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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, December 18, 2012

7:05 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
- H. Theodore Cohen, Member
- Steven Winter, Member
- Ahmed Nur, Member

Brian Murphy, Assistant City Manager for
Community Development

Community Development Staff:
Susan Glazer
Liza Paden
Stuart Dash

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P R O C E E D I N G S

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

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

LIZA PADEN: Okay. On the agenda to be heard on December 20th the first case on the list is 10 Garden Street. And this is Radcliffe Institute is going to be re-signing their campus. The Historical Commission has also reviewed this plan and it's consistent with what the Historical Commission wants to see there. But the biggest complication for this site, like many of the properties at Harvard or MIT, is that all of the buildings are on one lot and they're in the Residence C3 District. So they're having to sign six buildings?

1 MARK VERKENNIS: Well, we have eight
2 buil dings.

3 LIZA PADEN: Eight buil dings.

4 MARK VERKENNIS: But then we have
5 the si tuati on at Radcl i ffe where we have
6 mul ti ple gates around the campus whi ch many
7 don' t have si gnage ri ght now.

8 LIZA PADEN: Ri ght. So what they' ve
9 done i s put together a plan. Mark i s here i f
10 you want to look at the detai ls of i t. The
11 si gns that they' re looking to put up tend to
12 be si gns that are ki osk, they' re freestandi ng
13 si gns and you' re onl y allowed to have one.
14 There' s the wal l si gns whi ch there' s no li mi t
15 on, but because i t' s one parcel , they' re onl y
16 allowed to have one, i n some cases two.
17 These are si gns that gi ve the street address
18 and thi ngs li ke that. I' ve gone over the
19 plans as wel l , and i t' s not -- you can see
20 that they' re extremel y modest, way fi ndi ng
21 si gns mostl y. And i f you want, Mark can gi ve

1 you some further details.

2 MARK VERKENNIS: Or if you have any
3 questions I'd be happy to answer them.

4 HUGH RUSSELL: Well, I think people
5 know my personal view of this which is if one
6 duly constituted respected body has reviewed
7 this --

8 PAMELA WINTERS: Right.

9 HUGH RUSSELL: -- then we shouldn't
10 -- there's no particular need for us to do
11 that.

12 STEVEN WINTER: I concur.

13 PAMELA WINTERS: I agree.

14 LIZA PADEN: Okay.

15 HUGH RUSSELL: You might want to
16 advise the Zoning Board that the reason we
17 didn't review this because we trust that the
18 Historical Commission did a wonderful job.

19 MARK VERKENNIS: And we did
20 incorporate comments from the Historical
21 Commission in terms of reducing the signs on

1 the gates in terms of their size and we --
2 that we did address their comments.

3 HUGH RUSSELL: Okay.

4 LIZA PADEN: There's another sign on
5 this agenda and it is for 13 -- I'm sorry.

6 PAMELA WINTERS: 1075?

7 LIZA PADEN: 1075 Mass. Avenue which
8 is the old Bowl and Board site.

9 PAMELA WINTERS: Yes.

10 LIZA PADEN: And they're going to go
11 to the Board of Zoning Appeal and request the
12 street numbers at the top of the building,
13 which is --

14 HUGH RUSSELL: Is that the one that
15 they were vertical or something --

16 LIZA PADEN: Yes.

17 HUGH RUSSELL: -- in part of the
18 design?

19 LIZA PADEN: Yes.

20 STEVEN WINTER: Liza, this is the
21 glass building on the corner?

1 THOMAS ANNINGER: Right, yes.

2 STEVEN WINTER: Haven't they been
3 here before with something?

4 LIZA PADEN: Yes.

5 So what happened was I was trying to
6 convince the applicant that that was not an
7 appropriate location of the sign, and I
8 thought maybe if they heard it from the
9 Planning Board directly. And they said oh,
10 thank you very much but we're going to apply
11 for a Variance. So this is what -- they're
12 at the Board of Zoning Appeal for this.

13 HUGH RUSSELL: Okay, so this is
14 actually a serious thing that we need to look
15 at.

16 PAMELA WINTERS: Right.

17 LIZA PADEN: So the violation on
18 this particular sign is that it's taller, the
19 height of the sign from the top to the ground
20 is higher than 20 feet which is what the
21 limit.

1 STEVEN WINTER: Does the proponent
2 claim a hardship?

3 LIZA PADEN: Yes.

4 STEVEN WINTER: And did they
5 announce the hardship?

6 LIZA PADEN: The hardship they said
7 is that the building is not visible from
8 Mass. Avenue as you're coming from Central
9 Square going towards Harvard Square, and so
10 that they want to have the street number so
11 that it's -- people are able to find it as
12 they're driving along Mass. Avenue.

13 PAMELA WINTERS: Do you know an
14 alternative that they could come up with?

15 LIZA PADEN: There's been some
16 discussion. In fact, last -- Roger and I
17 went to lunch in the area and we all agreed
18 that we thought if they put a -- they put the
19 numbers on the canopy, for example, that
20 would be a better location.

21 PAMELA WINTERS: Because the canopy

1 wraps around?

2 LIZA PADEN: Yes.

3 PAMELA WINTERS: Yes.

4 LIZA PADEN: So if they put it on
5 the canopy, but the other point that was
6 made, I can't remember if it was here at the
7 Board or by Roger, is that none of the other
8 buildings have a street number or signage at
9 this height.

10 PAMELA WINTERS: Right. Nor does
11 Crate and Barrel --

12 LIZA PADEN: No.

13 PAMELA WINTERS: -- right next door,
14 so. . . .

15 HUGH RUSSELL: I mean they have,
16 they have non-conforming signs but they
17 aren't as high.

18 LIZA PADEN: Correct. And they are
19 a commercial use which is a little bit
20 different than a residential building.

21 HUGH RUSSELL: Although there is a

1 floor of commercial over there.

2 LIZA PADEN: There is a ground floor
3 commercial. But specifically they said this
4 is for the residential use. So I'm assuming
5 that what will happen is the commercial will
6 come in with their own signage.

7 STEVEN WINTER: So this building
8 then is retail, commercial on the first floor
9 and then residential?

10 LIZA PADEN: Yes.

11 So this was a Planning Board Special
12 Permit back two or three years ago. This has
13 the 20 units of residential upstairs and the
14 ground floor --

15 STEVEN WINTER: I really love the
16 building. It's very attractive.

17 H. THEODORE COHEN: Well, I went to
18 look at it again today. I mean, there are
19 four buildings right at that intersection all
20 about the same size, none of them -- well,
21 the Crate and Barrel has the sign up on the

1 side --

2 LIZA PADEN: Right.

3 H. THEODORE COHEN: -- which I
4 assume is pre-existing from the first story
5 days.

6 LIZA PADEN: Right.

7 H. THEODORE COHEN: But none of the
8 other buildings have any other signs above
9 the 20 feet. Across the street there's the
10 great neon sign at 1035 or something.

11 LIZA PADEN: Yes.

12 H. THEODORE COHEN: But that's below
13 the 20 feet and that's inside.

14 LIZA PADEN: Right.

15 H. THEODORE COHEN: It seems this
16 would be a terrible precedent for all the
17 buildings in that intersection.

18 THOMAS ANNINGER: That's, I guess, I
19 think you're right that it is a precedent,
20 but I'm not sure that it's a bad one. My
21 sense just looking at these two pictures is

1 that this actually is an attractive detail on
2 the building, and the lower version of it is
3 -- really falls flat, whereas the upper
4 version I think provides some embellishment
5 to it. And it is pretty modest. It's not,
6 it's not trying to be a different color if I
7 see it right. It's, it's really emphasizing
8 sort of -- what do they call it? Strafing
9 light or rafing (phonetic) light, where the
10 shadows hit it in such a way where you see it
11 only because of the shadows? But I think
12 it's actually pretty well done, and it adds
13 interest to the building. So I'm not sure --
14 I understand the precedent argument, but I
15 think --

16 HUGH RUSSELL: It is a halo lit.

17 THOMAS ANNINGER: I'm sorry.

18 HUGH RUSSELL: It is halo lit.

19 THOMAS ANNINGER: Halo lit?

20 HUGH RUSSELL: Which means there are
21 lights inside the letters, so it's going to

1 be --

2 THOMAS ANNINGER: I don't know if
3 this understates it, but this doesn't look --

4 STEVEN WINTER: Mr. Chair.

5 HUGH RUSSELL: In the daytime it's
6 probably accurate. In the nighttime it will
7 be much more visible.

8 STEVEN WINTER: I'd like to ask,
9 Tom, do you feel that the proponent has a
10 hardship? You're talking about the design of
11 this.

12 THOMAS ANNINGER: I'm talking about
13 the design.

14 STEVEN WINTER: But what I'd like to
15 ask you is do you also feel that the
16 proponent has a hardship that we need to
17 mitigate even though we -- before we talk
18 about the design?

19 THOMAS ANNINGER: My view has always
20 been that fortunately hardship is not a
21 criterion that we have to address. You know,

1 we've never tried to figure out what that
2 means and never had to apply it, and I don't
3 think we ought to busy ourselves with that.
4 The Board has to struggle with that. It's a
5 standard that I think I wish weren't there,
6 but I don't know what criterion -- what
7 hardship means, but I don't think that's what
8 we're being asked to decide or to give an
9 opinion on.

10 HUGH RUSSELL: Hardship is a
11 condition that is true of this lot and not
12 generally true of the other lots in the
13 district, and the district is interpreted to
14 mean the actual district zoning designation
15 that it's in which I don't remember.

16 LIZA PADEN: This is Business B.

17 HUGH RUSSELL: So that means it's
18 different than all the other buildings in
19 Business B.

20 PAMELA WINTERS: Liza, you put up
21 the numbers on the carriage house. There's a

1 picture here of the carriage house here near
2 where I live. Was that an example of --

3 LIZA PADEN: Yes.

4 PAMELA WINTERS: -- is that there as
5 an example?

6 LIZA PADEN: They are providing that
7 as an example of the signage, another example
8 of somebody who was granted a Variance to put
9 those numbers there.

10 PAMELA WINTERS: Well, that was
11 granted while I was on the Board, you know,
12 so it was within the last, you know, 13
13 years.

14 LIZA PADEN: Yes.

15 PAMELA WINTERS: And was that also
16 not appropriate for that particular zone?

17 LIZA PADEN: Right. The top of the
18 sign has to be at 20 feet from the top to the
19 ground or below the second floor sill line.
20 So anything that's higher than that, will
21 have to go to the Board of Zoning Appeal for

1 a Vari ance.

2 PAMELA WINTERS: I want to take a
3 look at what they have in mi nd here. I don' t
4 fi nd the carri age house si gn obj ecti onabl e.
5 What I found more obj ecti onabl e to that, thi s
6 is because I see it everyday.

7 LI ZA PADEN: Ri ght.

8 PAMELA WINTERS: What I found more
9 obj ecti onabl e was when they had that day
10 school and it was -- and they changed it.
11 The day school -- the preschool that was
12 there was in mul ti -col ors and it was very
13 di fferent from the fl at black or the rest of
14 the si gnage, and the, you know, on the fi rst
15 fl oor?

16 LI ZA PADEN: Yes.

17 PAMELA WINTERS: But those -- you
18 know, I don' t real ly obj ect to that too much.
19 But anyway.

20 LI ZA PADEN: Wel l, in the Si gn
21 Ordi nance the thi ngs that I can regul ate are

1 size, illumination, and height. Color,
2 unless it's corporate color, is not subject
3 to the regulations.

4 HUGH RUSSELL: Nor is the message.

5 LIZA PADEN: Nor is the message.

6 Case in point the billboard in Porter Square.

7 PAMELA WINTERS: Oh, I hate that.

8 LIZA PADEN: It's a billboard, it
9 will be gone.

10 H. THEODORE COHEN: It is gone.

11 LIZA PADEN: It is gone? Okay.

12 PAMELA WINTERS: It's gone?

13 LIZA PADEN: Yes.

14 H. THEODORE COHEN: Assuming we're
15 all talking about the same message.

16 PAMELA WINTERS: Oh, great.

17 HUGH RUSSELL: Well, I think it
18 would be horrible if every apartment house on
19 Mass. Avenue had illuminated letters up at
20 the top of it.

21 STEVEN WINTER: It would be a

1 catastrophe of that site.

2 PAMELA WINTERS: And these are going
3 to be illuminated?

4 LIZA PADEN: Yes. It's halo lit, so
5 it's considered to be external illumination.

6 PAMELA WINTERS: So this would be
7 their second option on the second page, that
8 would be within the ruling?

9 HUGH RUSSELL: No, it's a different
10 experience, not as extreme.

11 LIZA PADEN: Right, so that
12 Variance -- that would require a Variance as
13 well because it's not below the second floor
14 sill line.

15 PAMELA WINTERS: Okay. I don't
16 really care for either one of them
17 personally. So that's just my opinion.

18 LIZA PADEN: So...

19 THOMAS ANNINGER: How do we --

20 LIZA PADEN: Yes.

21 THOMAS ANNINGER: -- if at all, how

1 do we distinguish this from some of the
2 others that Hugh is worried about? I do
3 think this building is doing something for
4 Putnam Square that none of the others do.
5 Putnam Square has languished for a long time
6 since it was rebuilt maybe 30, 40 years ago.
7 None of the other buildings have any -- have
8 made any effort really at distinguishing
9 themselves in terms of architecture or
10 anything. Maybe you could say that the
11 Cambridge 7 building diagonally across has
12 some character to it with those strip
13 windows, and I actually kind of like that
14 building. But I do think that this building
15 adds something to Putnam Square that it
16 didn't have before since there were no colors
17 to look to for guidance. They decided to go
18 their own way with color, and I don't think
19 it's a bad result.

20 H. THEODORE COHEN: Can I respond?

21 THOMAS ANNINGER: Well, almost, yes.

1 And, therefore, I do think it has the -- it
2 is somewhat hard to know exactly what the
3 numbers on that building are. And I think
4 that they have struck an interesting balance
5 where a little bit of embellishment at the
6 top I think almost is a form of design that I
7 think improves the building. So I, I think
8 it will be as Hugh says, hard to distinguish
9 this from others, but I -- just looking at
10 what they've done, I think it's -- I think
11 it's a plus and I would probably vote for it.

12 H. THEODORE COHEN: Well, I'll send
13 my two cents that I am in total agreement
14 that the building does a great job at
15 squaring off Putnam Square and that its
16 massing is very nice and that it will be nice
17 to have good retail at the bottom. I think
18 the color of the blue panels and the green
19 windows are so infelicitous. I've seen it so
20 many different times of day under so many
21 different light conditions and I dislike it

1 in virtually every light scenario, the
2 colors. And I think that while I'm not
3 necessarily opposed to illuminated signs or
4 signs up high, I think calling more attention
5 to this building is not something that needs
6 to be done, especially given that there are
7 so many -- there are 1100 is right next-door
8 to it which has retail below and apartments
9 or condos above, and it has a tiny little
10 sign. All the other buildings in the area
11 have small signs. I think people who are
12 travelling on Mass. Ave. know -- I mean, I
13 don't need to go into the hardship. I agree
14 that that's something for the ZBA to deal
15 with, but I don't think that this adds
16 anything to the building or is going to be
17 something that's going to improve Putnam
18 Square.

19 LIZA PADEN: I could collect a group
20 of comments and send them to the ZBA.

21 HUGH RUSSELL: Okay, I actually

1 haven't made my comments yet because I'm sort
2 of --

3 THOMAS ANNINGER: The suspense is
4 killing me.

5 HUGH RUSSELL: Yeah, right. I don't
6 think I would vote in favor of this if I were
7 on the Zoning Board. I really don't like the
8 illumination. I think without the
9 illumination, you know, it's very modest.
10 You know, if they had done it as a treatment
11 of the panels that are there and that, you
12 know, it's like -- almost like a texture
13 that's very subtle. I think that I would
14 probably have been in favor of it, but there
15 really isn't a need for it, and I don't
16 really want other people to think that, you
17 know, the city was changing their policy on
18 this. So -- and I agree with my colleagues
19 that there are many good things about this
20 building, but I don't think that buys you a
21 Zoning Variance on signage. So, well, if you

1 can craft some --

2 LIZA PADEN: I'll give it a whirl.

3 H. THEODORE COHEN: Thanks.

4 LIZA PADEN: Thank you.

5 Are there any other cases that people
6 wanted to talk about?

7 H. THEODORE COHEN: What is the
8 restaurant on 1678?

9 LIZA PADEN: 1678? It's a new
10 restaurant, and it is --

11 HUGH RUSSELL: Is that the college
12 house building?

13 LIZA PADEN: Pardon?

14 HUGH RUSSELL: Is that beyond the
15 common?

16 LIZA PADEN: Yes, it's beyond the
17 common. It's up by the tattoo place and West
18 Side -- you know, where West Side Lounge is?

19 H. THEODORE COHEN: Yes. Is this
20 Julia?

21 LIZA PADEN: No, no.

1 So here's West Side Lounge and here's
2 the market, Greenwood. It's in between these
3 two.

4 H. THEODORE COHEN: So the one that
5 was going to be the Dunkin' Donuts?

6 STUART DASH: I think so.

7 STEVEN WINTER: The one that was
8 going to be the Coop? The MIT Coop?

9 LIZA PADEN: It was the temporary
10 location for the Harvard Co-op. Yes.

11 HUGH RUSSELL: So this is the kind
12 of thing that our Zoning Board -- should we
13 say we think that it's good to have such uses
14 at that location?

15 STEVEN WINTER: Absolutely. It's a
16 restaurant world now.

17 HUGH RUSSELL: And it's a Special
18 Permit?

19 LIZA PADEN: Yes. Because they want
20 to reduce the amount of parking. The parking
21 will be zero.

1 HUGH RUSSELL: Okay. So we're not
2 going to say anything on that except that we
3 think restaurants in that location are good.

4 PAMELA WINTERS: Very good.

5 LIZA PADEN: I think so.

6 HUGH RUSSELL: Okay.

7 LIZA PADEN: So when I can't get
8 into West Side, I can go there.

9 PAMELA WINTERS: Right, exactly.

10 LIZA PADEN: Is that it?

11 HUGH RUSSELL: Okay, I think that's
12 it. Thank you.

13 Brian, would you like to update us?

14 BRIAN MURPHY: Sure.

15 I think you'll have an action-packed
16 January. January 8th we've got a public
17 hearing on Forest City as well as under
18 general business bike parking zoning and
19 election of the Chair.

20 January 15th we'll have a public
21 hearing on the MIT petition which was

1 referred from the Council last night.

2 And January 22nd we'll have a public
3 hearing on the medical marijuana inner
4 regulation that have been proposed.

5 Essentially the City Manager put forth a
6 proposal suggesting that there be a nine
7 month moratorium so that we could see what
8 regulations, DPH issues, as well as to
9 provide an opportunity for the City Council
10 to hear both from Public Health as well as
11 Public Safety folks.

12 February 5th is Town Gown reports at
13 the Central Square Senior Center. And beyond
14 that that's where we'll start for now.

15 We will expect to have a public hearing
16 in April on the MLK Special Permit, but we'll
17 have other things in between that to keep
18 February and March also busy.

19 STEVEN WINTER: Mr. Chair? Oh, I'm
20 sorry, please go ahead.

21 PAMELA WINTERS: I was just going to

1 ask, Brian, are we going to be having two
2 meetings a month in February and going
3 forward or three meetings? Or does it
4 depend?

5 BRIAN MURPHY: As of now it looks
6 like we'll have three for February. I think
7 we've got the 5th, 12th, and 19th. And then
8 two in March.

9 PAMELA WINTERS: Okay, thank you.

10 STEVEN WINTER: I have a question,
11 Brian. What is our role in discussing the
12 medical marijuana issues?

13 BRIAN MURPHY: It would be a Zoning
14 Amendment that's being filed. It's an
15 interesting -- it comes in an interesting
16 posture in that the Law Department's view is
17 that it's not expressly permitted and is
18 therefore not allowed. However, it's
19 something of a grey area in terms of what
20 bucket it would most appropriately fit, and
21 it's a little bit hard to try to figure some

1 of this out in advance of the DPH
2 regulations. But the proposal that was done
3 by the state law provides for a maximum of
4 five medical marijuana treatment centers in
5 each county of Massachusetts with a minimum
6 at least in one in each county. My
7 expectation is Middlesex given its size would
8 get the full five, and what communities, it's
9 unclear where people would try to site that.
10 But there are a host of policy questions that
11 arise around this. On the one hand it was a
12 popular position in the election. I think
13 the city voted something like 79/21 in favor
14 of it. But there are a number of details
15 that are probably relevant, you know, as you
16 think about sighting this, ought it be near a
17 medical facility? Do you want to see it
18 other places where you don't want to have it
19 where that's sort of a main commercial area?
20 Or, you know, near schools? In the middle of
21 a residential area. So there are a host of

1 policy questions like that. In addition,
2 Stuart and Jeff have done a fair amount of
3 research on this already and there are a
4 number -- the experience some of the
5 communities that have had it have led to
6 certain issues that are out there that have
7 been challenging. There are also some
8 innovative approaches that people have looked
9 at where you've got more or less ATM like
10 vending machines where you would use your
11 fingerprints to get access, put in a card of,
12 you know, a credit card or ATM card and have
13 automatic dispensing. Sort of like the
14 automat of having a sandwich. And then that
15 was apparently put in place in part to try to
16 avoid some of the legal issues around the
17 transactions since there are certainly at
18 best a grey area when it comes to federal
19 law.

20 There are also public safety concerns
21 that I think that are out there in terms of

1 admi ni strati on. Thi s i s publ ic heal th. So
2 the general thought was to better sort of
3 take a fini te amount of time to try to have
4 the ci ty wrestle wi th the impl icati ons.

5 STEVEN WINTER: I appreciate that.

6 HUGH RUSSELL: Okay. Then we'll
7 move on to the Pl anni ng Board case 275, 350
8 Thi rd Street, a Speci al Permi t to convert an
9 exi sti ng roof to a green roof.

10 BOB FLACK: Thank you. Thi s i s a --

11 HUGH RUSSELL: Cou ld you gi ve your
12 name for the record?

13 BOB FLACK: Yes, I'm sorry. Bob
14 Flack, F-I -a-c-k from Twi ni ng Properti es.

15 We're aski ng for a Speci al Permi t to
16 take advantage of Arti cle 22.32 whi ch was a
17 vi si on to encourage as a poli cy functi onal
18 green roof areas. And i n thi s case you may
19 recal l, and I'm sure you al l know the
20 Watermark project, and thi s i s, i n case you
21 forgot, i n 2006 we compl eted 321 uni ts. And

1 these are photographs. Of course, the
2 building is much discussed here, but on the
3 -- this wing which is shown here, we're
4 proposing to give access for the residence in
5 the exact context that this part of the
6 Ordinance was written so that they could go
7 out there and have spectacular views --

8 Do we have a spectacular view? There
9 we go.

10 -- for all of the residents, both in
11 the Phase I, which is now operating, and the
12 Phase II which is under construction, we did
13 complete in May.

14 The design of the terrace is taking
15 existing mechanical roof --

16 STUART DASH: We need to make this
17 visible to the public as well.

18 BOB FLACK: Oh, I'm sorry.

19 This will take what's existing
20 mechanical roof, create a series of vertical
21 vine climbing walls to hide, mask, some of

1 the mechanical equipment that's located here
2 and here and used primarily structural grass.
3 And then we have a little sample if people
4 are curious as to what structural grass is.
5 It's a --

6 THOMAS ANNINGER: Astro turf.

7 BOB FLACK: -- a crate of plastic
8 and then you put the grass in the middle.
9 And so you have the -- you keep the function
10 of retaining rainwater, absorbing heat, and
11 all of the green functions, you have about
12 five inches of soil, and you -- it's a
13 walkable surface. And because of the plastic
14 crate, it doesn't -- you can walk on it, put
15 furniture on it, and you don't damage the
16 grass. That's the concept.

17 We've spent considerable time with your
18 staff, CDD staff, Iram and Roger Boothe and
19 others, and reviewed this with ISD to make
20 sure that this conformed with several
21 iterations. And we're always pleased to be

1 the first out of the box. I think this is
2 the first time that this actually has been
3 done. The overall size the 2300 square feet.
4 Of that there's about 2,000 square feet of
5 structural lawn. Planting, planting bed
6 sedum and some grass beds you can see in
7 various locations. And 15 percent of it is
8 hard scape of the green space. So that we
9 believe that we've met all of the
10 requirements and we would request a permit.

11 We would be glad to talk more about
12 structural grass if anyone is curious.

13 THOMAS ANNINGER: Can you show us
14 the samples --

15 BOB FLACK: Yes.

16 THOMAS ANNINGER: -- you were
17 telling us about?

18 BOB FLACK: Yes. We have a -- this
19 is the actual grate. And apparently it sits
20 on the concrete and then you put dirt all
21 around it and these little cups hold water to

1 ensure that the grass has some kind of
2 moisture at all times. And it, it does
3 everything you want it to do from a green
4 sustainability standpoint. It does retain
5 water. It does slow down the runoff. It
6 does give you, you know, a true functional
7 green roof.

8 PAMELA WINTERS: How tall does the
9 grass get?

10 BOB FLACK: Well, we'll mow it.

11 PAMELA WINTERS: That's what I was
12 going to ask.

13 BOB FLACK: Yes. We have to mow it
14 so that it's -- so people can walk on it. It
15 will be used for sunbathing. And the areas
16 that will be the structural green grass are
17 this pattern. There's about 12 to 18 inch
18 difference from where you come out a couple
19 of steps and this is wood deck here. And
20 then there's actual -- a ramped area of
21 structural green grass. And that would be

1 this material. So that you can actually roll
2 up on the thing.

3 H. THEODORE COHEN: In your drawing
4 in the corner you've got like three sort of
5 semi private areas.

6 BOB FLACK: These?

7 H. THEODORE COHEN: The other
8 corner.

9 BOB FLACK: Yeah.

10 H. THEODORE COHEN: No, down below.
11 Further.

12 HUGH RUSSELL: Keep going.

13 PAMELA WINTERS: Keep going.

14 H. THEODORE COHEN: That's it.

15 BOB FLACK: The intent there is to
16 allow people to sunbathe and to have like
17 planting screening between them so that you
18 can have two or three people talking and have
19 their own privacy.

20 H. THEODORE COHEN: Okay, but it's
21 not intended to be a private area for a

1 particular unit?

2 BOB FLACK: No, no, not at all. Not
3 at all. There is a little feature I didn't
4 mention. This is a corporate stay unit which
5 is used as a corporate stay unit, and it
6 looks out now on a mechanical roof. And so
7 we're putting sedum in this location, tall
8 grass, so when you look out, you actually
9 have a decent view. So we're taking
10 advantage of the greening of this roof to
11 actually improve that particular unit.

12 Now, one of the considerations of the
13 Ordinance was that you not bother abutters
14 and that you not have parties and what not.
15 That would be a nuisance. And of course our
16 nearest abutter is -- do we have, I guess the
17 point of the context, you know, the nearest
18 abutter is the CIC building at One Broadway
19 and it's quite far up in the -- we're fairly
20 certain that this is not in any respect going
21 to be a nuisance for anyone in the area. And

1 we think it's a terrific opportunity to
2 provide the amenity and take advantage of
3 this provision that the city's adopted.

4 (Ahmed Nur seated.)

5 HUGH RUSSELL: Are there questions
6 or should I go to public testimony?

7 STEVEN WINTER: Public.

8 HUGH RUSSELL: Okay, would anyone
9 like to speak on this?

10 (No Response.)

11 HUGH RUSSELL: I see no one. Did
12 anybody sign up, Liza?

13 LIZA PADEN: Nobody signed up.

14 HUGH RUSSELL: Okay, thank you.

15 AHMED NUR: There's no one here,
16 that's why.

17 HUGH RUSSELL: So in 1963 the
18 Carpenter Center for the Visual Arts opened
19 at Harvard, and there is a -- the second
20 floor studio, sort of it was a banjo shaped
21 thing that swept around the side of the

1 bui l di ng and there was di rt on top of the
2 roof. And Carduci a (phoneti c) di rected that
3 nothi ng shoul d be pl anted i n the di rt. He
4 wanted bi rds to pl ant thi s roof garden so
5 that i t woul d be whateve r i t showed up. You
6 know, I guess the noti on that, you know,
7 you' ve got thi s very strong bui l di ng and that
8 somehow the nature had to have some part i n
9 i t. Well , i t di dn' t work. Nothi ng real ly
10 showed up much and eventual ly the uni versi ty
11 pl anted i t. I don' t know what the status of
12 i t i s now because the ramp that goes through
13 the bui l di ng i s cl osed because of the Fogg
14 constru cti on. But there have been attempts
15 at green roofs. I thi nk thi s i s a dandy
16 i dea. I thi nk i t meets al l the cri teri a. I
17 see no reason why we shoul dn' t i nvoke the
18 permi t requested.

19 STEVEN WINTER: I concur. I woul d
20 al so l i ke to note that I thi nk the proponent
21 has worked very hard to make the bal ance of

1 public benefit, benefit for the tenants of
2 the building, and the benefit for the climate
3 change that we're trying to address also. I
4 think it's good to see.

5 BOB FLACK: Thank you.

6 HUGH RUSSELL: Any other comments?

7 THOMAS ANNINGER: Yes -- no. How
8 could one be against something like this?
9 This is, among other things, way up there.
10 So that nobody -- I mean, that is one
11 reaction I have. I think that these green
12 roofs will, if they start to become more
13 utilized, will be more interesting the lower
14 they are so that people can really -- even if
15 they're not in them, can participate in them
16 by looking at them. This is something that
17 you will not see.

18 BOB FLACK: True. I think from the
19 public areas, you will not see it, but it
20 takes advantage of sort of a real natural
21 resource that this particular tower has,

1 which is an incredible view.

2 THOMAS ANNINGER: I have no --
3 that's right. And I think that's fine. We
4 don't have that many towers of that height.
5 So I think in the future when we have green
6 roofs on the second and the third and the
7 fourth floor of some wing, it will be a much
8 more interesting discussion.

9 BOB FLACK: It is interesting. And
10 I think it's a -- it's a wonderful provision,
11 and I think it -- we all should encourage
12 this. I think that the -- it certainly is
13 more cost-effective when it's planned with
14 the building as it's being built. I have to
15 tell you that more than 50 percent of our
16 cost is something that no one will ever see,
17 and it's reinforcing beams and doing a lot of
18 hidden improvements to make this work. But
19 we think it's going to be very effective for
20 the community and for our particular
21 community.

1 THOMAS ANNINGER: But I trust that
2 everybody in this building can partake?

3 BOB FLACK: Yes, right, right.
4 That's the -- yes, we're making sure that
5 that's actually featured as we start leasing
6 the new tower, we're actually going to take
7 them over because we want everyone to know
8 that they can take advantage of this roof.

9 THOMAS ANNINGER: And will the doors
10 be open all the time?

11 BOB FLACK: You know what? We
12 haven't quite gotten down to the access
13 issue. It probably will be card access
14 keyed. It should be. I think that -- I
15 would be worried about kids getting out there
16 by themselves.

17 THOMAS ANNINGER: Right.

18 BOB FLACK: We haven't gotten down
19 to the operational issues yet, but that's a
20 good question.

21 PAMELA WINTERS: The residents will

1 be very happy with it I'm sure.

2 BOB FLACK: Yeah, I think it's going
3 to be a great amenity.

4 PAMELA WINTERS: Yes.

5 AHMED NUR: I just wanted to make
6 one comment. I apologize I was late, but I
7 see what you're holding so I felt -- that
8 tells me a lot because I have actually built
9 a building with a green roof with that type
10 of plotting. Are you also, as much as I'm
11 supporting, you don't have to, if you've gone
12 beyond that how you're irrigating that? Are
13 you catching the roof drain water and maybe
14 reusing that water?

15 BOB FLACK: To be honest with you I
16 have to ask my architect. I don't think
17 we're.

18 SCOTT BOOTH: No, no.

19 BOB FLACK: And Scott's here from
20 CBT.

21 AHMED NUR: Okay.

1 BOB FLACK: I don't think believe
2 we're actually providing irrigation for the
3 lawn.

4 AHMED NUR: I understand.

5 BOB FLACK: There's enough I think
6 natural precipitation --

7 AHMED NUR: And some of the
8 vegetations use the least of water and just
9 sufficient would be rainwater.

10 BOB FLACK: I asked openly. Are we
11 irrigating the grasses?

12 SCOTT BOOTH: Yes, you will have to
13 irrigate the grasses as part of the process.
14 You only have four inches or five inches of
15 soil that you're dealing with. You have to
16 keep it moist during the summer months.

17 AHMED NUR: No, I appreciate that.
18 And I asked that on the record because where
19 I'm going with this is the ultimate would be
20 having solar panels provide electricity to a
21 pump that would take the rainwater, collect

1 it, and then irrigate that vegetation so now
2 you have a 360 of sustainability.

3 BOB FLACK: Right. And I think that
4 if we had planned this six years ago the way
5 we should have, we could have built in those
6 features. Retrofitting this kind of roof is
7 quite expensive.

8 AHMED NUR: Sure.

9 BOB FLACK: But it's a good
10 suggestion.

11 HUGH RUSSELL: Okay.

12 Would someone like to make a motion to
13 grant the Special Permits?

14 PAMELA WINTERS: I'll make a motion.

15 I'd like to move to approve Planning
16 Board No. 275 Special Permit to convert
17 existing mechanical roof rear at the 21st
18 floor to a functional green roof area
19 pursuant to Section 22.32 of the Cambridge
20 Zoning Ordinance.

21 HUGH RUSSELL: Okay. Is there a

1 second?

2 H. THEODORE COHEN: Second.

3 HUGH RUSSELL: Okay. I think we can
4 adopt those findings, the findings on page 2
5 of the application which give studies and
6 indeed are correct.

7 PAMELA WINTERS: Do we have to vote?
8 We didn't vote, did we?

9 HUGH RUSSELL: We have to first, I'm
10 proposing to amend --

11 PAMELA WINTERS: Oh, okay.

12 HUGH RUSSELL: -- the findings as
13 part of the motion.

14 Is that accepted?

15 PAMELA WINTERS: Yes.

16 HUGH RUSSELL: Okay.

17 Any more discussion?

18 STEVEN WINTER: No.

19 HUGH RUSSELL: On the motion then,
20 all those in favor?

21 (Raising hands).

1 HUGH RUSSELL: And six members are
2 voting in favor.

3 BOB FLACK: Thank you very much.

4 HUGH RUSSELL: Okay, thank you, Bob.
5 Shall we go on to the next matter?

6 LIZA PADEN: The next hearing is
7 scheduled for eight o'clock.

8 (A short recess was taken.)

9 HUGH RUSSELL: Okay, we will
10 continue on, and the next item on the agenda
11 is the review of the City Council Petition to
12 amend the Zoning Ordinance. And who is going
13 to present this to us?

14 BRIAN MURPHY: I'll start to just
15 give a little bit of background since this
16 was actually a City Council initiated
17 process. And this really came out of what
18 took place a couple of years ago which is
19 when Biogen was first considering moving its
20 corporate headquarters back to Cambridge.
21 And Bob Healy and I went out to meet with the

1 head of Biogen to discuss that with them.
2 There was a great deal of interest to make
3 them both parse, and we're very happy to have
4 from an economic development standpoint, not
5 that the prodigal son left, but perhaps the
6 entire family is re-united I guess which is
7 we're pleased to see take place. And when
8 that happened, the City Council at that time
9 passed an Ordinance or rather an order
10 requesting that the CDD identify measures
11 that would help to facilitate the relocation.
12 And over the course of the number of
13 discussions with Biogen, there were a few
14 different issues, many of which were worked
15 out, but the one piece that turned out to be
16 the most challenging was that the requirement
17 that there be a cafeteria on the ground floor
18 open to the public at a minimum of 20 hours a
19 week. And that was problematic from a couple
20 of standpoints.

21 Operationally it was an issue where

1 there's concern about how that would work for
2 members of the company in terms of how that
3 would work with members of the public. It's
4 also more of a challenge than I think we had
5 initially anticipated when this first went
6 into effect because of the competition
7 between cafeterias and restaurants.

8 Restaurants actually don't like to compete
9 with subsidized cafeterias that are open to
10 the public. It's one thing if it's a select
11 cafeteria that's open.

12 And then the other thing that took
13 place that sort of gave the staff at CDD more
14 comfort in doing this, is that even in the
15 time since this requirement was put in place,
16 there's really been a dramatic transformation
17 that we've all seen in Kendall Square with
18 much more animation that's taken place. And
19 I would argue that a lot of what was behind
20 the cafeteria amendment was a desire to have
21 active ground floor and a dynamic public

1 space. I think there are other ways that
2 that can be achieved. I think one of the
3 things that Biogen is doing that's tremendous
4 is that they're maintaining a historic
5 structure, and they're using it for
6 educational purposes.

7 So all those factors really came
8 together, but this seemed to be the one
9 issue. It's the only place in our Zoning
10 Code where there is such a restriction, and I
11 think our thought was this seemed to be a
12 reasonable request which is why we suggested
13 to the Council that they put in place the
14 order that's sensible. That's a little bit
15 of a background in terms of why we're here
16 and why I think the Council put forward this
17 Zoning change.

18 STEVEN WINTER: Mr. Chair, may I
19 clarify if I could?

20 HUGH RUSSELL: Yes.

21 STEVEN WINTER: So, Brian, what

1 we're talking about is not an option in this
2 case to not provide that public access, but
3 what we're talking about is to get rid of
4 13.59.33.5 to X it out?

5 BRIAN MURPHY: Correct, it would X
6 out the language.

7 STEVEN WINTER: That's all I needed.

8 BRIAN MURPHY: Yes.

9 STEVEN WINTER: Okay.

10 HUGH RUSSELL: It doesn't prevent
11 that from happening if somebody wants to do
12 it.

13 BRIAN MURPHY: No.

14 HUGH RUSSELL: But it doesn't
15 require them to do it.

16 BRIAN MURPHY: Right.

17 HUGH RUSSELL: So are there any
18 other questions by the Board?

19 THOMAS ANNINGER: I trust that we're
20 going to hear from some of the gentlemen that
21 are here?

1 HUGH RUSSELL: Well, I guess we're
2 going to have a public hearing. And if
3 somebody wants to speak, they'll speak.

4 LIZA PADEN: Nobody signed up.

5 HUGH RUSSELL: So --

6 ATTORNEY JAMES RAFFERTY: Oh, I
7 should have signed up.

8 HUGH RUSSELL: So would you like to
9 speak, Mr. Rafferty --

10 ATTORNEY JAMES RAFFERTY: Thank you.

11 HUGH RUSSELL: -- as the first
12 speaker?

13 ATTORNEY JAMES RAFFERTY: James
14 Rafferty, member of the public. Speaking on
15 behalf of the City Council Petition to amend
16 Section 13.59.33 by deleting Section 5, I
17 also entered this into my general civic
18 interest in Kendall Square as a resident of
19 Cambridge. I also happen to represent
20 Alexandria Real Estate Royalties. And
21 Alexandria, as you may recall, owns all the

1 real estate in the PUD District where this
2 requirement exists, and I thought I might
3 just take a few minutes to back people up and
4 remind them how we landed here.

5 Alexandria, you'll recall, probably
6 five years or so now, we began an effort to
7 look at rezoning the area along Binney Street
8 to create a new PUD District. And that was a
9 lengthy community process. A working group
10 appointed by the City Manager. A petition
11 that I think had at least two, if perhaps not
12 three passages through the process of the
13 Ordinance Committee and here. And, you know,
14 I'm pleased to have been a part of it and
15 pleased to say that from the perspective of
16 Alexandria, and I hope from the Board and
17 Community Development, really has been quite
18 a success. At the moment under construction
19 now is the first building authorized in this
20 district, and that's the building that Biogen
21 Idec is constructing, and Mr. Dundero is here

1 from Biogen and I thought it would be helpful
2 from him to give you a little perspective
3 from a life science operator's perspective.

4 But you'll recall that this Zoning
5 fairly complex not only in the land use, the
6 language of the section, but also there was a
7 companion piece called the Letter of
8 Commitment where a number of other additional
9 elements were included in the Zoning. Things
10 like the delivery or conveyance of the
11 Foundry Building, a building that's often
12 referred to that was conveyed last year,
13 owned by Alexandria, conveyed to the city.
14 The City's currently going through a process
15 now of trying to figure out what the right
16 use is for that building. There are a number
17 of voices expressing different views on how
18 that building should be looked -- it's just
19 one, it's one block or one parcel in from
20 Binney Street across from the -- just north
21 of the intersection of Binney and Third.

1 The other exciting part if you've had
2 the opportunity to be down in East Cambridge
3 lately, is the Two Acre Park that was the
4 centerpiece of the Letter of Commitment has
5 actually now been remediated. The buildings
6 were taken down. Thanks to the favorable
7 weather, it's been sodded. It's actually an
8 open green space with the expectation that by
9 this spring, it's actually usable as a green
10 space. Its conveyance to the city will occur
11 in the next few weeks. About a year ago when
12 we got the first Building Permit for this
13 building, Alexandria delivered a million
14 dollar check to the city to plan for the new
15 park. And then before the CO for the Biogen
16 building which is due for completion this
17 spring, Alexandria will deliver an \$8 million
18 payment to the City of Cambridge to fund and
19 construct this park. But in its present
20 condition it's actually a very pleasing green
21 open space. But it really does allow for the

1 promi se of thi s Zoni ng.

2 So, we woul d meet regul arly wi th the
3 group, and we had great parti ci pati on. The
4 East Cambri dge Pl anni ng Team offi ci al ly and
5 i ndi vi dual members real ly worked wi th us on
6 tryi ng to come up wi th a number of
7 suggesti ons to create these acti ve uses. And
8 I thi nk i t's fai r to say because as I look
9 back on the Zoni ng, but there was -- where we
10 arri ved at and where the Ci ty Council
11 ul ti matel y concl uded was that there was an
12 i ncrease i n hei ght and densi ty i n exchange
13 for the assurance of i nteresti ng and acti ve
14 ground fl oor uses and to create somethi ng
15 exci ti ng for that area. And that -- as a
16 resul t of that effort and other efforts, we
17 al l know Kendal l Square today i s real ly
18 becomi ng the acti ve engaged pl ace that i t had
19 l ong been hoped for.

20 So as we were meeti ng towards the end,
21 we were tryi ng to brai nstorm frankl y i deas,

1 well, what could we do? What could we come
2 up with? So around the eleventh hour in one
3 of our brainstorming sessions someone
4 suggested that it might be a good idea if you
5 have a cafeteria in the building, you have to
6 have the cafeteria open to the public and
7 that way members of the public will come in
8 and use the cafeteria. And, you know, it
9 seemed like a good idea at the time and it
10 seemed frankly, you know, fairly harmless. I
11 think we came up with language that said 20
12 hours. And it was bundled up in a package of
13 a whole bunch of ideas around active ground
14 floor uses. And the Zoning got passed and
15 frankly we didn't pay too much attention to
16 it. You'll recall another piece of the
17 Zoning requires a marketing plan, and we've
18 reported to the Board now twice on the status
19 of the retail activity and the attempts to
20 come up with retail tenants. And Michelle
21 Lauer from Alexandria who is the point person

1 on this, some of you may recall the Red
2 Rooster Company. Remember we had them in
3 here a few years ago and they helped us
4 brainstorm and think about different things?
5 And so Michelle worked with them. And so we
6 do have a marketing and merchandising plan.
7 But this building, because frankly it was a
8 bit of an outlier building for us. It's not
9 in the heart of that Third to First block at
10 Binney Street where most of the development
11 activities occur. And this Biogen building
12 is down as you know, at the corner of Sixth
13 Street and Fifth Street, this never was seen
14 as a key retail corner. It was a great
15 serendipitous event when Biogen decided to
16 return, they had their campus right across
17 the street from here, so the level of
18 engagement between this building and the
19 campus across the street and what's happening
20 really -- we never thought that was going to
21 be the first building. We thought we would

1 have been with one of the bigger buildings
2 with 5100. But as was always figured the
3 marketplace would drive the development and
4 that proved to be the case here. So Biogen
5 actually is under construction. Two
6 buildings here as a tenant of Alexandria, and
7 across Binney Street as a tenant of the
8 Boston Properties. And they are embracing
9 Kendall Square. They've returned to their
10 Cambridge roots. The prodigal biotech we
11 call them. They have seen the error of their
12 ways.

13 And as Mr. Murphy noted, we had a
14 series of meetings, not to lure Biogen back
15 but to tell them why they would be welcomed
16 back warmly. And they were asked what is it
17 about anything that you're interested in?
18 And they did share with us very early on that
19 they've never seen anything quite like this,
20 and they're not in the food service business
21 and we'll think about it, we'll try to figure

1 out what's going on. But it felt a little
2 unusual. So, that kind of set in motion some
3 discussions on the city side about well, how
4 necessary is this? And how integral is this?
5 And there are other ways that we can activate
6 the street uses. So we were pleased when the
7 Council filed the order, and we were of
8 course pleased when Community Development
9 brought in the petition. And it is simple
10 and straight forward. It simply says that
11 the requirement that the cafeteria be located
12 in the basement -- at the ground floor.
13 There's two parts of this.

14 The location of the cafeteria must be
15 on the ground floor. And secondly, it must
16 be open to the public 20 hours a day.

17 So we started looking at it and said,
18 well, you know, we don't define cafeteria
19 anywhere in the Zoning Ordinance. And what
20 is a cafeteria? And we met with Biogen. And
21 they said well, you know, we have -- on

1 various floors we have cafes, we have this,
2 we have gathering spaces, we've got food.
3 And it -- the more we got into it, the more
4 we said how do we meet this requirement? Is
5 this requirement really necessary? So we
6 find ourselves here today asking the Board to
7 support initial recommendations to Council
8 that deleting this would not be inconsistent
9 with the otherwise fine language of 13.59
10 which is intended to promote active uses. So
11 we did ask Mr. Dondero, who has sent you all
12 a letter, to kind of share with you a little
13 bit the perspective of a life science
14 operator and why they're not totally enamored
15 with the concept of going into the restaurant
16 business. It's not their thing. And he
17 might just share with you a little about how
18 they use this space. The cafeteria becomes
19 de facto meeting space. They have
20 collaborative meetings, all types of things
21 are going on there, so it's an issue of

1 capaci ty. So when they go down to the
2 cafeteri a, i f 50 people are taking up those
3 seats, i t real ly conflicts wi th thei r
4 programmi ng and space needs.

5 And the other thi ng i s Bi ogen empl oyees
6 are out and about going to l unch and
7 frequenti ng One Kendal l and the restaurants
8 al ong Thi rd Street. And I thi nk Mr. Dondero
9 i s a fi rsthand parti ci pant i n al l of that and
10 thei r vi ew i s we' re happy to be here and
11 they' re not out i n Weston and suburbi a no
12 man' s l and. They' re here for a reason. They
13 want to be i n these streets. They val ue
14 acti ve streets. But they j ust real ly woul d
15 prefer not to have to be burdened frankl y by
16 thi s.

17 And then the other perspecti ve that
18 Mr. Murphy referred to can be provi ded by
19 Ms. Lauer j ust bri efl y. Whi ch Ms. Lauer who
20 works wi th Mr. Magui re, they have begun
21 successfull y to i denti fy restaurants and

1 cafes and some other properties. They own
2 the building. They used to call it the Palm
3 Pilot Building. You know that building at
4 Third and Binney which is owned by Alexandria
5 where they put in a sushi restaurant called
6 Fuji which has proven widely successful at
7 that location. And over on Main Street they
8 said it's great success with a restaurant
9 called Catalyst which is on the ground street
10 -- ground floor of the Tech Square
11 Development. And across the green space from
12 there they have a nice operation called Area
13 4. So they've started to have some success
14 with restaurants, and these are not simply
15 the fast food style restaurants. These are
16 honest to goodness restaurants. They've got,
17 you know, there are liquor licenses attached
18 to these restaurants. They're really -- the
19 streetscape is much different. And the good
20 news is that a lot of the vision that was
21 anticipated is really starting to come into

1 place. But what they've heard from the
2 restaurant tenants is because these
3 cafeterias tend to be subsidized, the ground
4 floor restaurant tenant doesn't wish to
5 compete with the subsidized cafeteria which
6 is, which is another perspective as to why
7 we're finding this, this particular paragraph
8 a challenge to deal with.

9 So with that in mind I think if
10 Mr. Dundero could have just a minute or two
11 to give you Biogen's perspective on this and
12 then I think Ms. Lauer and Mr. Maguire would
13 probably wrap up.

14 ED DUNDERO: Thank you. My name is
15 Ed Dundero. I guess it's been about 18
16 months since we've been here. And we've had,
17 we've had some terrific milestones at Biogen
18 since then. We -- our product development
19 has moved along faster than even expected.
20 The notion of -- we like to call it reuniting
21 everybody back into Cambridge has proved to

1 be absolutely one of the most successful
2 notions that we've ever had. Since the time
3 we've met, we have a product now for MS in
4 pill form that we expect to get approval
5 probably in February. And we had three
6 products early on that were in Phase IIs and
7 moved on to Phase IIIs. We just received
8 positive results on two hemophilia drugs.
9 And most importantly we have what we hope is
10 the newest ALS drug in many years. So we're
11 hoping to have positive results of that in
12 January. So we're very excited. It's a very
13 dynamic time for the company. And as you can
14 imagine, decision making is so important to
15 us. And so the two buildings that we have --
16 we're now designing and moving into Cambridge
17 are very unique for the way we work.

18 The conventional notion of offices on
19 the outside walls and high cubicles are all
20 gone, and we're designing these buildings
21 with a much more new and open environment.

1 And the idea is that we're trying to get
2 people to collaborate more informally than
3 that formalized. Let's schedule a meeting,
4 we'll meet next Wednesday. So we've created
5 a number of completely different workplace
6 settings. No offices. All open work
7 stations, and a number of collaboration rooms
8 that will hopefully foster this more informal
9 meetings which then will lead to quicker
10 decision making which leads to time to market
11 for us.

12 And one of the areas in this building
13 that we're going to use specifically for that
14 collaboration point is the cafeteria. So it
15 will be an area where there will be informal
16 meetings all times of the day. There will be
17 -- at times, there will be confidential
18 discussions. So as you can imagine, sharing
19 this with the public would be quite
20 problematic for us.

21 And the other is that because of the

1 success of these products what we thought we
2 were going to be in terms of hiring somewhere
3 in 2015 or 2016, we're probably going to be
4 there sometime in the middle of 2014 because
5 of the rapid success of the projects. So the
6 cafeteria in this building is going to be a
7 very busy place as well. So because of those
8 two we're looking to remove this requirement.

9 Questions?

10 HUGH RUSSELL: Any proposed building
11 that the cafeteria is on the ground floor or
12 some other part of the building?

13 ED DUNDERO: It's on the ground
14 floor.

15 THOMAS ANNINGER: Yes.

16 PAMELA WINTERS: Do you want to go,
17 Tom?

18 THOMAS ANNINGER: Go ahead, Pam.

19 PAMELA WINTERS: I was just going to
20 ask I think I heard Attorney Rafferty say
21 there was going to be something else on the

1 grounds floor to enliven the ground floor.

2 Is that true?

3 ED DUNDERO: Yes, so the ground
4 floor -- so we're going to use one of the
5 historical buildings for our conference
6 center. The other historical building on
7 First Street we're going to use it as a
8 community lab.

9 PAM WINTERS: Okay.

10 ED DUNDERO: It's sort of buried in
11 one of our other buildings and we're going to
12 be able to bring it out in a space.

13 ATTORNEY JAMES RAFFERTY: You might
14 just want to explain for 30 seconds what a
15 community lab is.

16 ED DUNDERO: So this is a lab that's
17 manned by Biogen scientists where we bring
18 students from the City of Cambridge through
19 the lab. And I think it was about two years
20 ago I think when we got to a point that
21 everybody in the -- everybody in the high

1 school graduating class had gone through it
2 at least once. So we bring students of all
3 ages through.

4 PAMELA WINTERS: So people looking
5 through the windows can see activity going
6 on?

7 ED DUNDERO: As well as the, as our
8 -- the first floor, the lobby on the first
9 floor will be branded with either Biogen
10 history or maybe some of our product
11 information.

12 PAMELA WINTERS: Great, thank you.

13 THOMAS ANNINGER: Yes, you have two
14 buildings going up. Are you planning on
15 having a cafeteria in each of the buildings
16 or will one serve for both?

17 ED DUNDERO: So we presently have a
18 cafeteria in 12 Cambridge Center in the
19 building that's existing now, the lab
20 building. And so --

21 THOMAS ANNINGER: But that's neither

1 of the two new ones?

2 ED DUNDERO: That's correct. That's
3 an existing building. The building that
4 Boston Properties is building for us will not
5 have a cafeteria. So we'll have two
6 cafeterias but we'll only have one in the
7 newer building.

8 THOMAS ANNINGER: Right. I will say
9 that the Boston Properties building when I
10 saw the plans which are now at least five, if
11 not seven years ago, I remember that the idea
12 was to put a fitness center in that curve
13 along the outside where the sidewalk is. And
14 as my colleagues know that is something that
15 I find objectionable. That to me is not
16 animating anything. It is dis-animating
17 everything because it's a very unpleasant
18 site as far as I could see with a lot of
19 these aerobic machines and people huffing and
20 puffing and so on. That's not animation. So
21 I would be interested to know whether that's

1 what you're still planning to do and what
2 your comment is.

3 ED DUNDERO: So we do have a fitness
4 center. It's going inside the building.
5 What we're doing around the curve is we're
6 putting a day care center in. Child care
7 center.

8 THOMAS ANNINGER: That's an
9 improvement over the plan that I had seen.
10 That's a big improvement and I'm very glad to
11 hear that.

12 ED DUNDERO: I don't think it's
13 filtered up yet, but we're in the process
14 now. We've got it designed and we've got a
15 contract with Bright Horizons.

16 THOMAS ANNINGER: So if we're lucky
17 we'll see kids along the sidewalk?

18 ED DUNDERO: That's right. As well
19 as when you come around the sidewalk, you'll
20 see a playground in between the two
21 buildings.

1 THOMAS ANNINGER: Right, there is a
2 space there.

3 ED DUNDERO: Right, that will be
4 converted into a playground.

5 STEVEN WINTER: Will the children be
6 exercising?

7 AHMED NUR: Make sure they don't
8 have any gym stuff on them.

9 ED DUNDERO: Small gym stuff.

10 So we're really excited about that as
11 well to be able to do that. Because we think
12 that, you know, sometime in 2014 we're
13 probably going to be 3500 employees.

14 PAMELA WINTERS: Wow, that's great.

15 ED DUNDERO: And to have these kinds
16 of -- the fitness centers do attract certain
17 employees.

18 THOMAS ANNINGER: Of course.

19 ED DUNDERO: In the morning and in
20 the afternoons. But no, that was put inside.
21 We were originally going -- it was more going

1 to be offices on that side, but now it's day
2 care.

3 THOMAS ANNINGER: I have some
4 comments on what we're trying to delete, but
5 for the moment I would like to stop and let
6 others speak.

7 ED DUNDERO: Okay, thank you.

8 MICHELLE LAUER: Good evening. I'm
9 Michelle Lauer with Alexandria Real Estate.
10 I focussed a lot of my time both with the
11 Binney Street project on the marketing and
12 merchandising plan or the retail plan as we
13 like to call it, but I've also spent a lot of
14 time at Tech Square working on retail there
15 and what we really consider a success story
16 with Area 4 and Catalyst and the restaurants
17 that we have over there. My waistline can
18 certainly attest to that as well. But I'm
19 really here to just reiterate that Alexandria
20 is very, very committed to active uses on the
21 first floor especially with retail uses.

1 We've seen the wonderful effect it's had at
2 Tech Square and we hear it from our tenants,
3 we hear it from other people in the
4 neighborhood. I mean Kendall Square in
5 particular, I mean along Third Street with
6 Fuji has really made a big difference to our
7 tenants. I also live in the neighborhood so
8 that's a nice bonus as well.

9 So it's -- the retail is a very
10 important aspect to us. We have in our plan,
11 we highlighted certain corners and certain
12 aspects of it that we're very committed to.
13 And we started to talk to some owners and
14 chefs and other retail people who are very
15 concerned about having to compete with the
16 subsidized cafeteria. I mean, it's
17 understandable when you think about it from a
18 small business owner competing with someone
19 who's -- someone who wants to run out and get
20 a quick lunch and pick up something, if they
21 have a subsidized cafeteria, then that is,

1 that -- they'll really be competing with
2 that. So we've -- we believe that deleting
3 this from the PUD won't hurt our retail,
4 won't hurt our active uses because we don't
5 want that to happen either. So, we are
6 committed to making this happen and making
7 this as vibrant as possible along Binney
8 Street.

9 Any specific questions I'm happy to
10 answer.

11 H. THEODORE COHEN: I have a
12 question for you and Mr. Dundero can respond
13 to it, too. Is your objection to this
14 section of the Ordinance that there be a
15 cafeteria on the ground floor leaving aside
16 the issue of what the definition of a
17 cafeteria may be or is it really to the
18 requirement that it be open to the public and
19 for a certain number of hours a week?

20 MICHELLE LAUER: I think I would --
21 I think I can ask Joe about this one as well

1 to answer this but go right ahead.

2 JOSEPH MAGUIRE: Joe Maguire. Happy
3 holidays. It's good to be back here again.
4 I would say it's -- the instant answer is
5 both. It represents a -- presents a problem
6 on both sides in our marketing and the way
7 larger tenants in particular look at a
8 building. At Tech Square at one time it did
9 have a cafeteria in it at one point. The
10 tenants at the Tech Square, the latest
11 generation decided they didn't want to
12 support a subsidized cafeteria. So, you
13 know -- but, however, the tenants at Tech
14 Square tend to be under 250,000 square feet.
15 Some of these buildings that we're dealing
16 with they're most likely with Biogen Idec
17 greater than 300,000 square feet or 500,000
18 square feet. They think about things
19 differently. And the retail on the first
20 floor does -- really does not want to compete
21 with the cafeteria that's located on the

1 first floor because of the subsidy. So there
2 are multiple things that we're experiencing
3 as we go about marketing. And Biogen Idec is
4 not the only company that's brought this up
5 to us. Other companies have brought it up.
6 And just, I did want to correct two other
7 things that were said earlier by Jim on our
8 behalf. That the amount of money that we're
9 actually providing to the city for the parks
10 is actually eight and a half million dollars
11 and not eight million. And he also said that
12 it was -- the cafeterias would have to be
13 open 20 hours per day. It's actually 20
14 hours per week. So I just wanted to correct
15 those two very de minimus items.

16 ATTORNEY JAMES RAFFERTY: What's a
17 half million dollars to Joe Maguire? Now I
18 know it matters.

19 JOSEPH MAGUIRE: It all matters.
20 But so we are moving ahead. Just another --
21 and this is not the forum, but we are very

1 active, we're leasing and expect to have
2 potentially a few more buildings that could
3 actually start right after the first of the
4 year. We've actually pulled a permit for 75
5 and 125 Binney Street and we just hired the
6 Demilla Shaffer to be our architect for the
7 residential building that will be at 270
8 Third Street. So I believe that we'll be
9 back here at some time in the late winter or
10 spring time with the design for a residential
11 building after going through the -- as well
12 as Community Development improvements before
13 we actually come back to the Planning Board.

14 HUGH RUSSELL: Okay, thank you.

15 This is a public hearing. So do you
16 want to hear from the public at this time?

17 THOMAS ANNINGER: That was the
18 public hearing.

19 HUGH RUSSELL: Continuing.

20 Does anyone else wish to speak?

21 (No Response.)

1 HUGH RUSSELL: Okay. I hear no one.
2 I find this argument to be quite
3 convincing. The part of it that I find the
4 most convincing is actually the question of
5 collaboration and confidentiality. You know,
6 do you want guys from Genzyme sitting, you
7 know, in your cafeteria or one of the other
8 hundred companies and will that inhibit what
9 you're trying to have happen with your own
10 people? I'm convinced that, you know, we've
11 gotten beyond this kind of prescriptive thing
12 in way to trying to get active ground floor
13 uses in that we can safely recommend to the
14 Council to delete this paragraph.

15 Steve.

16 STEVEN WINTER: I certainly concur
17 with everything that you've said. I also
18 believe that the proponents have made out a
19 very clear case for us. But the only other
20 thing that I'd like to add is what were we
21 thinking? This is so wrong headed that it's

1 astoni shi ng that i t' s even here, you know,
2 what were we thi nki ng. I' m happy to push
3 thi s to the si de.

4 ATTORNEY JAMES RAFFERTY: In
5 fai rness to the Pl anni ng Board, thi s wasn' t
6 i n the draft that you commented on. Thi s was
7 an el eventh hour edi ti on. So you never saw
8 i t before i t was adopted, and perhaps there' s
9 a l esson there as well .

10 HUGH RUSSELL: Ri ght. There' s some
11 comment about no one shoul d see how sausages
12 are actual l y made.

13 ATTORNEY JAMES RAFFERTY: That' s
14 true.

15 HUGH RUSSELL: Tom.

16 THOMAS ANNINGER: Let me try to
17 answer Steve' s questi on, and whi le I have no
18 probl em of del eti ng thi s from the Zoni ng
19 Ordi nance and from thi s l i st of requi rements,
20 I want to descent mi l dly from what
21 everybody' s been sayi ng here. Fi rst of al l ,

1 I think that cafeteria's on the ground floor
2 make sense from an animation point of view.
3 Putting them on the fourth floor or in the
4 basement just isn't quite the same. I have
5 been in high rise buildings all my life and
6 we used to eat down in the basement, and it
7 just was a very unpleasant experience.
8 Interestingly enough I was at the Hancock
9 Building for many years and they did
10 something interesting, they had television
11 cameras in the basement to show you what it
12 was like out on the street while you were
13 eating downstairs. You had a screen. You
14 had a screen to show you what it was like
15 being outside. So you had a virtual
16 experience of being on the ground floor. But
17 you weren't, you were in the basement. I
18 think these cafeterias belong on the ground
19 floor. So I think there was a very good
20 reason why we said that, and I would urge you
21 to still locate them on the ground floor to

1 the extent you still can. If there are other
2 reasons why you would like them elsewhere,
3 that's fine.

4 Second on this business about the
5 public access. I think it's -- putting aside
6 Hugh's point which I think is the heart of
7 the matter, the confidentiality, I think the
8 point about public access to these cafeterias
9 is vastly exaggerated. So long as you don't
10 publicize this and turn this into a
11 restaurant, into a cafeteria with neon signs
12 and saying, you know, you're welcome here,
13 nobody goes to these places. And I think
14 that Harvard's cafeterias are open to
15 everybody. I think Lesley's cafeteria at the
16 Episcopal seminary is open to everybody. Ask
17 them who from the outside goes there. I bet
18 you they will say we never see anybody from
19 the outside. And as for this business about
20 subsidies, electronics can resolve that in a
21 flash of a second. You give employees a card

1 and they benefit from one pricing, and others
2 pay market price and it's a very easy to
3 thing to do. It was easy to do before we had
4 electronics of that sort, and now it's become
5 easier. So I think you're overstating the
6 case to a large extent, but I don't think
7 it's a big deal. If you don't want to open
8 it to the public because of confidentiality
9 reasons, I think that's a good reason. I
10 think it's a shame frankly for the handful of
11 people who would use it, it's kind of nice to
12 be able to have some of these cafeterias.
13 Some of them are very good. I tend to use
14 them very infrequently, but when I do, it's
15 always a very pleasant experience. So long
16 as you don't publicize them I don't think
17 you'll ever have a problem. And I urge you
18 to put them on the ground floor. I think
19 that's a nice use of space particularly if,
20 as many of these cafeterias now do in the
21 summer is open them with tables on the

1 outside so that it really looks like life in
2 the street. And those cafeterias that are
3 open to the street are really quite
4 wonderful.

5 ATTORNEY JAMES RAFFERTY: As Mr.
6 Maguire said there is a plaza with street
7 furniture that is accessible to the public on
8 the corner in front of the building. So it's
9 not that isolated, but I'm glad it was the
10 mild descent and the full throated descent
11 but we get your point.

12 HUGH RUSSELL: Ahmed.

13 AHMED NUR: To further continue what
14 Tom just started, I also am not opposed to
15 the deleting this from the Zoning, but I do
16 find also the argument for confidentiality
17 when you both agreed to. And I think
18 depending on the square footage of the
19 cafeteria that there could be a partition,
20 sound proof walls for the actual public so
21 the cafeteria could have -- employees'

1 cafeteri a versus publ ic cafeteri a and di vi de
2 that into two where they can' t hear and they
3 don' t have the access.

4 In terms of neon signs and who has an
5 access to it and advertisi ng, I thi nk that,
6 Hugh, you menti oned it, if a competi tor wants
7 to come and li sten to what a Bi ogen empl oyees
8 are speaki ng of and wanted to hear somethi ng
9 of a new product, that they can come down and
10 li sten to. So that it' s not a matter of I
11 guess advertisi ng, it' s a matter of who can
12 come in and si t next to these guys, and so
13 there' s a way to separate them as well as
14 subsi di ze the card. I' m not opposed to
15 deleti ng thi s from the Zoni ng based on where
16 it' s l oca ted and the other avai labi li ty from
17 the other publ ic uses on the retail. And
18 that' s all I have to say.

19 H. THEODORE COHEN: I woul d be fully
20 in favor of del eti ng thi s provi si on, and
21 basi cally I don' t thi nk we' re usual ly in the

1 posi ti on of mandati ng where anythi ng has to
2 go i n a bui l di ng other than sayi ng that we
3 want a certai n amount of retail or we want a
4 certai n amount of space for open space, and I
5 thi nk thi s i s an anomal y where you say that
6 i f you have a cafeteri a -- and I don' t read
7 thi s as requiri ng there to be a cafeteri a,
8 but that i f you do have a cafeteri a i t has to
9 be on the ground floor and i t has to be open
10 to the publi c. Contrary to Tom I worked i n
11 many offi ce towers that had publi c cafeteri as
12 on the 20th floor, and I thought they were
13 wonderful because you had a fabul ous vi ew.
14 Fortunately I was never i n the basement.
15 Frankl y I thi nk they were j ust spaces that
16 were avai l able to tenants i n the bui l di ng
17 and, you know, i f a tenant took a member of
18 the publi c i n, that was fi ne. But the publi c
19 wasn' t j ust i nvi ted i n. I thi nk, you know,
20 under the PUD and under the Speci al Permi t we
21 cou l d have requi red that there be retail

1 space or there could be other public
2 amenities, but I don't see the reason for a
3 requirement that the cafeteria has to be on
4 the first floor and it has to be open to the
5 public. I don't have a reason to object to
6 deleting this provision.

7 HUGH RUSSELL: Pam.

8 PAMELA WINTERS: And I too have no
9 problem with this whatsoever. And welcome
10 back to Cambridge.

11 ED DUNDERO: Thank you.

12 PAMELA WINTERS: And I -- as long as
13 there's some kind of activity that the public
14 can look in the windows and know the
15 streetscape is activated a little bit, you
16 know, it's fine with me. I think it's a
17 small, a small thing.

18 HUGH RUSSELL: Okay, so I would
19 propose that we --

20 THOMAS ANNINGER: We should probably
21 wait for Liza to come back.

1 STEVEN WINTER: Wel come back.

2 HUGH RUSSELL: Okay, we were about
3 to take a vote on the proposal to delete the
4 paragraph 5 that requires the public access
5 to cafeterias.

6 James, you apparently were locked out.
7 Did you want to speak on that subject?

8 JAMES WILLIAMSON: Yes, please.
9 Briefly, I appreciate it.

10 HUGH RUSSELL: Okay.

11 JAMES WILLIAMSON: Thanks.

12 Appreciate it. Thank you. James Williamson,
13 1000 Jackson Place, Cambridge.

14 When this first came up, I mean my
15 reaction was well, what's going on here? Is
16 this another give away, you know, some big
17 corporation just wants? And it's not just
18 one targeted thing that there might be some
19 kind of plausible argument for, but we're
20 going to do it -- now we're just going to get
21 rid of this piece of the Zoning which seems

1 to have been there for a reason which is this
2 idea of activating the ground floor. And so
3 when it came up at the City Council meeting,
4 I mentioned the fact that I was kind of
5 concerned about, you know, the seeming lack
6 of loyalty of this particular company to the
7 City of Cambridge, that they had moved. And
8 Councilor Reeves said, well, no, that's a
9 misperception. They didn't really move. It
10 was just their sort of administrative
11 headquarters, but their operations were still
12 here. Well, if they didn't really move and
13 we don't have to worry about trying to do
14 something to accommodate them to get them
15 back, then why is this happening? And if
16 this is something that's being entertained
17 because we need to woo them back to
18 Cambridge, which is a logic kind of question
19 these days and given everybody wants to be in
20 Cambridge, then if we do have to woo them
21 back, well then there's a question of loyalty

1 and relation this context. Actually in
2 Banker and Tradesmen there's an article that
3 says that in fact it was the operations and
4 maybe that it was the operations that had
5 been moved and maybe it was just sort of the
6 administrative sort of corporate
7 headquarters. But I kind of feel like it is
8 -- the real question I think, so I think it
9 really shouldn't, it doesn't -- it shouldn't
10 be about, you know, that they need this and
11 we have to give it to them. The question
12 should be is this good policy? Is it a good
13 policy to no longer have this clause which
14 seemed to have a worthy purpose? And I know
15 that probably before I got here people said
16 it's no longer needed and I hope you're
17 really taking a careful look that it's no
18 longer needed.

19 Thank you.

20 HUGH RUSSELL: Okay, thank you.

21 PAMELA WINTERS: James, can I just

1 say something to you? You missed the
2 majority of the conversation that we had.

3 JAMES WILLIAMSON: I know I did.

4 PAMELA WINTERS: And the streetscape
5 will be animated. It's not going to be just,
6 you know, just dead and not open to the
7 public. There is going to be a day care
8 center there, and so it's not going to be a
9 cafeteria, but there will be animation there.
10 So I just wanted to let you know that, and
11 unfortunately you did miss the majority of
12 the conversation.

13 JAMES WILLIAMSON: Yeah, as I said,
14 the issue is really a rule that affects more
15 than just one entity.

16 PAMELA WINTERS: Right.

17 HUGH RUSSELL: Okay.

18 So I think you want us to make a
19 recommendation. So it appears to me from
20 what I'm hearing that we are recommending to
21 the Council that they adopt this change and

1 delete this paragraph. And you've been
2 diligent by listening to us and can write
3 down the reasons for that. So I don't
4 propose to restate the reasons.

5 So, is there a -- that's a motion and
6 would someone like to make that motion?

7 THOMAS ANNINGER: You just made it.
8 So moved.

9 HUGH RUSSELL: Okay. And second?

10 H. THEODORE COHEN: Second.

11 HUGH RUSSELL: More discussion?

12 (No Response.)

13 HUGH RUSSELL: On the motion, all
14 those in favor?

15 (Raising hands).

16 HUGH RUSSELL: And that is a vote.

17 All members voting in favor.

18 ATTORNEY JAMES RAFFERTY: Thank you
19 very much.

20 HUGH RUSSELL: Thank you.

21 Is there anything else for us to do

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tonight?

We' re adj ourned.

(Whereupon, at 8:50 p.m. , the
Pl anni ng Board Adj ourned.)

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2
3 The original of the Errata Sheet has
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6 When the Errata Sheet has been
7 completed and signed, a copy thereof should
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this matter.

I further certify that the testimony
hereinbefore set forth is a true and accurate
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IN WITNESS WHEREOF, I have hereunto set
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