and exactly what color it
10 is that it's showing just so we can see
11 because most of these are in black and white
12 and we can't obviously see the highlighted
13 borderlines with just the little punched
14 windows and it's not looking that good when
15 you look at it. It's too much. That's all I
16 have to say.

17 HUGH RUSSELL: Tom.

18 THOMAS ANNINGER: You know, it's
19 rare for Hugh to give us views that are that
20 strong and that feel the way he does about
21 this building. So I'm surprised by that, but

1 I will say this: I was prepared to give the
2 building the benefit of the doubt. I happen
3 to like green and I think that I like color.
4 And so I didn't have any problem with the
5 color. What I thought was curious about the
6 package you gave us is that we never had a
7 chance really to step back and see how it
8 related to Genzyme. So that I really don't
9 have a good measure of this building. You've
10 given us two angles, but to me critical is
11 how it relates to the other buildings and I
12 don't have a grasp of that. So that I can't
13 say that I have a negative or a positive
14 reaction. I'm -- I have a puzzled one. I
15 just don't know what to think because I can't
16 see how it relates to the rest of the
17 contour, the context. And I would have
18 thought you would have had a walk around the
19 building so to speak, close up and further
20 back, and I think that's still needed I'm
21 afraid to say, for me, to get a good grip on

1 i t.

2 HUGH RUSSELL: Pam.

3 PAMELA WINTERS: Tom, you took my
4 words. I also would like to get more detail
5 from the pedestrian's point of view. And I
6 have to say just aesthetically I do agree
7 with Hugh. I love the entryway, but this
8 view here, I don't get the little windows in
9 the top and, you know, the little different
10 colored green and how that green compares
11 with -- the Genzyme building is green also
12 and how it compares. Just aesthetically I
13 think -- you know, I'm not an architect, but
14 I think it's not hitting me. So, you know, I
15 have to say that I would like more detail.
16 And, again, more how it relates to the
17 surrounding buildings and particularly the
18 Genzyme building. So, thank you.

19 H. THEODORE COHEN: I don't have too
20 much to add. I mean, the building sort of
21 left me cold other than the entranceway which

1 I do like. And while I don't mind green, I
2 was hoping that these shades were sort of a
3 poor rendition that came out of the copying
4 rather than what you really proposed. And I
5 particularly agree with Hugh about the
6 penthouse on the view from the southwest, it
7 just seems so large and the windows seems so
8 small and, you know, brutalist is one thing
9 but then the bottom doesn't seem to go with
10 the top.

11 PAMELA WINTERS: Right.

12 HUGH RUSSELL: Steve.

13 STEVEN WINTER: I concur with my
14 colleagues. I really have nothing new to add
15 to that.

16 HUGH RUSSELL: Roger, do you want to
17 comment about this? How much have you had to
18 -- how far is this in discussions with the
19 city?

20 ROGER BOOTHE: We really haven't had
21 any discussion, but I've certainly been

1 taking notes. And I -- my sense is that the
2 renderings have hurt the impression of the
3 building. Certainly I know the architects
4 here, and I know they're capable of doing
5 very good work. So I think they need to
6 maybe take into account what the Board has
7 said, and I'd be happy to work with them and
8 maybe come back and have a sharper
9 understanding of what they're looking at.

10 I mean, I think there's a playfulness
11 about this, and it could be quite fun. And
12 one positive thing you said, Hugh, was sort
13 of the massing. I do think having the
14 stepping down and the roof terraces is
15 actually a friendlier sort of approach than
16 the buildings we've looked at before, which
17 were, I actually thought they were fine, but
18 they were kind of four square. And you could
19 either take a four square approach to the
20 canal or do this sort of stepping. I think
21 either one could work, but I do appreciate

1 that I think those terraces would be used.
2 You know, the canal is a huge success
3 especially in summer, you've got the boats
4 and activity and the sense of this is a
5 really great place. I think people would be
6 all over it outside of that building. And
7 certainly the success of the ground floor
8 retail throughout this PUD has just been
9 terrific. And so if that continues on here
10 and really enhances the canal, there's a lot
11 of -- a lot to like about the approach here.
12 But I think it's really the facade treatment
13 that clearly is -- needs some work, and
14 understanding what might be done better to
15 deal with that penthouse clearly needs some
16 attention.

17 HUGH RUSSELL: Okay. So I think
18 we'd like to see this again, you know, fairly
19 soon. I think maybe -- are there any
20 questions you want to ask us?

21 DAN WINNY: Well, we'll -- thanks

1 for your feedback and we'll be happy to work
2 with Roger and again with you. Just to help
3 us in going forward -- well, I guess no color
4 is everybody's favorite color, but what I'm
5 understanding here is that it may not be any
6 one individual characteristic that's
7 bothersome but perhaps the combination.

8 HUGH RUSSELL: I think in my view
9 it's either too many things going on and so
10 you kind of, you know, the complication of
11 the south facade interferes with telling the
12 big story which is the stepping and the
13 terraces. And then there's this other stuff
14 is sort of like camouflage, it camouflages
15 that story. I mean, it doesn't have to be,
16 you know, the simple story -- you know, the
17 stories can be rich stories, but still I
18 think it's now kind of confused as to what
19 that story is.

20 ROGER BOOTHE: Thinking about that,
21 I mean I do think that this is a tricky

1 little site because the sides are all so
2 different; the Genzyme side, the power plant
3 side, the canal side.

4 HUGH RUSSELL: Right.

5 ROGER BOOTHE: So I appreciate that
6 they've tried to do something different on
7 each of the sides. I don't know if the Board
8 would agree with that as sort of an approach.
9 I think it's a question of whether it's all
10 working together, the gestalt is not there.
11 I mean, it's not hanging together. But you
12 wouldn't object to having different kinds of
13 responses to the different conditions I
14 assume?

15 HUGH RUSSELL: No. And but, you
16 know, maybe it's just more discipline. I
17 kind of -- I sort of -- here you've got
18 Genzyme with a largely glass facade and
19 they're going to look out at that facade at a
20 wall that is fairly blank. That's a north
21 elevation more or less. It's the one place

1 where you could -- you know, maybe -- are
2 those windows as generous as they could be on
3 that facade? What is it like when you're in
4 Genzyme to look at it? And so the idea that
5 there would be punched openings there
6 doesn't -- I think that's a perfectly
7 reasonable response. It's not a mirror.
8 It's its own building. Clearly the power
9 plant having punched opening seems to make
10 sense so that you don't get the whole ghastly
11 view, you get little vignettes that you hope
12 you like. The hard one is the south.

13 PAMELA WINTERS: Right.

14 HUGH RUSSELL: Where that -- I keep
15 framing it in terms of message. What are you
16 trying -- what's the story you're trying to
17 tell about this side of the building?

18 JIM BATCHELOR: If I can interject.
19 I do think that one thing that we would like
20 it to do is to have an active south facade
21 that's related to the sense of an active

1 park, the South Plaza. And I think that's
2 the reason why we felt some additional level
3 of visual interest and variation was
4 appropriate overlooking that landscape.

5 STEVEN WINTER: Mr. Chair, I have a
6 comment, please.

7 HUGH RUSSELL: Sure.

8 STEVEN WINTER: The view in 1.3 from
9 your presentation, to me -- this one is the
10 strongest view. That's the part of the
11 building that says bang. And I really,
12 really like what's happening with the windows
13 going around. There's no posts. I really
14 like the things that are happening, the
15 doorway. That really speaks to me. And then
16 it's kind of oddly when I look at the shape
17 of the building, which I think is going in
18 the right way, I like the fact that the shape
19 is responding to different things in the
20 environment, that's great. And I like the
21 balconies on the view from the southwest.

1 And I think that all -- but for some reason,
2 even though I like those two things, I don't
3 see that in the rendering. So I think there
4 are things that we're not seeing here
5 somehow.

6 JIM BATCHELOR: Okay.

7 HUGH RUSSELL: Okay, well thank you
8 very much. It is late and sorry to keep you
9 waiting.

10 DAN WINNY: Thank you.

11 HUGH RUSSELL: We look forward to
12 seeing you again.

13 The next item on our agenda is North
14 Point.

15 Roger is going to explain all of North
16 Point in the next three minutes. And he
17 needs notes which surprises me.

18 ROGER BOOTHE: It's late. So I just
19 want to take a few minutes before this new
20 North Point team comes to introduce
21 themselves, because we've been waiting for a

1 Long time for some good news at North Point,
2 and I believe they really are bringing a lot
3 of good news. So, the plan that's up here on
4 the board -- can everybody see that okay?

5 This plan really represents the plan
6 that the PUD that the Board issued in 2003,
7 and that was subsequently modified in 2007.
8 And tonight the team is going to be
9 presenting their approach to moving this plan
10 forward. And no decisions are needed from
11 the Board tonight, thank goodness, because
12 it's so late. No votes need to be taken.
13 So -- especially because it's been kind of a
14 stressful night. I think you can just kind
15 of relax and let them explain things because
16 they're going to be back a lot. It's a
17 complicated project, lots of moving parts,
18 and it's going to take a while to get
19 everything up and running again fully.

20 And there are also many other projects
21 in the vicinity that the Board has been

1 reviewing very recently and over the last few
2 years since the last time this project was in
3 here. And I know not everybody is out there
4 running around North Point all the time, so
5 you may not remember all the pieces quite as
6 well as those of us who are out there running
7 around all the time.

8 So along the riverfront, of course, we
9 have the new parkland, and we have the site
10 for the expansion of EF, which you saw last
11 year, the Swedish design that you liked very
12 much. And that, of course, is following on
13 from the PUD of the late nineties that gave
14 us the Regatta View Residences and the first
15 EF building. So they're really taking what
16 used to be -- I mean, we used to refer to
17 this as the lost half mile, if you recall,
18 because this was disastrous. Hugh, you and I
19 have been on the New Charles River Basin
20 Committee for how long 15 years?

21 HUGH RUSSELL: 16 now.

1 ROGER BOOTHE: 16 years. Looking at
2 everything from the creation of the Zakim
3 Bridge to creating all this great open space
4 here, and it really is starting to happen
5 here. And it's been sort of a tragedy that
6 we've had this big hiatus in the largest
7 piece of all. But thank goodness we have
8 been moving along with quite a few pieces.
9 We had the little bitty maple leaf building
10 that the Board was having trouble figuring
11 out where it was. If you remember just at
12 the end of last year was brought in as a part
13 of the Archstone-Smith project. That has a
14 micro-loft units in it. So it's nice that we
15 have a little history, and we've got a
16 variety of types of housing. Certainly the
17 largest landmark on the west side of the
18 Gilmore Bridge is the Archstone-Smith Tower
19 which goes up to 220 feet of occupied space
20 and something like 235 with the mechanical
21 equipment, and it's really a landmark. You

1 know, when you see that down from many parts
2 of the East Cambridge and even down Cambridge
3 Street.

4 And as Brian mentioned, they're going
5 to be in with their second phase I believe
6 March the 20th. They're going to be coming
7 in to show you the -- it's a lower piece of
8 their project, but certainly an important PUD
9 abutting right next to the one we're going to
10 be talking about in more detail tonight.

11 Then moving a little further west, if
12 you recall, the original PUD had a very
13 complex integration of the T station and the
14 buildings of the project. That's no longer
15 going to be the case, and I'll be explaining
16 where that stands now. And the T has really
17 improved from where they started from the
18 stand alone building which was a meager
19 approach to a building that I think could be
20 very similar to the Charles Street renovation
21 which I think was very successful. So that's

1 a positive thing that's happening.

2 And then, of course, the furthest west
3 we have the 22 Water Street project which was
4 at the Board not so long ago for some design
5 revisions. And I called Chris Cane up today
6 and he says that they expect to be in the
7 ground this summer. And that's true also for
8 the EF project down on the river. So that's
9 just a quick look at all of the sort of
10 context, and I'll turn it right over to them.
11 But I will say that I think there's some
12 really significant improvements in what
13 they're proposing. Even though it still fits
14 within the general structure of the PUD,
15 there's going to be a lot of work on the
16 staff coming back to you and, of course, the
17 as has always been the system here, each
18 building associated landscaping will be
19 coming back. So we'll be seeing a lot of
20 these people. Here they are.

21 HUGH RUSSELL: Okay. Welcome.

1 TOM O' BRIEN: Thanks very much.

2 Thanks, Roger.

3 My name is Tom O'Brien. I'm with the
4 company called the HYM Investment Group.
5 We're developers of the site. We're going to
6 talk a little bit more about the team. I'm
7 joined by my partner Doug Manz. Why don't
8 you stand just to make sure everybody can see
9 you.

10 You will see, as Roger suggested,
11 you'll see the two of us quite a bit, I
12 think, over the coming years on this project.
13 And then I'm also joined by Phil Kingman.
14 Phil is with PamAm Rail which is the
15 successor company to the Boston and Maine
16 Rail Company. And they are part of our
17 partnership, and I'll talk about it in a
18 moment. We're represented by attorney
19 Anthony Galluccio, who is also up here to
20 Phil's right. And then David Bracken who is
21 our project manager with the HYM Investment

1 Group as well.

2 So if I could just begin by giving you
3 a little bit of our background, our
4 collective backgrounds. I ran the Boston
5 Redevelopment Authority for about seven years
6 and in the nineties. Have spent a good
7 portion of my time kind of back and forth
8 between government jobs and private sector
9 development jobs. After I ran the BRA I was
10 with a company called Tishman Speyer in New
11 York and Boston working on some interesting
12 projects. And then went to a company called
13 JPI which is an entity that did mostly
14 residential development and invested on
15 behalf of GE Capital. And that's where Doug
16 and I and our third partner, a guy name Paul
17 Crisalli met. And so we're a great, you
18 know, group of people. We've got other
19 projects in the Boston area. We're working
20 on the redevelopment of the Government Center
21 Garage, that bad, old remnant from the, you

1 know, the sixties and seventies. And we're
2 feeling pretty good about the possibility of
3 renovating or redoing that project I should
4 say. And then we're also beginning a
5 residential building in the seaport district
6 called Waterside Place right near the Silver
7 Line Station that's located near the Seaport
8 Hotel. So we've been able to put together a
9 fair amount of activity and we're feeling
10 good about the coming years in terms of the
11 turnaround in the real estate business.

12 A little bit on our background on this
13 site. Phil Kingman and I have known each
14 other for quite a while. And so during my
15 time at the BRA and then even afterwards at
16 my time at Tishman Speyer and JPI, I've
17 tracked what's been going on at this site,
18 primarily through my relationship with Phil.
19 And in 2008 and 2009 as the world really hit
20 the skids and the real estate market really
21 hit things, you know, hit the skids much

1 harder than any other industry, I guess I
2 should say, we kind of looked at this project
3 collectively and said, boy, it really has
4 stopped. The partnership has really broken,
5 and there really has to be a solution that
6 somebody comes up with. And so we put our
7 heads together and we're able to, through a
8 lot of effort, raise new capital. And the
9 capital comes in the form of these entities
10 that are on the board. So the HYM Investment
11 Group is our entity. So that's Doug and
12 myself and David Bracken. And then Canyon
13 Johnson Urban Funds which is about \$3 billion
14 fund located in Los Angeles. The Johnson in
15 that entity is Magic Johnson. And then Atlas
16 which is a company based in New York, I had
17 done some work previously with the partners
18 at Atlas when I was at Tishman Speyer, and
19 then PanAm. And so the way that the
20 transaction worked was we raised the capital
21 necessary to buy out the partners, the old

1 partners at Spaulding and Slye, and to settle
2 all the lawsuits, all those old issues. So
3 all of the old lawsuits, all the old
4 partners, all of the old trouble has gone
5 away. That's completely behind us and done.
6 And then we formed a new entity -- yes. None
7 of those people have anything to do with it
8 anymore.

9 And so then we formed a new entity in
10 which PanAm contributed the fee interest in
11 the land, which is also different than what
12 was the case before. And we contributed the
13 capital necessary to carry the project
14 forward. So all of the capital necessary to
15 carry forward on the development and all the
16 expenses necessary to carry the project
17 forward, those are all part of this newly
18 invested capital. So this really is a new
19 day, new team. And new direction. We're
20 really excited about that. And we're clear
21 on being aligned on decision making and being

1 able to make good, quick decisions. And what
2 you'll hear from us tonight is we're already
3 starting to move on a couple of different
4 things. That's our team and kind of our
5 story.

6 Just a reminder, as Roger said, the
7 site is already approved for a 5.2 million
8 square foot PUD. We're -- there's a Special
9 Permit that's in place for that. We're quite
10 excited about it. The 5.2 million square
11 feet, the breakdown of it is three million
12 square feet of residential and two million
13 square feet of commercial. So we like that a
14 lot. We embrace the residential. We embrace
15 the idea that this could be a community.
16 There's already quite a bit that's here. In
17 the midst of the dispute that occurred
18 between the old partners, the railroad
19 actually, maybe out of frustration, but
20 certainly out of a sense they wanted to make
21 something happen. The railroad moved forward

1 with quite a bit. The Board might remember
2 these two condo buildings are already
3 completed. These are One and Two Earhart
4 Street. Used to be called Sierra and Tango.
5 Some people may remember them as such.
6 They're about 330 units total condos. About
7 50 percent are sold at this point. The
8 railroad developed these for cash basically,
9 so they can sell them at their own pace and
10 get the numbers that they feel comfortable
11 selling them at. And in conjunction with the
12 construction of these condos, you'll recall
13 that the park is completed. So approximately
14 -- here's the way I see it, approximately 85
15 percent of the entire park is 100 percent
16 completed. So there's a portion of the park,
17 the remaining 15 percent or so, that is to be
18 completed on the northern side of this, but
19 the remainder of the park is fully completed.
20 And most importantly, and from our
21 perspective, underneath the park the railroad

1 had the foresight to put in all the utilities
2 necessary. So all the storm water runoff,
3 the water, sewer, electrical, all the
4 utilities for the development at the lower
5 end of the site are -- all those pieces are
6 already in underneath the park which is
7 great. And here's a sense of what's
8 happening. We're going to have another slide
9 of this, but this is a picture of the North
10 Point parks that Roger pointed out are here
11 which are quite beautiful. And if you
12 haven't walked it recently, it's a ton of
13 activity. I mean, it's actually been -- it's
14 been great.

15 So here, just a little bit more of
16 what's here. These buildings have produced
17 in fact by our calculation, when you take all
18 of going back over to this board, when you
19 take these two condo buildings, the museum
20 towers buildings, all of the, you know, the
21 Glassworks factory, you take all these piece,

1 we believe there's about 1800 units of
2 housing already in this immediate
3 neighborhood. So really what it's about is,
4 there's quite a few residents who live here
5 today who really feel, you know, that this is
6 a strengthening neighborhood. So it's really
7 about embracing that from our perspective and
8 really starting to expand that sense.

9 There's a little bit more, you know,
10 some sense of what's here. I love this
11 picture. When you show this picture to
12 members of the real estate community, for
13 example, they can't believe that this is
14 North Point, the view looking back across,
15 but this is actually the view and it does
16 exist today.

17 Here's a shot of those North Point
18 parks. So these are the parks here along the
19 Charles River. The Big Dig, you know,
20 obviously produced quite a bit, but this is
21 one of those benefits that we feel great

1 about.

2 So here are some thoughts that we'd
3 like to raise with you today to kind of recap
4 what we've done. When we purchased the site
5 in August of 2010, so about 20 months ago, 20
6 you know, or so -- 18 months or so I guess.
7 And we looked at it immediately and said,
8 there really needs to be a new North Point
9 brand and identity, and what we've really
10 tried to embrace is this idea of smart green.
11 That the site can be very green in its
12 orientation. A lot of orientation towards
13 biking, walking, making sure that we take
14 advantage of the two MBTA stations that are
15 there now as well as the MBTA that's coming.
16 And so we really worked very hard on that.
17 You'll hear more about that from us in the
18 future. The land exchange agreement will be
19 MBTA. Roger cited this. This was a huge
20 complication and a huge burden to the site so
21 this is an important thing to make sure that

1 the Board understands. In the old agreement,
2 the Green Line which terminates here at
3 Lechmere, was to be shifted to this side, but
4 still would be a terminus. So there would be
5 no additional stations after the Green Line
6 here. The deal was struck around 2000 or
7 just around 2000 in which the railroad would
8 agree to build that station in exchange for
9 these five acres or so of MBTA owned parcels,
10 including the parcel in which Lechmere sits
11 today. It was not an economically
12 appropriate decision. It was -- the railroad
13 station ended up being a station that was
14 very costly, and the land wasn't worth nearly
15 what the railroad station would be. So the
16 trade was not a good trade, and it burdened
17 the project in a way where it really it
18 wasn't going to allow the project to move
19 forward. So what is now the case is that the
20 MBTA now recognizes that the Green Line must
21 be extended out to Tufts University as folks

1 probably know. So the Green Line Extension
2 Project, which is really part of a federal
3 court order that the MBTA must complete.
4 That for that Green Line extension to
5 actually happen, the MBTA needs certain rail
6 rights that are north of this station from
7 the railroad. So we were able to rework the
8 agreement so that the MBTA has gotten a
9 significant amount of value, similar to the
10 amounts of value they would have gotten in
11 exchange for the building of the station, but
12 they got that value in land rights and rail
13 rights and some cash to make the Green Line
14 happen. So it's a much better deal for the
15 MBTA, much more practical for all of us, and
16 so that's all been done. And what that does
17 for us is it frees the site to be able to
18 move forward, and it also frees the MBTA to
19 be able to actually complete the Green Line
20 Extension Project.

21 Did you have a question?

1 THOMAS ANNINGER: What happens to
2 the piece of land that you were to get?

3 TOM O'BRIEN: Those pieces of land
4 still end up with us in the partnership. So
5 that's still part of the plan.

6 So we've completed that. I may be
7 rushing through some of this just given the
8 late hour. I'm sure we'll be coming back and
9 talk more about that. But we've completed
10 that and that's huge. I actually had a
11 conversation with some of the senior members
12 of the state administration, and they really
13 are pushing hard with the first phase of this
14 which if the Board hasn't gotten an update on
15 this, in a future date, we should give you a
16 full one. But as Roger suggested, the MBTA
17 has come up with a design here for this
18 Lechmere Station which looks a lot like the
19 Red Line station at Charles Street. So we're
20 really pleased with that. And the first
21 phase would be to complete a station at Brick

1 Bottom and at Union Square. So the first
2 three stations, and those would be known as
3 Phase I, and the state can pay for out of its
4 own capital dollars. So we're quite pleased
5 with that.

6 The next thing we did was, you know,
7 there are a lot of questions in the
8 environmental community -- I mean, I'm sorry,
9 in the real estate community about the
10 environmental condition of the site, and
11 actually some of the questions were sort of
12 more legend than they were more questions.
13 So rather than kind of looking around to try
14 and look for whatever good news might be
15 available, we decided that we wanted to get
16 all the news about environmental. So we've
17 done a full site-wide environmental
18 characterization, grid-by-grid analysis,
19 which was an important thing to get done.
20 And what we found happily, that there's no
21 ground water contamination on the site.

1 There's nothing that requires any immediate
2 DEP action, and really all that's there is
3 sort of typical urban soils, urban fills and
4 things that we can take care of. So we can
5 of course feel good about that.

6 We've also renewed the DEP sewer
7 connection. This is a -- it sounds to be
8 relatively mundane, but I think everybody in
9 this room understands how important this is.
10 So we've renewed that, and made that so it
11 can be completely in compliance with the
12 Lechmere storm water connections. So that's
13 all been done.

14 We've begun already to respond to RFP's
15 for life science and office build to suits
16 for approximately six entities. So we're in
17 the mix already for the potential of building
18 commercial projects.

19 We've completed schematic design for an
20 apartment tower. We're going to talk about
21 that in a moment. But we want to begin with

1 a project 2012 as quickly as we can. We
2 think the best way to get this site online is
3 to put a crane in the sky, and so we want to
4 begin with our residential project. And so
5 we're going to talk to you about that as well
6 tonight.

7 And then we're working hard, as Roger
8 suggested, Archstone and 22 Water Street are
9 interested in moving forward with their
10 individual projects. We see those as good
11 opportunities for us to continue to get good
12 activity, so we're working hard to cooperate
13 with those folks and help them move forward
14 as quickly as they can.

15 We put a new website together in case
16 anybody wants to check it out. You can look
17 at our website. That's all been launched in
18 the last 30 days or so. So there's something
19 that shows off the site, you know, fairly
20 well.

21 So here's what's coming. The MBTA gave

1 us a little bit of this. They've got other
2 renderings that are a little bit stronger,
3 but here's a rendering of what they're
4 suggesting can be built and what they're
5 budgeting for today. You can see that one of
6 the key changes that we all pushed for, the
7 neighborhood -- I know a lot of folks on
8 staff here, you know, in the city have worked
9 hard for this, but to make sure that at the
10 ground level -- in some of the original
11 designs, this was sort of open. But this is
12 all glass now, enclosed, again, much like the
13 Red Line stop at MGH. And then the station
14 itself up above has sort of a central
15 platform. So you walk up to the center
16 platform, and trains will -- inbound trains
17 will obviously be coming on this side,
18 outbound on the other side, and you'll board
19 the trains from a middle platform. So we'll
20 come back and talk a little more about that.

21 I'm going to talk about this building,

1 which is our thought process of our
2 residential building. And this is a retail
3 square that we thought about as well which is
4 a centerpiece of where we'd like to move
5 forward.

6 As I said, this is our residential --
7 schematic design for a residential design.
8 I'll give you a sense of where it's located
9 on the site in one of our slides here. But
10 we're focussed on this parcel for a number of
11 reasons.

12 One, the success of the Archstone
13 building here leads us to believe that we can
14 kind of continue that success along the
15 Gilmore Bridge here. And in addition to
16 that, it gives us an opportunity through the
17 construction of this building to make the
18 connection, a stairway connection from the
19 Gilmore Bridge and the Orange Line here down
20 to the site. So that the site can then be
21 connected, really literally connected to both

1 the Orange Line and the Green Line which we
2 think is a really important thing to try to
3 achieve.

4 HUGH RUSSELL: Is that building in
5 Cambridge or Boston?

6 TOM O'BRIEN: That's a good
7 question. It's in Cambridge. So the Boston
8 line comes just here. It doesn't quite reach
9 out to parcel land on this side. And then
10 the Somerville line you can see here kind of
11 comes a little deeper into the site and then
12 squiggles back and comes back again. So this
13 building is fully in Cambridge, but we're
14 carefully tracking which communities are
15 locations for which communities.

16 HUGH RUSSELL: Obviously we don't
17 have jurisdiction over other cities. When
18 you do a building that's entirely in
19 Somerville, you'll give us an informational
20 update sort of?

21 ROGER BOOTHE: We also have in the

1 PUD a recognition that some of those sites
2 were not in Cambridge and sort of a
3 recognition that all be coordinated at some
4 point.

5 TOM O'BRIEN: I can report to you
6 that the Mayor of Somerville will be
7 heartened to hear you say that you don't have
8 jurisdiction over Somerville. He's given us
9 more than an earful about how the old plan,
10 you know, seeing how the old plan puts all
11 the residential on this side.

12 HUGH RUSSELL: And he wants some
13 jobs.

14 TOM O'BRIEN: Yes. And there were
15 some would think that's not, that was by
16 design obviously. So but we'll, you know, in
17 the future we'll be talking about that.

18 One of the key things we'll talk to you
19 tonight about is the concept of a retail
20 square. This old plan to us when we looked
21 at it, looks kind of suburban, sort of like

1 an office park, and didn't really have a
2 retail scheme associated with it, which we
3 think is an important thing to -- an
4 important concept to have. So we've got some
5 other slides that we'll show you. I'll try
6 to move through this at a pretty brisk pace
7 given just how late the hour is. But the
8 idea is that here at this MBTA station there
9 really should be a strong plaza, a strong
10 sense of a retail node here, and the retail
11 should be unique and frankly should be part
12 of the community. We embrace the ideas as I
13 said earlier, this is a place where people
14 will both live and work. And we think that
15 this can be something -- this can be the area
16 that learns the lessons of Kendall Square and
17 so, therefore, we think a strong retail
18 notice is important facet of the plan.

19 Just to, you know, a little bit more in
20 terms of remembering or reminding the Board
21 of a couple characteristics about the site.

1 The site's very big; 44 acres, including all
2 the MBTA parcels. And so when I take into my
3 mind's eye and just overlay it on Kendall
4 Square or overlay it on the MGH campus, it's
5 a quite a big site. It's serviced by two
6 MBTA stations that exist today; the Orange
7 Line and the Green Line, but both, you know,
8 require some improvements I think. The Green
9 Line will be improved by the relocation on
10 this side of the site and then extended. And
11 the Orange Line gets improved just by access
12 to the site when we build a building, a
13 parcel and offer that staircase here. So
14 kind of an important concept.

15 This is a slide that we've used --
16 we've spent a fair amount of time with the
17 community trying to think through what people
18 have seen as issues on the site. And this is
19 a site -- a slide that we use. I'm going to
20 whip through these points quickly. And these
21 are hard to read so I'm going to read them

1 for you. I apologize for the lack of focus
2 here. You know, the first point is in the
3 original plan, there really was this lack of
4 cohesive retail square. We need to change
5 that. There needs to be a retail square, and
6 there needs to be a really strong plan. We
7 think that the entire site had the form and
8 feel of a kind of a suburban office park as I
9 suggested earlier.

10 The housing placement originally, which
11 was all along the tracks here, we think
12 failed to take full advantage of this
13 beautiful park that's in the middle.

14 The Gilmore Bridge impact and thinking
15 through the Gilmore Bridge, the Gilmore
16 Bridge is elevated between 30 and 40 feet
17 coming down a little bit to this side. So
18 that impacts the site quite a bit. We need
19 to think that through a little bit more.

20 The integration of the Green Line
21 station, the viaduct. We talked a little bit

1 about that. The open space programming, we
2 think the central park is wonderful, but
3 really there needs to be a more integrated
4 park system kind of spread throughout the
5 site, not just one big central park, but
6 other parks that can form front doors to
7 other buildings on the site.

8 We have sensed a desire in the
9 community for a year round public market near
10 Lechmere Station. So it's a desire we sort
11 of embraced. We think a public market could
12 be a good idea. We have some questions
13 remaining as to where exactly that should be
14 located and what the program for that public
15 market should be. As all of us know, some
16 public markets succeed because they're run
17 well. Other public markets don't succeed
18 because they're not run very well. So we
19 need to think that through.

20 We've worked very hard on the Monsignor
21 O'Brien -- we call it boulevard not highway.

1 The Monsi gnor O' Bri en Boul evard crossi ng here
2 parti cul arly here at Fi rst Street and then at
3 Water Street, but we' ve spent a lot of time
4 on that wi th peop le and wi th the MBTA. So we
5 can talk more about that. And also talk
6 about parki ng densi ty and locati ons as well .

7 One of the bi g moves we made was to
8 move Fi rst Street. You know, i n the old plan
9 Fi rst Street came through the si te, straight
10 through. What that produced was a very small
11 wal kway here from thi s T stati on i n towards
12 the si te, ki nd of a rather small si dewal k.
13 We sai d to oursel ves thi s real ly needs to be
14 a bi g arri val poi nt, and there needs to be
15 more of a pl aza. So we moved Fi rst Street
16 just sl ightl y to the south. And what that
17 has al lowed us to do i s create thi s retail
18 square and real ly a great ri val pl aza. So
19 we' re real ly pleased wi th that move. I n
20 addi ti on to that, we' ve rethought the si zi ng
21 of the parcel s and the locati ons of the uses

1 which has allowed us -- I'll show you in a
2 moment, to add significant amount of green
3 space. Probably about 30 percent more green
4 space. And three or four new spots, new
5 green space spots which we're really pleased
6 about as well.

7 Here's a concept of the retail square.
8 So by moving First Street -- so First Street
9 used to come right through here, see? And by
10 kind of carving the buildings back a little
11 bit, it gives people right off the Green Line
12 a glimpse of the park straightaway. It gives
13 us this great, you know, sort of square,
14 arrival square in the beginning which we're
15 really pleased with. We'd love to see it
16 very strong, you know, outdoor environment.
17 The retail should be kind of unique retail.
18 We've got the mall right down the street so
19 we certainly don't need more of that kind of
20 retail. We need sort of unique offerings
21 that could be local in flavor. And so we see

1 this retail square as being a new centerpiece
2 for the entire site again with a lot of
3 activity. And then opportunities for us to
4 up light the new Green Line station there.

5 We've spent a fair amount of time on
6 this crossing. We've got another slide on
7 this as well, but that's been an important
8 discussion for us in the community. And what
9 we've done along the way is this crossing
10 started off, it had a right-hand turn lane
11 here. The crossing was quite wide in terms
12 of, you know, people needing to make the
13 stretch across Monsignor O'Brien Boulevard
14 along First Street. So by taking that
15 right-hand turn lane away and offering a
16 little bit wider spot here for people in the
17 middle to kind of take refuge in the middle
18 of their cross, we tried to make this a much
19 stronger pedestrian-friendly environment.
20 And we're suggesting that there can be
21 opportunities to use different elements to

1 make it a strong pedestrian environment and
2 really announce the fact that with lighting,
3 paving materials, things like that, that this
4 is a, you know, pedestrian-friendly zone. So
5 we've worked very hard. I think we've gotten
6 to a point where people are starting to get
7 more pleased with how this crossing can work,
8 and we've done that in partnership with the T
9 and a variety of folks.

10 In addition to that, and I think it's
11 been suggested, that this could be sort of a
12 lost park. And rather than being a lost
13 park, perhaps a small retail kiosk, something
14 in my mind along the lines of what's in Post
15 Office Square in downtown Boston. You know,
16 sort of a nice food offering but something
17 that activates that triangle would be
18 important as he will.

19 AHMED NUR: Just to cut you off real
20 quick. Where that sign is, the
21 transportation sign, that building there on

1 the left, it's got some demolition people.

2 TOM O'BRIEN: On the building on
3 this side?

4 AHMED NUR: Yes.

5 TOM O'BRIEN: So the T as part --
6 that's good news if you saw them. So the T
7 has already let out a contract, about \$29
8 million for the design of this station, the
9 two other stations I mentioned, and the demo
10 of this building, some other selected demo,
11 and the relocation of some slight bridges as
12 well. So they already started the Green Line
13 project.

14 AHMED NUR: That's great. I was
15 happy to see that.

16 TOM O'BRIEN: With the senior folks
17 I was with today, you know, I encouraged them
18 to keep going. The way they've set up the
19 Green Line project is, they call it Phase I,
20 and it's \$29 million to do those pieces.

21 The next step is about a \$200 million

1 dollar project to actually build those three
2 stations and the tracks in between. And they
3 can pay for that out of their own capital
4 dollars /and the next step is not funded yet
5 which is the to get it out to Tufts. That's
6 good that you've seen that.

7 HUGH RUSSELL: Another thing on the
8 screen is something that's annoyed me for 15
9 years. Right below the T designation is a
10 grey square, which is a surface parking lot
11 with I think 18 cars in it.

12 TOM O'BRIEN: Yeah.

13 HUGH RUSSELL: It serves the
14 Glassworks. And I've been hoping that
15 somehow a deal can be made to find another
16 place for most of those 18 cars, and
17 that's -- and that frontage could be used for
18 something better than a condominium's parking
19 lot. So that's -- I was the architect of the
20 renovation for the of the --

21 TOM O'BRIEN: As you might imagine,

1 we have a long list --

2 HUGH RUSSELL: Right.

3 TOM O'BRIEN: -- so we'll put that
4 on the list. I've thought the same thing. I
5 mean, you know, when you -- you can't help
6 but look at this slide and walk it and say,
7 hmm, you know, in the not too distant future
8 all of us are going to look at this and say
9 this should be a better -- something
10 different should be here. Certainly we're
11 open to making a parking deal to -- with the
12 Glassworks people. So we're open to that.
13 The question is, you know, the parking for us
14 for them would be located somewhere this way.
15 So would they make that walk to their new
16 parking?

17 HUGH RUSSELL: Exactly. And I mean
18 there might be parking on the other side of
19 the O'Brien Boulevard.

20 TOM O'BRIEN: There would be parking
21 in this building.

1 HUGH RUSSELL: Right.

2 The first floor of that building is
3 almost entirely parking, and there's a lot of
4 frontage on the sidewalk, but I can't imagine
5 it's a very good place for retail.

6 TOM O'BRIEN: Along this building?

7 HUGH RUSSELL: Along that building.

8 TOM O'BRIEN: Cars are moving pretty
9 fast I think. And, you know, the way, you
10 know, you know, the way the plan is set right
11 now, there's not a parking lot on that side.
12 There is a bike lane on that side, but
13 there's not a parking lane on that side to
14 sort of comment and make this a great retail
15 spot. I think the place for retail is
16 probably here.

17 HUGH RUSSELL: Right. Because you
18 see there it would be even less likely that
19 that would be a retail spot.

20 TOM O'BRIEN: Yeah, particularly if
21 we do this right I think. I agree.

1 HUGH RUSSELL: The parking garages
2 entered from the short end of the building.

3 TOM O' BRIEN: This end?

4 HUGH RUSSELL: The other end.

5 TOM O' BRIEN: So they come in the
6 back this way?

7 HUGH RUSSELL: No, they come in to
8 the end of the lot way down that corner,
9 drive up the slope into the building, and the
10 basement garage is under from the back side.

11 TOM O' BRIEN: I see, I see.

12 HUGH RUSSELL: It was fairly daring
13 to do that building at the time we did it,
14 but it seems pretty timid today.

15 TOM O' BRIEN: Yeah. Well, I mean,
16 as I say, I think we pretty easily could make
17 a parking deal with these people. The
18 question is would they walk it? And then,
19 you know, would they give up that piece of
20 land? And how do you make that deal with the
21 condo association and all --

1 HUGH RUSSELL: And I don't know
2 whether the spaces are individually deeded or
3 collectively deeded and it becomes much more
4 difficult.

5 TOM O'BRIEN: Yeah, yeah.

6 HUGH RUSSELL: Because if they're
7 individually deeded, then you're making 19
8 deals and you need one of which to -- anyway.

9 TOM O'BRIEN: Yeah. But I agree
10 with you. So it's -- we will work on it.

11 HUGH RUSSELL: Okay.

12 TOM O'BRIEN: So here's the slide
13 just on the parks. These are small words,
14 hard to read, but each of them say new, new,
15 new, and new. So these four are all new
16 parks that we've added. And then A and B
17 we've actually enlarged. So North Point
18 Common exists today and this park exists
19 today. These two condo buildings are
20 completed. So this is completed. This is
21 completed. And then these were ideas that

1 concerned about the character of that street
2 which I think of as Marlboro Street. This is
3 really just basically a slightly warped Back
4 Bay. So small down the middle there are two
5 blocks on either side.

6 TOM O'BRIEN: Yep, yep. We agree.
7 We agree.

8 HUGH RUSSELL: You know, I think
9 those parcels on the green in back really
10 improved greatly, as well do what you want to
11 do.

12 TOM O'BRIEN: Well, similar to Back
13 Bay, the way we thought about this is not
14 only will people be traveling this way, but
15 people will be travelling this way. So we
16 love these finger parks in the back. You
17 know, if you think about it from a corporate
18 presence perspective, you know, XYZ Company
19 located here has a really nice entry point
20 for people coming from this direction, and,
21 you know, it improves the site, it improves

1 the field overall, we think, for, you know,
2 for the entire development.

3 HUGH RUSSELL: So the colors
4 represent more of an intention where you
5 might be focusing commercial over residential
6 uses?

7 TOM O'BRIEN: Yeah. You'll see this
8 in future slides. So the blue is commercial.
9 The yellowish is residential. So a lot of
10 what we've done, again, I'll show you a
11 slide. We've taken some of the residential
12 that was concentrated on the back and moved
13 it up to the park to take advantage of that.
14 We've created this retail square where the
15 red is a hotel and the blue here is
16 commercial.

17 So here's a slide that starts to use
18 those colors and starts to, you know, layer
19 everything out. So we've taken some of the
20 residential, not all of it, but some of the
21 residential and lined it here along the park.

1 Again, it allows us to take full advantage of
2 the beautiful park. It also allows us to
3 create some obviously -- naturally the
4 residential projects will have slightly
5 smaller footprints. So it allows us to
6 create some smaller footprints here and sort
7 of break up the blocks a little bit to make
8 it look a little bit like a suburban office
9 park. But also, too, by concentrating the
10 commercial here and here, and particular
11 these ones, though, allows us to produce some
12 commercial buildings that have fairly sizable
13 floor plates. So we think that's a useful
14 thing given what we're trying to achieve in
15 terms of attracting technology companies,
16 life science companies, and the like. So we
17 think this is a good result and it's proved
18 pretty valuable in our initial efforts with
19 the potential build to suits. So just a
20 couple other highlights.

21 The public market that I described, the

1 community has discussed the possibility of
2 putting the public market here. We've
3 suggested that the public market might go
4 here as part of the overall retail square.
5 The public market is, you know -- certainly
6 there still have some questions. We've
7 thought about the question of whether or not
8 there could be a supermarket on the site. If
9 we're going to build three million square
10 feet of residential, which translates to
11 about 2800 units of housing, there probably
12 needs to be a supermarket on the site. And I
13 think in general people have nodded yes. And
14 so we need to think through what the program
15 for that is. This building here in the back
16 of the site offers a slightly larger floor
17 plate that might allow for a supermarket. So
18 that's the public market. We thought about,
19 you know, this reconfigured intersection here
20 that I've described for you, the station
21 plaza, all these different pieces that I

1 think I've described.

2 Doug, am I forgetting anything from
3 this slide?

4 DOUGLAS MANZ: No.

5 TOM O'BRIEN: Oh, actually, one
6 thing I did want to point out. So I'm going
7 to talk about this, so parcel N, which is our
8 residential project is located here, so
9 that's this building located here. So this
10 is the building that we'd like to start as
11 soon as possible.

12 DOUGLAS MANZ: And Tom, go back one.
13 This all starts to show what is the -- what
14 we call the connection to the Gilmore Bridge,
15 which we actually kind of call it an L of the
16 finger park. It sits over the structure of
17 the apartment tower and steps down. The idea
18 is rather than just kind of a stair or a
19 narrow passageway, it's actually meant to be
20 a park that literally starts the Gilmore
21 Bridge elevation and then steps its way down

1 and then in connection into the finger park
2 and then leads right to North Point Commons.
3 That's what we're calling it. It originally
4 was called I think Central Park, but we're
5 calling it North Point Common. That's how
6 we're trying to connect it into the site as
7 quickly as possible.

8 HUGH RUSSELL: At one point the
9 connection was on the other side of that
10 parcel, but particularly if you're generating
11 the jobs there, you really want the most
12 direct route to the Orange Line.

13 TOM O'BRIEN: We agree. We agree.
14 The Orange Line is really an important line.
15 I mean, it's sort of undercounted a little
16 among the MBTA lines. But the Orange Line is
17 a connector to the Back Bay. So it's through
18 that it's a big connector to commuter rail.
19 And so, you know, we really want to make sure
20 that we, at an early point, make a strong
21 connection between the site and the Orange

1 Line. That's an important thing.

2 HUGH RUSSELL: You don't show the
3 current plan for Water Street to get to Water
4 Street. I can see that --

5 TOM O'BRIEN: We can adjust that.

6 HUGH RUSSELL: -- need to make that
7 less awkward sort of at that point. You're
8 giving them a terrific site line, though --

9 TOM O'BRIEN: Yeah.

10 HUGH RUSSELL: -- for a major
11 bui l di ng.

12 TOM O'BRIEN: You're right. We
13 shoul d adj ust thi s sl i de to make sure we show
14 the current plan. We're working pretty
15 closely with them. They have an obligation
16 to create the community path as just part of
17 thei r -- whi ch means that they need to
18 coordi nate that wi th us. We're more than
19 happy to help them do that.

20 HUGH RUSSELL: There's a huge grade
21 change i n there; ri ght?

1 TOM O' BRIEN: Yes, huge grade
2 change. They're much lower on this side, so
3 there's a lot of work to be done with Phil
4 and, you know, adjusting to that grade
5 change. So they'll complete that and we've
6 been working with them on that. So it's,
7 there's some mutual benefits I think. You
8 know, as I said the concept of getting a
9 crane in the sky, from the rest of the
10 world's perspective, as soon as this project
11 gets underway, they don't know if that's us
12 or them or whoever it is. So we think it's a
13 good thing, you know, to see this start to
14 move forward. The same with Archstone as
15 well.

16 There are a couple of things that we
17 will need to make this work. One is this
18 above-grade parking is allowed on the edges
19 of the site. And in the blue areas here,
20 above-grade parking is both allowed and does
21 not count against the FAR of the site. In

1 the red areas here, above-grade parking is
2 allowed, but counts against the FAR. So, we
3 would like to make an adjustment to that, to
4 allow for us to build these buildings with
5 above-grade parking. Remember, the railroad
6 is on this side, so the original intent was
7 that there would be above-grade parking and
8 it would be sort of a walling off of the
9 site. And then on this side we've got the
10 Gilmore Bridge. So, for example, here's our
11 parcel in project here. And the way we've
12 conceived it is the parking is above grade,
13 but wrapped with units here also first floor
14 retail, of course, but this is the second
15 floor. And so the garage would be hidden
16 from view from the park and, you know, from
17 the sides that we care about. But then
18 underneath here there would be access to the
19 garage underneath the Gilmore Bridge. So we
20 will be coming back to you for adjustment.

21 These will require a Zoning change.

1 AHMED NUR: From all three cities.

2 TOM O'BRIEN: What's that?

3 AHMED NUR: From all three cities.

4 TOM O'BRIEN: Yeah. Well, they
5 actually don't require. Boston doesn't
6 require a City Council vote for that. And
7 Somerville's already done. So we can do this
8 with the BRA. And Somerville it's already
9 done.

10 HUGH RUSSELL: So if we want that
11 building, we've got to tow the line.

12 TOM O'BRIEN: So the other thing is,
13 the other concept is that the overall site
14 height limit is 220 feet. And the 220 feet,
15 for the most part, is limited to this band on
16 this edge of the site. And what we're -- I'm
17 sorry, we're down to here I believe it is;
18 right? We're suggesting that by putting the
19 residential buildings here on this side of
20 the -- closer to the park and including all
21 of the green space that we've included, as

1 well as the retail square, means that the
2 buildings need to be pushed upwards slightly.
3 So we're not changing the FAR. We're not
4 changing the overall site height, but we do
5 need to organize heights of some buildings in
6 this band to allow for some of these
7 buildings to reach a height of 220. And so
8 we'll be coming back before you to discuss
9 that as well.

10 There's a further limitation on the --
11 the total number of 220-foot buildings that
12 can happen in the entire North Point
13 neighborhood. So we will be coming back to
14 you as well to talk about hopefully adjusting
15 the total number of buildings at 220 as well.
16 So those are the two changes that we'll need
17 in order to make the plan work.

18 Here's just parcel N quickly. Here's
19 our site for the first building that we want
20 to get going on. I showed you this rendering
21 to give you a sense of it. First floor

1 retail and entry point. Units on the outside
2 here. Units on the outside here. So second
3 and third stories, units on the outside
4 parking is on the inside of that. And then
5 the parking ends at the top of the third
6 story.

7 Fourth floor is an amenity floor for us
8 with some units on the other side and then
9 the tower kind of comes up from there.

10 Here's another view of it again looking
11 from the Gilmore Bridge looking back towards
12 North Point.

13 Another view of the stairs. So this is
14 standing at North Point looking up toward the
15 stairs entry point forward to the Gilmore
16 Bridge. And here's an overhead view of what
17 the first floor can look like. So this is
18 actually a little twisted around, the garage
19 entry would be here, garage spaces, ramp up,
20 and first floor retail.

21 Second floor with units wrapped around

1 the parking. And this is the staircase
2 coming down.

3 And then this is fourth floor, the
4 amenity floor. So this is above the parking.

5 Outdoor courtyard. Various amenity
6 spaces that, you know, that we think are
7 important including half court basketball
8 court, units, and then the tower rises up
9 from that unit. We worked hard to include a
10 variety of units, stack of three bedrooms
11 which we think is important. That's kind of
12 where we are.

13 THOMAS ANNINGER: I have some
14 reactions right away, if I may.

15 HUGH RUSSELL: Sure. Within the
16 five minute total limitation for all of us.

17 THOMAS ANNINGER: Well, others can
18 go first that's as far as I'm concerned.

19 I guess my first reaction is just to
20 say when you were talking about the people
21 and what you replaced which is litigation and

1 anger and a very ugly moment. Before they
2 were bad, they were very, very good. And
3 three of us at least lived through that
4 period when we were developing the master
5 plan from a white piece of paper. And I
6 think many of the concepts that you are
7 improving on we talked about back then. I
8 like the better the idea of what I think your
9 partner Doug said, which is that in many
10 cases what you're doing is tweaking things
11 that we've heard about many times; finger
12 parks, good streets, crossing of O'Brien
13 Highway, residential in the right place,
14 avoiding a suburban office park feel. When
15 you take a look at that corner with the three
16 red buildings there by the Gilmore Bridge,
17 originally they had four red buildings there
18 and it really was what we were afraid of,
19 which was an office park. So all they did
20 for the moment was turn -- change the color
21 of one, not N, but I forget --

1 TOM O' BRIEN: M.

2 THOMAS ANNINGER: M? They changed
3 it to a different color just to make a nod to
4 the concept that this was not to be an office
5 park. But we always knew, and we talked
6 about it back then, that the use of these
7 various spaces would change. And we were
8 ready for that. And I think you have an
9 extraordinary opportunity now to take what I
10 still think was a very good master plan and
11 make it better. And I think you're doing
12 that in many ways. But I guess I take it
13 with a certain amount of pride the two years
14 that we spent on the original one, and a lot
15 of the things that we did back then, I think
16 you're building on and doing a good job.

17 For example, those two commercial
18 buildings, it's very interesting to me what
19 you're doing over there. Just how you avoid
20 the suburban office park feel is a challenge,
21 however you do it. Call it what you may.

1 These are very big buildings now. And now
2 maybe this reflects what I've read and heard
3 the MIT people talk about, which is that
4 nanotechnology which is making very tiny
5 things requires huge buildings. And I think
6 that's what seems to be going on here. And
7 so there are a lot of good things.

8 One of the cultures that we liked back
9 then was that they used very good architects.
10 And they had a very good plan for the T, and
11 I still miss it. No matter how good this may
12 be, the one they had was excellent, too, at
13 the time and I still like Tango and Sierra.
14 Maybe they have new names to them, but
15 thought they had very good architects.

16 PAMELA WINTERS: I think Ken
17 Greenburg was working them, too.

18 THOMAS ANNINGER: Ken Greenburg was
19 the designer of the boulevards and streets.

20 PAMELA WINTERS: And the T was
21 excellent in what they did, too.

1 THOMAS ANNINGER: I guess I still --

2 HUGH RUSSELL: This one's feasible.

3 PAMELA WINTERS: Right.

4 THOMAS ANNINGER: Well, that's

5 right.

6 HUGH RUSSELL: And I think it really

7 that's -- what I look at it and say

8 somebody's taken a big concept and now trying

9 to make it more feasible, make it -- advance

10 it to the next stage. This is a natural

11 growth process and it's a very positive

12 growth.

13 THOMAS ANNINGER: Ken Greenburg

14 himself, if you remember, warned us that this

15 was going to happen.

16 PAMELA WINTERS: Right, he did.

17 THOMAS ANNINGER: We're ready for

18 that and I embrace this.

19 TOM O'BRIEN: We spent time with

20 Ken, and talked it all through. And, you

21 know, we did -- we have a huge amount of

1 respect for the planning work, for the effort
2 that was put into it, for the results, for
3 everything. And, you know, we've been
4 working with January Krieger which has merged
5 with MBTA's as you know, which suggested sort
6 of to make these tweaks to try and put it
7 into a position where -- I think a lot -- I
8 mean, you know, for me, for example, the
9 shift on First Street, sometimes simple
10 things can have a huge, positive effect. So
11 it seems like a very simple move, but it is,
12 it's a big change. So it's a tweak but
13 it's -- it can really open up some different
14 ideas and different concepts. So that's
15 really what we try to do is make some
16 adjustments that are minor but could have
17 some really nice positive effects.

18 PAMELA WINTERS: Right, it's good.

19 ATTORNEY ANTHONY GALLUCCIO: Tom,
20 could I just also, just to your point --
21 this, I know this was a long time ago now,

1 but to me this was -- and this process took
2 place when I was Mayor. This was the first
3 opportunity really, I think, for the Planning
4 Board to have so many open parcels and make
5 the statement that you did about the
6 importance of increasing the housing supply
7 in the city. And now I get that more than a
8 decade has gone by, but I think there's so
9 much to be proud of with that. And I think
10 we're trying to correct some other areas now,
11 but this was that opportunity and it was a
12 huge statement.

13 TOM O'BRIEN: Well, I mean to the
14 practicality of it, by the way today, the --
15 I mean, you may know this, but that Archstone
16 project is one of the best performing
17 projects in the entire Archstone portfolio
18 today. So there is an opportunity to build
19 quite a bit of this housing we think in the
20 next, you know, five years, ten years. So
21 there's a lot that can be done to really

1 advance the original goals.

2 AHMED NUR: I just wanted to include
3 by saying, you know, North Point, my family
4 and I usually go there at least twice a
5 month. I mean, at least for the park. And I
6 welcome you to it. I think you're doing a
7 great job, and it looks really nice. I'm
8 really excited about it.

9 And one other thing we mentioned was
10 public bathrooms in that area, and I think
11 Rich McKinnon was here was talking about
12 giving the DCR some money to build one, so on
13 and so forth. But we're looking forward to
14 it. Other than that everything is perfect.

15 TOM O'BRIEN: Thank you.

16 HUGH RUSSELL: Okay, well thank you
17 very much. This really is a very high point
18 I think for us --

19 STEVEN WINTER: Indeed.

20 HUGH RUSSELL: -- to see that you're
21 not only taking up the mantle, but you're

1 advancing it and proceeding with things which
2 will be better than we thought they were
3 going to be.

4 And we expect to see you back here time
5 and time again with changes and modifications
6 and new opportunities and that's the way the
7 world works.

8 We're adjourned.

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

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