

1  
2 PLANNING BOARD FOR THE CITY OF CAMBRIDGE

3 GENERAL MEETING

4 Tuesday, February 19, 2013

5 7:10 p.m.

6 in

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

10 Hugh Russell, Chair

11 H. Theodore Cohen, Vice Chair

12 Thomas Anninger, Member

13 William Tibbs, Member

14 Steven Winter, Member

15 Ahmed Nur, Associate Member

16  
17 Brian Murphy, Assistant City Manager for  
18 Community Development

19 **Community Development Staff:**

20 Liza Paden

21 Roger Boothe

Stuart Dash

Jeff Roberts

Iram Farooq

Taha Jennings

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## I N D E X

### CASE

### PAGE

#### GENERAL BUSINESS

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Antenna replacement at 300 Mt. Auburn  
Street, Mount Auburn Hospital 3
2. Update, Brian Murphy, Assistant City  
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#### PUBLIC HEARINGS

(Continued) PB#273, 54R Cedar Street, (also  
known as 54 1/2 Cedar Street), Special Permit  
for a second structure on the lot further  
than 75 feet from the street line in the  
Residence B district. Section 5.53. LaCourt  
Family, LLC, applicant 30

(Continued) Massachusetts Institute of  
Technology Zoning Petition to amend the  
Zoning Ordinance and Map by creating a new  
Section 13.80 - Planned Unit Development 5  
(PUD-5) District, which would include parcels  
totaling approximately 26 acres in the area  
north of Memorial Drive, east of Ames Street  
and south of Main Street and Broadway, and  
would also include a parcel at One Broadway.  
The new Section 13.80 PUD-5 is intended to  
allow mixed use developments with increased  
development densities and heights. 82

Keyword Index

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**P R O C E E D I N G S**

1  
2 HUGH RUSSELL: Good evening. This  
3 is the meeting of the Cambridge Planning  
4 Board, and the first item on our agenda is a  
5 review of the Board of Zoning Appeal cases.  
6 And we have to wait a second until Liza gets  
7 the paperwork on there because I put her on  
8 another task.

9 LIZA PADEN: Yes. So, tonight there  
10 is a Planning Board Special Permit -- I'm  
11 sure the Board of Zoning Appeals Special  
12 Permit for 330 Mount Auburn Hospital for a  
13 telecommunications and Mr. Sousa is here to  
14 run through the proposal with you.

15 ATTORNEY RICARDO SOUSA: Thank you,  
16 Liza.

17 Good evening, Members of the Board.  
18 Once again for the record, Ricardo Sousa on  
19 behalf of the applicant T-Mobile. If I could  
20 I would like to hand out some photo  
21 simulations to Members of the Board.

1 HUGH RUSSELL: Sure.

2 There's a lever on the side of the  
3 podium that will allow you to raise it up for  
4 you.

5 ATTORNEY RICARDO SOUSA: Thank you.

6 Mr. Chairman, this is one of two  
7 remaining sites for T-Mobile to upgrade here  
8 in Cambridge as part of its modernization  
9 program which entails swapping out the  
10 existing antennas for new antennas on a 4G  
11 level so we can offer high speed telephone  
12 service and data transmission as well. And  
13 in some cases we're able to just utilize and  
14 just swap out existing antennas and replace  
15 them with the new antennas. In this case  
16 because of the high traffic count and high  
17 pop count, high population count, we need to  
18 add three additional antennas to this  
19 existing installation. And so this is an  
20 installation at Mount Auburn Hospital on the  
21 lower, one of the lower level buildings right

1 at the corner for the turn at Fresh Pond  
2 Parkway. This installation was approved by  
3 this Board and the BZA back in 2006. And it  
4 consists of just three existing panel  
5 antennas that are on pipe mounts along the  
6 edge of the building and essentially along  
7 the parapet wall, on the outside of the  
8 parapet wall. Our firm was involved in that  
9 original application. However, it was not  
10 myself, but we tried to utilize the elements  
11 of some light stanchions that are up there  
12 now and that were up there before that shine  
13 on that part of the property. And so what  
14 we'd like to do is just swap out the existing  
15 three antennas with our new panel antennas.  
16 They will not have any remote radio heads  
17 behind them because as you may recall, those  
18 remote radio units are built in the antennas  
19 so there won't be any bulkiness behind the  
20 new antennas. And we're adding an additional  
21 three, essentially adjacent to the existing

1 three so it would be a total of six panel  
2 antennas as depicted in the photo simulations  
3 that I provided.

4 And I know there's some sensitivity to  
5 this particular site. Mr. Anninger in  
6 particular has mentioned that in previous  
7 applications that I've been involved in in  
8 connection with the taller buildings that are  
9 part of the hospital. In between the time  
10 that we installed this particular  
11 installation at this lower level building,  
12 there has been a new building, a new section  
13 of the hospital constructed, which is the  
14 collapsed section right behind it. And so  
15 that limits us to a certain extent to what we  
16 can do. However, our lease rights are with  
17 the hospital and they are at the locations  
18 that are, that we are currently utilizing  
19 that we'd like to utilize as part of this  
20 modification application. And so I'm open to  
21 some thoughts that you may have relative to

1           how to perhaps better disguise it. You know,  
2           we could paint the antennas a different color  
3           and try to have them blend into the building  
4           better, maybe a darker color, so that it  
5           matches the brick parapet wall. I think the  
6           white, I think blends in to a certain extent  
7           with the windows. However, I think a darker  
8           color would make them less noticeable. I'm  
9           sorry, Mr. Anninger, you may have a question.

10                   THOMAS ANNINGER: You're right. I  
11           think that they do. It looks like somebody  
12           was thinking about the windows and the  
13           columns when they painted it white and the  
14           cornus line rather than trying to have it  
15           blend in.

16                   ATTORNEY RICARDO SOUSA: Right,  
17           exactly. And I also think the white pipes  
18           that hold those lights, existing lights was  
19           another thought. Those are white pipes so  
20           let's keep the antennas white. But I'm open  
21           to a darker color. I think -- I always find

1           that a darker color blends in better,  
2           especially with the HVAC units that are up  
3           there in that building. I think those are  
4           new. They're fairly sizable. I also  
5           believe, I looked at the old plans and it  
6           looks like there is a new penthouse there as  
7           well, a new brown penthouse. And so if we  
8           paint these antennas a darker color, I think  
9           there's a better chance that they could be  
10          less noticeable.

11                   THOMAS ANNINGER: Do they really  
12          need to stick --

13                   AHMED NUR: I'm sorry, go ahead.

14                   THOMAS ANNINGER: My fault.

15                   Do they need to stick out above the  
16          height of the -- we'll call it the parapet?

17                   ATTORNEY RICARDO SOUSA: Right.

18                   Unfortunately because of their size, I think  
19          they will stick out no matter what. There's  
20          a, it looks like a ledge right below the  
21          antennas that protrudes out and that limits

1           our ability to push the antennas down because  
2           of that ledge, that white ledge that's on the  
3           photo sims. Exactly, right. And so as a  
4           result, if we're forced to essentially  
5           position the antennas where they are and  
6           therefore have them stick up above the  
7           parapet wall.

8                   HUGH RUSSELL: So I have a couple of  
9           observations. If you look at existing  
10          conditions Photo 1, which is I think the  
11          third page in, you will note that there are  
12          two tall ugly metal pipes on the other corner  
13          of the building that are painted a dark  
14          color.

15                   ATTORNEY RICARDO SOUSA: Yes.

16                   HUGH RUSSELL: I think that's a  
17          reasonable test for the notion that the dark  
18          color would be less obvious.

19                   ATTORNEY RICARDO SOUSA: Right.

20                   HUGH RUSSELL: My second comment is  
21          a question. Now that there's a brown

1 penthouse up there, could you mount them on  
2 the brown penthouse?

3 ATTORNEY RICARDO SOUSA: And I have  
4 a question in to one of the engineers as to  
5 whether or not we can do that. We're going  
6 to have to deal with the fact that there is a  
7 parapet wall. And so the further we go back  
8 into the building, typically the higher we  
9 have to be as far as an antenna goes, so that  
10 we don't have roof blockage. Being  
11 facade-mounted we have no blockage  
12 whatsoever. But as soon as we go on into the  
13 roof, we have to go into the roof and we have  
14 to go higher. It's typically a one-for-one  
15 analysis. I'm willing to go back to the RF  
16 engineers to see if that's a possibility to  
17 clean up the facade at all.

18 HUGH RUSSELL: And the people you're  
19 serving are apt to be automobiles on the  
20 river roads?

21 ATTORNEY RICARDO SOUSA: That's a

1 big part of the traffic coming into the site  
2 without a doubt.

3 HUGH RUSSELL: Yes.

4 ATTORNEY RICARDO SOUSA: That being  
5 said, the nature of these networks these days  
6 is that everybody is transmitting, you know,  
7 on a Smartphone when they walk around as  
8 well. And, you know, BB&N is right across  
9 the way. There's a huge population there.  
10 Not only students but, you know, teachers and  
11 parents, so there's -- and there are homes  
12 right across the street as well.

13 HUGH RUSSELL: I'm thinking that  
14 nearby users are apt to be on the ground and  
15 therefore shielding will be more of concern.

16 ATTORNEY RICARDO SOUSA: Right.

17 So I would have to see what potential,  
18 what that would look like as far as utilizing  
19 that penthouse and, you know, the goal would  
20 clearly be if we can utilize it, to not  
21 protrude above the penthouse because I think

1           that would be worse than what we have now.

2                   HUGH RUSSELL: Another option would  
3           be to build a frame just in front of the huge  
4           ugly black air handler and paint it all  
5           black.

6                   ATTORNEY RICARDO SOUSA: Yes.

7                   HUGH RUSSELL: And is that a  
8           possibility?

9                   ATTORNEY RICARDO SOUSA: At least  
10          for one sector it would be, yes. I think the  
11          other two sectors seem to be on the side of  
12          the penthouse. And so we have to --

13                  THOMAS ANNINGER: What you call the  
14          penthouse is mechanical.

15                  ATTORNEY RICARDO SOUSA: Mechanical  
16          rooftop penthouse.

17                  HUGH RUSSELL: There's sort of a  
18          brown box up there.

19                  ATTORNEY RICARDO SOUSA: Right,  
20          exactly.

21                  HUGH RUSSELL: Probably a stairwell.

1           ATTORNEY RICARDO SOUSA: It most  
2 likely is a stairway pass, right.

3           THOMAS ANNINGER: The one to the  
4 right?

5           HUGH RUSSELL: Well, as it was  
6 pictured.

7           AHMED NUR: Picture No. 2.

8           ATTORNEY RICARDO SOUSA: Picture No.  
9 2.

10          HUGH RUSSELL: The black thing is a  
11 air handler of some sort.

12          THOMAS ANNINGER: You were talking  
13 about this or this one or both?

14          HUGH RUSSELL: I'm talking about  
15 using both of them one.

16          THOMAS ANNINGER: Okay.

17          ATTORNEY RICARDO SOUSA: This is the  
18 penthouse and this is the air handler.

19          HUGH RUSSELL: So I don't think he  
20 would mount to the air handler, but you could  
21 put something roof mounted that would be in

1 front of it, that would visually blend withi  
2 t sort of.

3 ATTORNEY RICARDO SOUSA: Yes. I've  
4 even seen ballast-mounted antennas that  
5 almost look like structural elements of the  
6 air handler --

7 HUGH RUSSELL: Yes, exactly.

8 ATTORNEY RICARDO SOUSA: -- that are  
9 just painted the same color so that the  
10 backdrop is the same color as  
11 the (inaudible).

12 THOMAS ANNINGER: I just, if I may  
13 make the argument that you were referring to  
14 that I made a few years ago, although I think  
15 the argument is even stronger now. I do  
16 think that with the new building the view of  
17 the whole hospital in total is a big  
18 improvement, and I think it's come together  
19 and it's a cluster of very different  
20 buildings facing at somewhat different angles  
21 and so on, but I do think it has come

1 together in a way that is visually helpful to  
2 a rather sprawling rotary or huge  
3 intersection, and this one happens to be the  
4 historical building on the bunch.

5 ATTORNEY RICARDO SOUSA: Right.

6 THOMAS ANNINGER: And so it is worth  
7 making an effort to do the best we can here.  
8 It is not a side street in East Cambridge  
9 where we wouldn't have to worry so much.

10 ATTORNEY RICARDO SOUSA: Right.

11 As I mentioned to Liza, I thought this  
12 would be a first step in a discussion to try  
13 to get to a point where we could try to get  
14 your approval. You know, I agree that the  
15 hospital looks great on the other side, Mount  
16 Auburn Street together with this angle as  
17 well. So I'm happy to go back and see what  
18 improvements we can make to alter this  
19 installation.

20 THOMAS ANNINGER: I think with the  
21 suggestions and I think it's a worthy effort.

1                   ATTORNEY RICARDO SOUSA: Okay. I  
2 think those are good suggestions.

3                   Yes, of course, Mr. Cohen.

4                   H. THEODORE COHEN: I have a  
5 question. If they were to stay where they  
6 are and you painted them, can you also paint  
7 the poles and the light fixtures or that's  
8 outside of your control?

9                   ATTORNEY RICARDO SOUSA: We'd have  
10 to ask the hospital for permission to do so.  
11 I can't imagine that they would, you know,  
12 especially if it's at our cost, that they  
13 would oppose that.

14                  HUGH RUSSELL: And at our request.

15                  ATTORNEY RICARDO SOUSA: And the  
16 Planning Board's request, exactly.

17                  H. THEODORE COHEN: And if your  
18 antennas come off of where they are now,  
19 those poles and lights are still going to  
20 remain because that's the hospital's?

21                  ATTORNEY RICARDO SOUSA: That's the

1 hospital's. Those will still remain, that's  
2 right. And I don't fully understand their  
3 purpose I have to say. But I can include  
4 that as part of the dialogue.

5 H. THEODORE COHEN: All right, thank  
6 you.

7 ATTORNEY RICARDO SOUSA: Sure.

8 HUGH RUSSELL: Ahmed.

9 AHMED NUR: Yes, I further agree  
10 with my colleagues that the way it seems  
11 right now is really not presentable to us.  
12 And that maybe one other suggestion I would  
13 make it is if you could find a shorter  
14 antenna -- I know you said no -- a shorter  
15 antenna that would fit the parapet itself and  
16 would paint the same color as the brick so  
17 that way it doesn't project above the roof  
18 line or put it on this stair tower. The  
19 stair tower seems to have a door. And I'm  
20 pretty sure that door is no less than seven  
21 feet height. So that gives you at least a

1 six feet higher than where it is right now.

2 ATTORNEY RICARDO SOUSA: Some  
3 additional height above it?

4 AHMED NUR: Right. But the ratio  
5 that you propose I think it will work out.

6 ATTORNEY RICARDO SOUSA:  
7 Unfortunately we don't have a smaller antenna  
8 available to T-Mobile for this technology,  
9 for this upgrade. However, I will look at  
10 the stairway antennas, absolutely. I will  
11 report back.

12 AHMED NUR: Or the RTU, whichever  
13 one, you know.

14 HUGH RUSSELL: Let me ask my  
15 colleagues another question. There is the  
16 antenna in a tube solution where you set it  
17 back just a couple of feet and pretend it's a  
18 metal chimney. Is that something that should  
19 also be considered if these other strategies  
20 don't work?

21 AHMED NUR: A metal chimney as a

1 pipe?

2 HUGH RUSSELL: Yes. What you would  
3 see is a cylinder I guess 18 inches in  
4 diameter.

5 ATTORNEY RICARDO SOUSA: Exactly.

6 HUGH RUSSELL: It would stick up,  
7 you know, the full antenna height above the  
8 parapet so that it's not shielding, but it  
9 might be set back a couple of feet and it  
10 wouldn't be attached to the historic  
11 building. It would be --

12 AHMED NUR: Personally I would  
13 prefer that over anything attached to the  
14 architectural exterior facade.

15 ATTORNEY RICARDO SOUSA: Yes, we've  
16 utilized that design in the past. It looks  
17 like a stove pipe essentially?

18 HUGH RUSSELL: Yes.

19 ATTORNEY RICARDO SOUSA: Especially  
20 on a building like this. And it can either  
21 be a black stove pipe or it could be a silver

1 stove pipe.

2 HUGH RUSSELL: Right.

3 ATTORNEY RICARDO SOUSA: Yes.

4 And it may be a combination,  
5 Mr. Chairman. Maybe a combination of some  
6 antennas being facade-mounted now together  
7 with others that -- where we can't facade  
8 mount to a stairway penthouse, those perhaps  
9 being stove pipes in front of the air  
10 handlers.

11 HUGH RUSSELL: Yes, okay. Thank you  
12 for consulting us.

13 ATTORNEY RICARDO SOUSA: Yes, I  
14 appreciate your feedback, and we'll be back.  
15 Have a great night. Thank you.

16 HUGH RUSSELL: Do you want to  
17 collect these?

18 ATTORNEY RICARDO SOUSA: Yes, I will  
19 collect those. Thank you.

20 HUGH RUSSELL: Okay, thank you.

21 The next item on our agenda is an

1 update from Brian Murphy.

2 LIZA PADEN: Excuse me, there are  
3 other BZA cases. I didn't know if you wanted  
4 to look at the agenda for February 28th.

5 HUGH RUSSELL: Oh, I'm sorry.

6 LIZA PADEN: The first case on the  
7 agenda, 675 Mass. Avenue. This is the  
8 relocated New Asia to Prospect Street, and  
9 the Zoning recently changed to have them  
10 allow to have the entrance on Prospect  
11 Street. They are now going to the Board of  
12 Zoning Appeal to get a relief for the parking  
13 requirement for the use.

14 HUGH RUSSELL: I think that the  
15 Board of Zoning Appeal can apply their usual  
16 standards to this case.

17 LIZA PADEN: Well, that's what I  
18 thought.

19 STEVEN WINTER: I'm sorry,  
20 Mr. Chair, I didn't hear.

21 HUGH RUSSELL: I think that in this

1 case the issues are the kinds of issues that  
2 the Board of Zoning Appeal can address.

3 STEVEN WINTER: Yes.

4 HUGH RUSSELL: What's the last case?

5 LIZA PADEN: The last case is a  
6 residential building for a telecommunications  
7 installation. This is going to be a new  
8 installation. And this is the building at  
9 the corner of Putnam Avenue and Brookline  
10 Street.

11 HUGH RUSSELL: And we have a false  
12 chimney and some antennas mounted around the  
13 penthouse?

14 LIZA PADEN: Yes.

15 HUGH RUSSELL: And some equipment  
16 that's kind of hidden, hidden that's down low  
17 to the roof?

18 LIZA PADEN: Yes.

19 HUGH RUSSELL: Where is the false  
20 chimney?

21 STEVEN WINTER: Liza, the only

1 comment that I had is it seems like a huge  
2 amount of equipment, much more than we see  
3 with other installations. Is there anything  
4 different about this?

5 LIZA PADEN: This is a new  
6 installation so they're having to put  
7 everything in.

8 STEVEN WINTER: Okay.

9 LIZA PADEN: They have no existing  
10 equipment on the roof as it is now.

11 STEVEN WINTER: Okay.

12 LIZA PADEN: From the drawing that I  
13 have, Hugh, the proposed equipment is in the  
14 back of the building, in the -- it's the  
15 furthest set back from Brookline Street.

16 (William Tibbs Seated.)

17 AHMED NUR: Do you have the  
18 drawings?

19 LIZA PADEN: There's that drawing.

20 HUGH RUSSELL: And the chimney's  
21 are, there are two chimneys side by side.

1 LIZA PADEN: Yes.

2 H. THEODORE COHEN: And they have no  
3 photo sims showing what it's going to look  
4 like?

5 LIZA PADEN: You don't see it from  
6 the -- when they did the views, I thought  
7 that what ended up -- no, these are all --

8 H. THEODORE COHEN: They're all  
9 actual views.

10 LIZA PADEN: Here's proposed.  
11 Here's the proposal from the one location.  
12 You'll be able to see it from the street.

13 H. THEODORE COHEN: This one says  
14 it's not visible from this location.

15 LIZA PADEN: Right. So that's --  
16 what happens is because it's in the center of  
17 the roof in the back here, you don't see it  
18 from Brookline street and you don't see it  
19 from Putnam Avenue.

20 AHMED NUR: What about the property  
21 owner adjacent on the northeast corner?

1                   LIZA PADEN: You will see it from  
2                   that property, yes.

3                   AHMED NUR: And probably hear it,  
4                   too?

5                   LIZA PADEN: I don't know how much  
6                   sound.

7                   THOMAS ANNINGER: You only have one  
8                   set?

9                   LIZA PADEN: No, I only have one  
10                  set.

11                  H. THEODORE COHEN: It just shows  
12                  actual views of nothing, and this one it says  
13                  you can't see.

14                  LIZA PADEN: According to the  
15                  submittal, they said that the noise is going  
16                  to be consistent -- consist of two Carrier  
17                  air conditioners that are going to be  
18                  installed on the roof 48 feet above the  
19                  street level.

20                  AHMED NUR: Mr. Chairman, as far as  
21                  I'm concerned, I would say it's not visible

1 from the street and it's only visible to the  
2 abutter on the northeast corner and they're  
3 okay with it and they're aware that this is  
4 happening probably.

5 HUGH RUSSELL: I would agree with  
6 you.

7 THOMAS ANNINGER: I'm not entirely  
8 convinced that these are accurate. I don't  
9 feel like we've got the whole picture here.  
10 Somehow this seems to understate something.

11 HUGH RUSSELL: I also agree with  
12 you, that in the close-up it's quite clear  
13 you can't see it, but some of those views are  
14 from much further away. So we might suggest  
15 that the Board of Zoning Appeal ask for more  
16 information about -- that substantiates the  
17 assertion that it can't be seen.

18 STEVEN WINTER: We could indicate  
19 that it wasn't enough for us.

20 HUGH RUSSELL: Yes.

21 LIZA PADEN: Okay.

1                   THOMAS ANNINGER: The simulations  
2                   are on the weak side.

3                   LIZA PADEN: Okay.

4                   THOMAS ANNINGER: Inadequate.

5                   HUGH RUSSELL: Liza, here's another  
6                   piece.

7                   LIZA PADEN: Oh, thank you.

8                   Were there any other cases that you  
9                   wanted to look at? I thought they were  
10                  mostly additions and dormers.

11                  HUGH RUSSELL: Dormers, new  
12                  additions, doorway, landing, two dormers.

13                  LIZA PADEN: Yes.

14                  HUGH RUSSELL: I sort of look back  
15                  with some nostalgia with my ten year service  
16                  on the Zoning Board. It sounds like, you  
17                  know, stuff that's trivial, but it's  
18                  important to the people who are nearby.

19                  Okay, thank you Liza.

20                  LIZA PADEN: Okay.

21                  HUGH RUSSELL: Now, I'll go back and

1 ask Brian again.

2 BRIAN MURPHY: Sure, thank you.

3 We have tonight's meeting and then  
4 there are three meetings in March: March  
5 5th, 12th, and 19th.

6 The 5th will be a hearing for 33  
7 Cottage Park Avenue. Which is also known as  
8 Tyler Court.

9 The 12th there will be a hearing for  
10 19-21 Wendell Street.

11 And then just again to give you a sense  
12 of other meetings that are going that may be  
13 of interest; we will be taking up the MIT  
14 petition Tuesday the 26th, February at 4:30,  
15 and again on March 7th at 4:30. In addition  
16 in the wake of the Town Gown reports, on  
17 March 5th University Relations Committee will  
18 have a meeting and tour of Lesley College at  
19 12:30.

20 HUGH RUSSELL: Thank you.

21 Are there any --

1 WILLIAM TIBBS: Just for the record,  
2 I won't be able to make the 12th meeting and  
3 if a quorum is of concern, I just thought I'd  
4 mention that.

5 HUGH RUSSELL: It is always of a  
6 concern, but sooner or later we're going to  
7 have some more colleagues and that will help  
8 that.

9 WILLIAM TIBBS: Hopefully more  
10 sooner than later.

11 HUGH RUSSELL: Indeed.

12 Okay, Liza, is there a transcript?

13 LIZA PADEN: Yes. There was one  
14 transcript for the January 12th meeting and  
15 it was accurate and certified.

16 HUGH RUSSELL: Is there a motion to  
17 accept that?

18 H. THEODORE COHEN: So moved.

19 HUGH RUSSELL: Second.

20 THOMAS ANNINGER: Yes.

21 HUGH RUSSELL: Tom.

1 All members in favor.

2 LIZA PADEN: Actually, I misspoke.  
3 It's not the 12th. The date of the  
4 transcript is the 15th. And it's still  
5 accurate except for what I said. It was  
6 actually dated the 15th, I remember that.

7 HUGH RUSSELL: So we reconsider our  
8 motion?

9 LIZA PADEN: Thank you.

10 (All members voting.)

11 HUGH RUSSELL: Next item on our  
12 agenda is Planning Board case 273, 54R Cedar  
13 Street which is a public hearing that's been  
14 continued.

15 Mr. Hope, do you want to speak to us?

16 MOUHAB RIZKALLAH: Good evening.  
17 I'm Doctor Rizkallah. I am the owner of the  
18 lot known as 54R Cedar Street. I'm pleased  
19 to inform you that as of the hearing, we've  
20 been able to garnish additional support from  
21 certain neighbors that are particularly

1 relevant to the relief that we requested for  
2 this project.

3 To give you a little bit of history  
4 here, when we developed the plans for this  
5 project, I specifically was asking for plans  
6 that would not put me in a position to ask  
7 for any relief. When we took our plans down  
8 to get the permits at Inspectional Services,  
9 there was an interpretation question. Their  
10 interpretation was that neither of two houses  
11 on that lot could be further than 75 feet  
12 from the front of the lot. Our initial  
13 interpretation was that the second house on  
14 the lot couldn't be placed more than 75 feet  
15 from the front of the lot. I'm still not  
16 sure what's right, but here we are trying to  
17 get through this process.

18 When I had heard that from Inspectional  
19 Services, my initial response was well, okay,  
20 we will redesign the house in the rear  
21 because I really did not want to ask for

1 relief. It was only a matter of a few feet.  
2 Redesigning it didn't seem that complicated.  
3 But really the position of Inspectional  
4 Services was come on, Moe, just go down there  
5 and it's not significant. This is not more  
6 detrimental in any way. I'm sure you can  
7 produce a plan for them that makes sense for  
8 them. Okay.

9 I then decided, okay, I'm reasonably  
10 convinced by their position, let me go ahead  
11 and hire an attorney, put the money into  
12 this, show the different design options, and  
13 bring it to you.

14 At the last hearing we continued it  
15 because there was a question of whether or  
16 not redesigning the house made sense or if we  
17 should be doing other things with the plan.  
18 The problem as I see it, is that the cost to  
19 redesign a house is about \$25,000 and that's  
20 basically the extent of the relief that I'm  
21 asking for. So basically a \$25,000 relief.

1 The corner of the house that's relevant here  
2 is actually in the center of the lot. It's  
3 the furthest part of the house from anyone,  
4 any abutter. And in fact, I don't feel in my  
5 heart of hearts, and I don't believe anybody  
6 looking at it is going to look at that corner  
7 of the house and say that it is of any  
8 detriment of any 75-foot rule. And I don't  
9 even think the 75-foot rule is interpreted  
10 properly but probably it is.

11 When I come asking for relief, the  
12 conclusion that I have going into it, you're  
13 going to provide me with an option,  
14 hopefully, that is a lesser burden than what  
15 I'm asking for. If I'm asking for relief of  
16 \$25,000 and you give me relief that cost me  
17 \$50,000, what relief have I got? None. And  
18 some of the modifications that I've heard  
19 just simply don't make any sense for me,  
20 because, you know, the losses that I would  
21 take on those modifications are just too

1           burdensome.

2                       So what I would like to do is offset my  
3           request by providing niceties that are  
4           important to these neighbors.

5                       Now, when I refer specifically to the  
6           relief I'm asking for and the relevant  
7           neighbors, presumably the original Ordinance  
8           was developed to make sure that you didn't  
9           put a house too far back that really crept up  
10          too close to the rear members. Those are the  
11          neighbors that I am the most concerned about  
12          because those are the ones that the Ordinance  
13          is really built around. So we're not asking  
14          for any other relief, which means that  
15          basically the Zoning has concluded that our  
16          proposal, with the exception of the corner of  
17          that house, should be acceptable. So  
18          focusing the entire conversation really on  
19          that corner, which is in the center of the  
20          lot, the furthest part of that little 800  
21          square foot, two-story house, from all of the

1 abutters, I would like to not redesign a  
2 corner of that house, please. I would rather  
3 take that amount of money and provide certain  
4 conditions in this, what I hope turns out to  
5 be an approval for these neighbors.

6 You have, in the last 24 hours,  
7 received a couple of letters from the two,  
8 the two abutters that are in the rear of that  
9 lot; Mike Fowler and Ernst Karel. Mike  
10 Fowler representing his wife and his  
11 children, and Ernst Karel representing  
12 himself and his wife. And so they do  
13 represent the -- if I could read an excerpt  
14 from Ernst's letter: We feel the plan as put  
15 forth, including the impact, is a good one.  
16 Therefore, we ask the Planning Board to  
17 please approve this request.

18 These specific conditions that I have  
19 committed myself to them on is No. 1, I will  
20 place an eight-foot cedar fence in place of  
21 the existing chain link fence abutting their

1 properties.

2 I will limit the parking spaces to five  
3 parking spaces.

4 I will place paving stones in the  
5 parking area rather than asphalt.

6 I will plant additional landscape  
7 plants near the fence.

8 I will maintain the existing mature  
9 evergreen tree that Ernst wants to keep.

10 I will keep low intensity, low  
11 landscaping lines that don't extend beyond  
12 the property line.

13 And I will maintain the original flat  
14 roof of that new house, which I think has a  
15 wonderful dignity associated with it.

16 Additionally, all of these components  
17 that are going to be added at the borderline,  
18 I assure you, I will work very closely with  
19 them to make sure that they are not just put  
20 there but that they are really participating  
21 in the selection.

1           Now these may not seem like important  
2 things, but you know when you live there, to  
3 look at that fence matters. It's important  
4 to people who have to look at it all day,  
5 everyday. So instead of just putting an  
6 eight-foot cedar fence that's maybe  
7 eight-foot high and eight-foot panels, and  
8 maybe they would like lattice work. But  
9 these are niceties that I can afford to them  
10 by offsetting the redesign of that house. So  
11 that's really my appeal to you, is that I  
12 feel that this plan does make sense.

13           I think Ernst's description it is a  
14 good plan. I think it summarizes pretty well  
15 knowing also that the only relief that we  
16 have sought is a few feet off of the corner  
17 of a house, and that corner is in the middle  
18 of the lot.

19           Thank you.

20           HUGH RUSSELL: Okay, thank you.

21           MOUHAB RIZKALLAH: Do I just sit

1 down?

2 HUGH RUSSELL: Yes.

3 AHMED NUR: Is this a public  
4 hearing?

5 HUGH RUSSELL: I think it would be  
6 prudent to hear from the public, yes. Do we  
7 want to do that next?

8 I don't know if there's a sign-up sheet  
9 or not. In any case, there is. I was asking  
10 for the sign-up sheet while you were walking  
11 to get it out of earshot.

12 I would ask people to be at their most  
13 succinct, but tell us what you think. And,  
14 Mr. Bingham, you're first on the list.

15 WAYNE BINGHAM: Yes, thank you,  
16 Doctor --

17 HUGH RUSSELL: And you'll need to  
18 give your name officially.

19 WAYNE BINGHAM: I'm Wayne Bingham.  
20 I live at 54 Cedar Street. The last meeting  
21 we had the panel asked for a view of what the

1 house is going to look like. The panel also  
2 asked to reduce the building below the three  
3 stories. Doctor Rizkallah said he still  
4 wants to have it as three stories. There's  
5 still safety issues. There's still parking  
6 issues. Like, right now there's, there's a  
7 bucket truck. There used to be a dump truck.  
8 People live in the back. There's three  
9 people live there. There's three spots on  
10 weekends. There's -- two of the girlfriends  
11 are coming. That doesn't bother me, so  
12 that's, you know, that's six people. There's  
13 another person who parks there who lives on  
14 Norris Street. There's people who work at  
15 the school. There's four vehicles on any  
16 given day that are there. So any day there's  
17 10 or 11 vehicles there. And I sent out  
18 pictures the last meeting, I didn't bring  
19 them with me. I spoke to Liza, and I was  
20 hoping you had them with you and you could  
21 see how narrow it is. If you went by there

1 this last snowstorm, there was probably like  
2 75 -- it was this wide. Okay?

3 In fact, not an issue, but right down  
4 the street there's a fire in the corner of  
5 Rindge Ave. and Cedar Street. My son was on  
6 the roof, scared the blank out of me, but  
7 they got through that.

8 So, none of which you all asked has  
9 been addressed tonight; the size of the  
10 building, the design of the building, a view  
11 of the building, okay.

12 The neighborhood, yeah, there are  
13 people in the back of 54 1/2 or what some  
14 people refer to as 54R, they're agreeable.  
15 That's fine. They're not here, okay? That's  
16 fine. They can't voice it. They did in  
17 writing. I'm just voicing the fact that it's  
18 just a narrow, narrow, narrow spot that none  
19 of which you asked for has been addressed.  
20 And I would hope that that would be addressed  
21 tonight, but it did not happen. I don't know

1 if you agree, if you all remember, but, you  
2 know, that's where I am right now.

3 Once again, I've been up here several  
4 times, but you know the safety issues. It's  
5 just -- the configuration of the lot just  
6 does not allow for a small -- I mean, a  
7 narrow, narrow three-family home, three-story  
8 home, whatever, and it doesn't work in that  
9 neighborhood.

10 Now I'm an abutter, you know, I'm at  
11 54. There's a driveway which is common and  
12 then right next to the driveway -- I don't  
13 know if you all have had a chance to look at  
14 that, and there are other people that may  
15 speak tonight that live on the other side of  
16 it. So I just don't think it fits in.

17 I mean, let's address what you all  
18 requested, which has not been addressed,  
19 tonight. Why? I don't know.

20 Thank you.

21 HUGH RUSSELL: Thank you.

1           I guess I'd like to make sure that  
2           people understand that we're not being asked  
3           whether we think this house is great or is  
4           appropriate or not. We're being asked to  
5           make a choice. And the choice is -- because  
6           the house itself conforms to the Zoning rules  
7           of the city. Now, it may be an example of  
8           why any kind of rules you set up can't cover  
9           every condition, but it does conform to the  
10          rules. So the choice we're being asked is do  
11          we say vote against the Special Permit, in  
12          which case Doctor Rizkallah made it perfectly  
13          clear he's going to proceed; build the house  
14          and modify the back building so he can get a  
15          Building Permit. Or do we leave the back  
16          building the way it is, in which case he said  
17          he will provide some amenities which he  
18          listed in his testimony around the back of  
19          the lot. That's the choice that we are being  
20          forced to because Doctor Rizkallah did not --  
21          said indirectly, but I think I understood him

1 to say he could not afford to take a story  
2 off the building.

3 Is that correct?

4 MOUHAB RIZKALLAH: Yes.

5 HUGH RUSSELL: Yes. So I don't want  
6 to mislead people to think that we can say  
7 no, you can't build anything there because I  
8 don't think we have the power to do that.

9 WILLIAM TIBBS: Mr. Chair, I do want  
10 to say I disagree with your interpretation of  
11 what our choices are. I'm perfectly willing  
12 to listen to the rest of the public  
13 testimony, but I would not -- I don't agree  
14 with that's our choice.

15 My choice is to look at what's been  
16 presented to me and look at the information  
17 we asked for, and the proponent has a choice  
18 to either -- we can either accept the -- what  
19 he's requesting or we can say, no, and he can  
20 do what he feels is appropriate. But I  
21 don't -- I think he has put that choice

1 before us in those words, but I wouldn't  
2 necessarily -- that's not how I see the  
3 choice at least.

4 THOMAS ANNINGER: Let's finish the  
5 hearing.

6 HUGH RUSSELL: Okay.

7 THOMAS ANNINGER: But I think you  
8 both make good points and we'll have to  
9 struggle with that.

10 HUGH RUSSELL: Right.

11 THOMAS ANNINGER: Why don't we just  
12 finish the public hearing and then we can get  
13 on with what's not an easy case.

14 HUGH RUSSELL: Okay. The next  
15 person is Peter Reid; is that correct?

16 PETER REID: I signed the wrong  
17 sheet.

18 HUGH RUSSELL: Ed Kelly.

19 ED KELLY: Good evening, I'm Ed  
20 Kelly. I grew up at 77 Rice Street, which is  
21 the main abutting properties here. And my

1 mother still lives in that property and my  
2 name is on that deed and it's one of the  
3 properties that is closest to where this  
4 building would be constructed. So naturally  
5 we have several concerns:

6 One is a 14-foot wide, three-story  
7 building in that neighborhood just doesn't  
8 fit. And the fact that you would need a  
9 Special Permit, I'm a little -- I don't  
10 understand the -- all of the rules and so  
11 forth that you struggle with as you grant  
12 these things, but the fact that a Special  
13 Permit needs to be granted has to indicate  
14 that there's something here that doesn't fit  
15 into the normal sort of rules and  
16 regulations. And I don't know enough about  
17 it, but I'm just telling you that triggers  
18 for me what exactly is that. And why would  
19 you build a building like that so close to  
20 this property that -- I haven't seen the most  
21 recent designs, but clearly it's meant as a

1 rental property. There's no toilet in the  
2 master bedroom and so forth and so on. It's  
3 a 2000 version of a boarding home. It's  
4 clearly meant for income. That means people  
5 will come and go, and that's much different  
6 than the neighborhood that I grew up in. So  
7 that's a significant concern to me.

8 The other one is one of process. And  
9 we -- I've testified here once before. And  
10 at the end of the meeting this committee,  
11 this Board, basically said, there was a  
12 suggestion you may get some support if you  
13 move the building back and you should talk to  
14 your abutters. There's been no effort to  
15 speak to me or the gentleman at 51 Cedar  
16 Street or 54 Cedar Street. So the fact that  
17 there are letters of endorsement here from  
18 neighbors that I consider to be sort of in a  
19 secondary place because they're getting, you  
20 know, they're being accommodated with some  
21 parking spaces and so forth, just isn't

1 relevant to the people that are most affected  
2 by the construction of this building.

3           So I would urge -- I don't want to  
4 sound like I'm totally opposed to it, but I  
5 don't think that your wishes have been  
6 complied with from previous meetings. And  
7 until that happens, I think that's a  
8 reasonable, that's a reasonable request.  
9 There may be a way to move that building in a  
10 place where it doesn't do it. I understand  
11 it's going to be six or eight feet off of my  
12 mother's property. And, again, with a  
13 walkway through it, with people that are not,  
14 you know, again, I can testify to the fact  
15 that my mother at 88, her driveway gets  
16 plowed by the people who live across the  
17 street because it's a neighborhood and people  
18 live there. This is different than that, and  
19 I urge you to consider it.

20           Thank you.

21           HUGH RUSSELL: Thank you.

1 Paul who lives at 58 Cedar Street.

2 PAUL CORRIVEAU: Paul Corriveau,  
3 C-o-r-r-i-v-e-a-u. I live at 58 Cedar  
4 Street.

5 HUGH RUSSELL: Thank you.

6 PAUL CORRIVEAU: His building would  
7 be right against my building. God forbid if  
8 there was a fire, there would be no way to  
9 stop that fire from burning my building down.  
10 It doesn't fit the area. If I wanted to live  
11 in Boston, I'd a bought a house in Boston.

12 This is -- it's like a row house going  
13 in there. It just doesn't fit the area.

14 Besides safety, Wayne would absolutely  
15 be terrified about -- the house would be  
16 right against his house. His porch would be  
17 looking into the neighbor's window. That's  
18 -- it just doesn't fit the area. Leave the  
19 lot the way it is or move to the back as Ed  
20 Kelly said.

21 HUGH RUSSELL: Okay, thank you.

1 Ernst Karel.

2 ERNST KAREL: Hi, my name is Ernst  
3 Karel at 60 Norris Street. So this property  
4 is directly behind our house. We look out  
5 the back of our house and we have a very  
6 small yard, and it's directly behind that.  
7 So the new parking lot will be right there.

8 So, we, Helen and I, enjoy living in a  
9 dense urban area. We like to be able to walk  
10 to the things that -- to the places we go.  
11 We don't have a car. We appreciate  
12 diversity. Selfishly we would prefer that  
13 the green yard behind our house remain a  
14 green yard. We recognize that we live in a  
15 city, that development happens, that in-fill  
16 happens, and it does seem very clear that  
17 development is gonna happen in this case  
18 regardless of what this Planning Board  
19 decides. And so given that this does seem  
20 like a good plan, and that's what I said in  
21 my letter, given the situation, the choices

1 that we're presented with here, this does  
2 seem like a good plan. The houses in front,  
3 our house is as close or probably closer,  
4 actually, to both our houses on either side  
5 than this one would be. It's not unusual.  
6 There are lots of three-story houses in this  
7 neighborhood. I really don't see why it  
8 doesn't fit in the neighborhood. It seems  
9 interesting architecturally.

10 So, just to clarify, I think a previous  
11 speaker thought we were being accommodated  
12 with parking spaces. That's not the case.  
13 We don't have a car. We're not being offered  
14 anything like that.

15 We feel that if this development is  
16 going to happen, we obviously prefer that it  
17 happen with things that Moe is offering to do  
18 if he's not forced to chop off the corner of  
19 that building, which he made clear they're  
20 prepared to do, such as the fence, keeping  
21 the tree, etcetera, all those things. That

1           seems nice to us.

2                     We appreciate the difficulty of this  
3           for our neighbors. I mean, it is going to be  
4           a change to the neighborhood, but it looks  
5           like that change is gonna happen.

6                     I don't really see that it's a safety  
7           issue. I'm sure that there are ways of  
8           seeing that houses aren't going to burn down  
9           and that it's not an unusual risk. So that's  
10          what our position has come to be on this.

11                    HUGH RUSSELL: Thank you.

12                    Young Kim.

13                    YOUNG KIM: Good evening. My name  
14          is Young Kim, Y-o-u-n-g K-i-m, 70 Norris  
15          Street. I'd like to take a little different  
16          approach here. It has been my understanding  
17          that when the Special Permit applicant must  
18          submit all relevant document to the Planning  
19          Board in a timely manner to allow abutters,  
20          as well as the Planning Board members,  
21          sufficient time to review and comment. For

1 public to comment on the exterior. I didn't  
2 see any new material posted on the Planning  
3 Board website or -- when I checked first  
4 thing this morning.

5 So I asked Ms. Paden to forward any --  
6 if any new material comes, please forward it  
7 to me so I can disseminate it to the  
8 neighbors so that we can try to review it  
9 before we come here. Then to my surprise I  
10 received an e-mail back from Ms. Paden late  
11 in the afternoon, and it was a long chain of  
12 forwarded e-mail and that Doctor Rizkallah  
13 sent a letter to the Planning Board was first  
14 sent to Mr. Fowler and then it was sent to  
15 Ms. Paden and then it was routed to me. So  
16 there was no time for us to look at the  
17 material.

18 And although Doctor Rizkallah is to be  
19 commended for reaching out to the abutters,  
20 he did not address the concerns of all the  
21 abutters. He just addressed the abutters on

1 the Norris Street. There's Cedar Street side  
2 and the Rice Street side. And as far as I  
3 could tell from the material, there was no  
4 attempt to contact them.

5 He refers to the experience on 40  
6 Norris Street, and one of the thing that was  
7 added to the Zoning Amendment was the  
8 community outreach. And there was, there was  
9 not follow through. You know, it's a  
10 different Special Permit case, and because of  
11 -- before the Norris Street, the character of  
12 this neighborhood is completely going to  
13 change. And now with this 54R it's going to  
14 be further changed. And what we've been  
15 asking all along is that we need something  
16 there that would fit in the character of the  
17 neighborhood. And concerns like Mr. Bingham  
18 who is going to be right across has to be  
19 addressed.

20 Thank you very much.

21 HUGH RUSSELL: Thank you.

1 Does anyone else wish to speak on this  
2 case?

3 (No Response.)

4 HUGH RUSSELL: Okay. I want to ask  
5 the Petitioner, there are only five of us  
6 here who can vote on your case because Ahmed  
7 was not present at one of the hearings, just  
8 the previous hearing, and so, for your  
9 petition to be granted, all five members have  
10 to vote in favor. You can ask us to postpone  
11 and grant another extension until we can  
12 bring a sixth member. Unfortunately  
13 Ms. Winters is sick tonight, or you can go  
14 ahead tonight. What is your pleasure?

15 MOUHAB RIZKALLAH: I think we  
16 postpone.

17 THOMAS ANNINGER: Postpone?

18 MOUHAB RIZKALLAH: Yes.

19 HUGH RUSSELL: Okay.

20 So we stop now.

21 THOMAS ANNINGER: I guess can we

1 just talk about whether we can talk?

2 HUGH RUSSELL: I mean, he's asked us  
3 to -- exercised his right, asked for a  
4 postponement.

5 MOUHAB RIZKALLAH: I'm happy to  
6 retract that and offer the opportunity to  
7 talk. I'd love to hear what you have to say.

8 THOMAS ANNINGER: Well, we may have  
9 a problem because if we talk while one of us  
10 is not here and that person was to be at  
11 every public hearing, then we run into the  
12 same problem next time, they won't be able to  
13 vote. Sorry, we're caught in a web here.  
14 It's too bad, because I think a lot of good  
15 things could be said that are useful. I  
16 don't know what to do here.

17 AHMED NUR: Am I allowed to vote on  
18 the next one now that I'm here?

19 HUGH RUSSELL: There is a new  
20 provision in the state law which would  
21 address the circumstance that allow absent

1 members to read the transcripts, and -- but  
2 it's not enforced in the City of Cambridge at  
3 this point in time.

4 AHMED NUR: All right.

5 HUGH RUSSELL: And so it all stems  
6 from the fact that we are short two members  
7 and, therefore, don't have any excess people  
8 to hear.

9 WAYNE BINGHAM: Can I ask one  
10 question? Might the Board -- this is Wayne  
11 Bingham. I'd like -- the Board asked the  
12 last time for pictures, view, 3-D rendering  
13 drawings which was not provided. Can we see  
14 that? That was part of what was the hold up  
15 the last time.

16 HUGH RUSSELL: Right. It wasn't  
17 provided to us, so I believe it does not  
18 exist.

19 WAYNE BINGHAM: So -- can we see  
20 that at the next meeting?

21 HUGH RUSSELL: Sorry, we should --

1                   THOMAS ANNINGER: Hugh, in a way we  
2                   may already be in the box that I talked about  
3                   because we went ahead with the public  
4                   hearing.

5                   HUGH RUSSELL: Right. We shouldn't  
6                   have done that.

7                   THOMAS ANNINGER: And we didn't ask  
8                   the question early enough so that now we may  
9                   not even have the option to postponing?

10                  HUGH RUSSELL: Right.

11                  AHMED NUR: I'm sorry, why is that?

12                  THOMAS ANNINGER: Because we went  
13                  ahead with the public hearing and Pam wasn't  
14                  here. So can she vote next time not having  
15                  heard the hearing this time?

16                  H. THEODORE COHEN: I don't think  
17                  so.

18                  THOMAS ANNINGER: Mr. Rizkallah  
19                  would like six members, and I'm not sure we  
20                  can offer him that anymore.

21                  HUGH RUSSELL: Right. So I think

1           what probably has to be done is we have to  
2           rehear the case from the start. Hear all the  
3           testimony again, treat it as a new case.

4                     AHMED NUR: Or may I suggest that  
5           next time he doesn't have a choice, he hears  
6           the five of you? We don't give the option.

7                     LIZA PADEN: No, he always has the  
8           option. That's not for you to -- you can't  
9           do that.

10                    AHMED NUR: Okay.

11                    HUGH RUSSELL: So I also believe  
12           that we're not going to act of the same mind  
13           on this case and so you know --

14                    THOMAS ANNINGER: Well, this is  
15           always so painful when we're talking about a  
16           very small number in matter of units and so  
17           forth, and we're talking about the vast area  
18           of Cambridge and I hate to hold that up  
19           another second.

20                    HUGH RUSSELL: Right.

21                    So I think we have to ask ourselves

1           what if we follow the law, or what do we do  
2           right now?

3                       THOMAS ANNINGER: I kind of like --  
4           I don't know what Mr. Rizkallah really wants.  
5           Somehow you've -- I feel you've actually put  
6           us in a box also by structuring this and  
7           framing it in a way that is not how we see  
8           it. You've gone to Norris Street, we're  
9           focusing on Cedar Street, and that's what the  
10          hearing was all about tonight. And I felt  
11          the hearing actually was very, very good and  
12          helpful. I thought everybody made points  
13          that were worthy and that fit with how I  
14          think we were looking at it. I think the --  
15          I hate to throw this one to the wind and just  
16          give up on it. I'd like this to have a good  
17          resolution for everybody if it's possible.  
18          I'm not sure we can do that with you, if I  
19          may be so bold, given the letter you wrote us  
20          tonight which I thought was rather abrupt,  
21          and giving the -- giving us the choices the

1 way you framed them. My preference would be  
2 to start again and see if we can do better on  
3 a second go-round and see if we can -- I  
4 know, I know there's a cost involved and that  
5 you are very sensitive to that. There are  
6 lawyers, architects. I think you've heard  
7 enough about the interest of Cedar Street,  
8 our interest in seeing the plans. Some of  
9 the things that we've requested which have  
10 been totally ignored. I think it would be a  
11 very good idea to start again. Much time as  
12 we've already put into this, I hate to give  
13 up on it having --

14 MOUHAB RIZKALLAH: I'm actually  
15 sorry I started it to be honest with you. I  
16 really should have insisted Inspectional  
17 Services to give me a redesign and that's it.  
18 This is a small issue. I don't feel I put  
19 you in a box. I feel like the box is  
20 mathematical. Asking me to do something that  
21 is disproportionate to the problem, it's a

1 matter of proportions. The box is made by  
2 proportions. If you guys want to overthink  
3 this, you can do that, but the reality is  
4 it's a corner of the house. If you don't  
5 want me to provide the niceties to the  
6 neighbors, fine. But this is really -- it's  
7 that straight forward for me. I don't know  
8 why you would expect -- I don't believe that  
9 if you were in my position that you would do  
10 anything else. You would really see it the  
11 same way.

12 THOMAS ANNINGER: I don't think so.

13 STEVEN WINTER: No.

14 THOMAS ANNINGER: No, no. I think  
15 you're absolutely right, it's a matter of  
16 proportions. But we're talking about  
17 different proportions. You're focusing on  
18 the corner of that house. I'm focusing on  
19 what's on Cedar Street. Those three  
20 stories -- the 14 feet, the whole thing  
21 doesn't fit. Those are the proportions that

1 benefit --

2 MOUHAB RIZKALLAH: Those are the  
3 benefit to do this --

4 HUGH RUSSELL: Excuse me,  
5 Doctor Rizkallah, I don't want to get into a  
6 back and forth.

7 THOMAS ANNINGER: I agree.

8 So we've done as much as we can. Do  
9 you have a suggestion, Hugh? It may be as  
10 simple for Mr. Rizkallah to withdraw his  
11 proposal rather than resubmit. I think  
12 that's what he really wants to do, but it  
13 feels like he's poking a finger in our eye  
14 and I think that's exactly what he's doing.

15 HUGH RUSSELL: If I had -- I'm  
16 afraid I'm -- I see this rather like  
17 Doctor Rizkallah.

18 THOMAS ANNINGER: What's that?

19 HUGH RUSSELL: I see this rather  
20 like Doctor Rizkallah. That this is, I think  
21 it is a not great public policy for the

1 Planning Board to consider this item on a  
2 single conforming single-family house,  
3 however strangely sized it is. It's, you  
4 know -- there are plenty of 14-foot white  
5 houses in North Cambridge. I don't know of  
6 any one that's three stories tall. There are  
7 plenty of three-story houses. I don't know  
8 any that are 14 feet wide. I don't know what  
9 the thinnest house is. I don't know what the  
10 tallest one is. But it's, as a conforming  
11 building, you know, if it weren't for that  
12 corner on that house, he'd have the right to  
13 build it without any overview. And, you  
14 know, this is a Board that talks about the  
15 rights of people who own original properties.  
16 I think we're letting ourselves be swayed by  
17 who owns it rather than by the actual facts  
18 here. If I had to choose, I would rather see  
19 the fence and the, you know, the improvements  
20 to the back parking area than see the corner  
21 of the house chopped off. I think that's

1 just silly to chop that off. It's an  
2 artifact of the -- just the fact that when  
3 you make rules, you have to make rules to  
4 accomplish things. Sometimes the rules lead  
5 to silly consequences. This is a case where  
6 that happens. So, if I could choose what to  
7 do if it was a one member board, I'm the only  
8 vote, I would vote to grant the relief. I am  
9 sorry that he's, you know, that he can't do  
10 more with the design of the house, but I  
11 don't know -- we can't force him to do that.

12 WILLIAM TIBBS: One, I mean, as much  
13 as we try to agree with each other most of  
14 the time, there are times when we just  
15 disagree and that's what boards are for.

16 HUGH RUSSELL: Right.

17 WILLIAM TIBBS: I look at it  
18 slightly differently.

19 One, we're not asking you to do  
20 anything. You have asked us to -- you put a  
21 Special Permit before us and you've just

1           asked us to act on it. And the issue of  
2           whether or not he wants to take a corner off  
3           the house is not our issue. I mean, the  
4           issue is the planning issues involved, and I  
5           for one would have a hard time if I go  
6           through those criteria that we set up. And  
7           granted, this is an odd lot. I mean, as you  
8           said earlier, we have -- we know that when we  
9           make general rules, and I was on the Board  
10          when we actually came up with these rules for  
11          buildings in the back of these long lots, but  
12          if I go through the criteria that we set up,  
13          I would have a hard time saying that this  
14          particular property is okay, and primarily  
15          because of how it fits. I think that very  
16          thin, narrow building doesn't fit. If it  
17          were a shorter building, it would fit. I  
18          mean, I think the case was made at a previous  
19          public hearing that there are buildings that  
20          are as narrow as this is, but it's just not  
21          as high. So that's what -- that's where it

1           sits. So if this were a Planning Board of  
2           one for me, I would not do it. But I  
3           understand there are implications with that,  
4           but that's always the case. I mean a  
5           proponent can always, and have many times,  
6           decided that they would rather do something  
7           as of right as opposed to, you know, do  
8           something -- I think the whole purpose of  
9           coming for a Special Permit is to try and see  
10          if we can improve it in some kind of way, and  
11          this is not an improvement as far as I'm  
12          concerned. And indeed as it's described,  
13          it's not going to change as of right or not,  
14          whether or not there's a chunk taken off the  
15          other house or not. So I just don't -- and I  
16          too feel that by not responding to anything  
17          we talked about, at least coming up with some  
18          pros and cons or some suggestions that we  
19          requested the last time, that that's -- I  
20          don't think the proponent has been in good  
21          faith in just terms working with us as a

1 Board.

2 H. THEODORE COHEN: Well, I'm not  
3 sure where we're going with this entire  
4 conversation now that Doctor Rizkallah has  
5 said that he doesn't want less than the full  
6 Board that's heard it to act upon it. And so  
7 I, you know, personally don't feel the need  
8 to, you know, discuss the merits of it until,  
9 you know, we kind of figure out procedurally  
10 what's going to happen next. And, you know,  
11 it seems that, and I do think now we're in a  
12 bind because we'll never have more than the  
13 members, five members who are here now who  
14 have sat on every session to actually vote  
15 upon it. So continuing it to a later date, I  
16 don't think is going to resolve our problem.

17 THOMAS ANNINGER: And the solution  
18 is?

19 H. THEODORE COHEN: I don't know  
20 what the solution is because, you know,  
21 Doctor Rizkallah could withdraw the petition

1 and we could start over. If we don't act or  
2 do anything, and the time period is not  
3 extended -- the time period expires when,  
4 Liza?

5 LIZA PADEN: February 28th.

6 H. THEODORE COHEN: February 28th.

7 Then I think it gets approved through an  
8 action?

9 LIZA PADEN: Yes.

10 H. THEODORE COHEN: I don't know  
11 where we are.

12 HUGH RUSSELL: Ahmed.

13 AHMED NUR: Obviously I'm not a  
14 lawyer. I'm just going to throw it out there  
15 and I was not present on the last one, so I  
16 don't want to waste your time. But from what  
17 I'm hearing it sounds like we don't have a  
18 choice but to -- for him and staff to -- and  
19 staff's -- our lawyers to talk about what's  
20 the next step is to see what the next step is  
21 as opposed rather than to solve the issue.

1 He said he doesn't want to do it with the  
2 full, we don't have the full, just move us  
3 on.

4 H. THEODORE COHEN: Suggestion?

5 ATTORNEY SEAN HOPE: Well, I don't  
6 have a -- Sean Hope. I don't have a magical  
7 solution. I did think that if for  
8 completeness, resubmitting potentially --  
9 aside from the cost and time it would take, I  
10 do think it's appropriate to have a full and  
11 defendable decision, whatever the Board would  
12 do. But in terms of withdrawing, I am  
13 concerned about the idea of a repetitive  
14 petition and I would just want to make it  
15 clear that if we did take any action to  
16 withdraw, I'm not advocating we did, that's  
17 also another concern that only adds to the  
18 level of concerns. I do think it may be  
19 appropriate to sought some counsel from the  
20 Cambridge Legal Department and we might want  
21 to discuss the implications of what this

1 would mean. Because we have spent lots of  
2 time and resources to get to this point, and  
3 I would not want an action from this Board to  
4 kind of force us to feel like we had a fair  
5 and full hearing. So, I would maybe look to  
6 the city staff procedurally to figure out  
7 what's the most appropriate thing to do  
8 knowing that the 28th is also the date at  
9 which we need to act on this or it would have  
10 an automatic grant.

11 WILLIAM TIBBS: We don't have  
12 another meeting before the 28th.

13 THOMAS ANNINGER: I think there  
14 should be a discussion with the staff and try  
15 to figure out what to do next and what you  
16 want to do next. And your point about a  
17 repetitive petition is a good one, and I  
18 would hope there is some way for us to waive  
19 that in a situation like this and to agree  
20 not to treat this as a repetitive situation.

21 I would like to, I would like us to

1 find a way to stop talking about this now.

2 And maybe Mr. Hope has given us as good as

3 we're going to get.

4 WILLIAM TIBBS: I guess my only

5 concern is that the -- we don't fall into

6 inaction.

7 THOMAS ANNINGER: That's right.

8 H. THEODORE COHEN: I think Mr. Hope

9 and Doctor Rizkallah would have to agree to a

10 further extension to at least say March 5th

11 or the 12th to enable there to be a meeting

12 with the Law Department and a discussion and

13 a determination of the options.

14 MOUHAB RIZKALLAH: Is that a

15 decision I have to make right now or can I

16 sleep on that?

17 THOMAS ANNINGER: No, that would be

18 now.

19 WILLIAM TIBBS: Because we don't

20 have another meeting.

21 HUGH RUSSELL: It would helpful if

1           you made it now.

2                   THOMAS ANNINGER: No, if we don't  
3           meet before the 28th and we can't do  
4           anything, then we're really in a box. So we  
5           have to resolve that tonight.

6                   HUGH RUSSELL: Do you have some  
7           advice for us, Brian?

8                   BRIAN MURPHY: I think that the  
9           course that you're going on is one that makes  
10          sense in terms of doing an extension for at  
11          least the purpose of consultation with the --  
12          between the Law Department and the City and  
13          Mr. Hope. I shot an e-mail to the City  
14          Solicitor, she was not on hold for this, so I  
15          haven't heard back. But I would think that  
16          would be a wise approach.

17                  HUGH RUSSELL: Okay, I'll just give  
18          you one more opinion which is this is a case  
19          that seems to be dividing the Board, and I  
20          think in fairness to the -- I think we should  
21          have a seven-person Board hearing this case

1 if it goes that way.

2 BRIAN MURPHY: Yes.

3 HUGH RUSSELL: So, I think we will  
4 then --

5 WILLIAM TIBBS: An extension.

6 HUGH RUSSELL: Will you give us the  
7 extension is my question?

8 MOUHAB RIZKALLAH: I don't feel  
9 prepared to give an extension. I don't feel  
10 prepared to -- I don't even understand what  
11 we're talking about and I don't feel -- I  
12 feel pressured to make a decision that I  
13 don't understand.

14 BRIAN MURPHY: The only other option  
15 I can think of would be if you were to  
16 advertise another meeting prior to the 28th.

17 WILLIAM TIBBS: Just for clarity  
18 then, is voting not an option?

19 THOMAS ANNINGER: That's not going  
20 to work.

21 HUGH RUSSELL: Can we meet the

1 advertising rules?

2 LIZA PADEN: I can advertise a  
3 Planning Board meeting for next Tuesday  
4 evening, and my deadline for that is to post  
5 it by Thursday, but I don't know, given  
6 Ms. Winters' situation, whether or not she  
7 can be here on that Tuesday to get the six  
8 members here.

9 THOMAS ANNINGER: Mr. Hope, an  
10 extension is not heavy lifting. That is not  
11 a difficult question. You don't need to  
12 understand a lot to know why we're asking for  
13 an extension to get out of this very awkward  
14 situation. So, it would seem to me that  
15 between you and your client you ought to be  
16 able to resolve this maybe out in the room  
17 and then we'll finish this after MIT or  
18 something.

19 ATTORNEY SEAN HOPE: Well, yes, I do  
20 think it's appropriate that we maybe step  
21 outside to discuss the pros and cons. This

1 is a bit complex in terms of procedure, but  
2 also the implications to his application, and  
3 I know he doesn't want to be put through  
4 more. Maybe if we do that and I can talk to  
5 city staff about that and you can proceed  
6 with the next hearing.

7 MOUHAB RIZKALLAH: Here's the thing,  
8 this sounds very complicated and I actually  
9 don't -- I'm going to relieve you as my  
10 counsel, okay? I don't want you to even be a  
11 part of this at this point. This seems so  
12 complicated that I'm actually -- out of  
13 concern for him, I don't want him even to be  
14 my counsel on this. And I don't exactly know  
15 what you're expecting of me, but I don't want  
16 him to give me any advice on this. As far as  
17 I'm concerned, I've relieved you as my  
18 counsel.

19 I am not going to be granting an  
20 extension. I don't understand it and the  
21 idea that you're expecting me to be pressured

1 under it, I don't accept that.

2 HUGH RUSSELL: Well, I suggest then  
3 that we take a vote on the merits of the  
4 application and then let that vote stand as  
5 one of the bargaining chips in the future  
6 things. That's all we can do. And we'll  
7 take a vote, we'll write a decision. If --

8 H. THEODORE COHEN: I don't see how  
9 we can take a vote if Doctor Rizkallah has  
10 indicated that he doesn't want less than the  
11 six members who heard it before the vote.

12 HUGH RUSSELL: I understand that.  
13 But all I'm saying is that we have to put our  
14 intentions clearly out there. We have no  
15 options. We have no cooperation from the  
16 Petitioner in this matter which is a  
17 procedural matter. He's now relieved his  
18 attorney, and so I say jump in with both feet  
19 and say this is what we think is the right  
20 disposition before that decision is filed or  
21 made if there can be a discussion with the

1 Law Department and with the Petitioner, that  
2 may resolve it, that may result in an  
3 extension being, you know. I don't -- but I  
4 think we've agreed to do nothing. Our choice  
5 is either to do nothing, in which case I  
6 believe what will happen is the petition is  
7 automatically granted. Now that happens to  
8 be the position I favor, so I'm thinking --  
9 but I think there are not five people on this  
10 Board who don't want that to happen. So to  
11 facilitate that, I suggest we take a vote and  
12 let that vote stand and then someone can  
13 fight about what it means and whether we did  
14 it properly or not.

15 H. THEODORE COHEN: Well, I'd ask  
16 Doctor Rizkallah whether he indicated earlier  
17 he might revoke his decision not to have us  
18 vote and what is your position now?

19 MOUHAB RIZKALLAH: No, I think that  
20 I regret that I've spent and I've invested so  
21 much on what, for me, is such a small issue

1 and could easily be resolved, and that  
2 Inspectional Services encouraged me to come  
3 over here and have this conversation. I  
4 regret that I moved forward in that way, but  
5 that I am here. I think I would, I would  
6 like to hear you decide on whether the  
7 amenities to this neighbor and the other  
8 neighbors is appropriate or if those  
9 amenities are not appropriate. It's that  
10 simple of a question. It's a small matter.  
11 It is arbitrary and capricious to come up  
12 with 75 feet --

13 HUGH RUSSELL: Thank you. I'm not  
14 asking you to argue your case. We're asking  
15 you a very specific question and you've  
16 answered the question.

17 MOUHAB RIZKALLAH: Yes.

18 HUGH RUSSELL: Thank you.

19 THOMAS ANNINGER: Let's vote.

20 HUGH RUSSELL: Okay.

21 So, would somebody form the motion?

1           There's a formal motion that happens at the  
2           City Council, if a motion is made hoping the  
3           same will not prevail. That's a motion we  
4           can make here.

5                   THOMAS ANNINGER: You can do that.  
6           You can formulate it and then we can go that  
7           way, or one of us can make a motion to deny I  
8           suppose. I don't know where my colleagues  
9           are on this.

10                   H. THEODORE COHEN: Well, I would  
11           move to grant the Special Permit for 54R  
12           Cedar Street in accordance with the  
13           provisions that -- I'm sorry, I don't have  
14           the actual application in front of me.

15                   LIZA PADEN: Pass that down, please.

16                   H. THEODORE COHEN: I would move to  
17           grant a Special Permit in accordance to  
18           Section 5.53 to allow for the building to be  
19           within the 75 feet of the street line in  
20           accordance with plans that were most recently  
21           submitted to us that show -- or the plans

1 that were submitted to us that show a  
2 three-story building fronting on Cedar Street  
3 with a flat roof.

4 And subject to the conditions that the  
5 Petitioner has indicated he would be willing  
6 to grant, that he would place an eight-foot  
7 Cedar fence in place of the existing chain  
8 link fence abutting his property and the  
9 property at 60 Norris Street and 58 Norris  
10 Street.

11 That they would limit the spaces to  
12 five parking spaces.

13 That he would place paving stones in  
14 the parking area rather than asphalt.

15 That he would plant additional  
16 landscaping trees near the fence, maintain a  
17 mature evergreen tree.

18 Use low intensity, low position  
19 landscaped lighting that does not extend  
20 beyond the property line, and involve the  
21 abutters at 60 Norris Street and 58 Norris

1 Street as a minimum consultation or consult  
2 with them as to the design of the fence and  
3 the landscaping and the parking area.

4 HUGH RUSSELL: Okay, is there a  
5 second to that motion?

6 (No Response.)

7 HUGH RUSSELL: Seeing none, I will  
8 second it.

9 Is there a discussion on the motion?

10 (No Response.)

11 HUGH RUSSELL: I see no request for  
12 a discussion so I will take a vote.

13 All those in favor of the motion raise  
14 their hand.

15 (Show of hands.)

16 HUGH RUSSELL: So two members  
17 voting.

18 (Russell, Cohen.)

19 HUGH RUSSELL: All those opposed?

20 (Show of hands.)

21 (Anninger, Tibbs, Winter.)

1                   HUGH RUSSELL: So two members voting  
2                   in favor and the motion is denied.

3                   WAYNE BINGHAM: Thank you.

4                   HUGH RUSSELL: We'll take a  
5                   five-minute break.

6                   (A short recess was taken.)

7                   HUGH RUSSELL: So we're going to  
8                   reconvene. I would comment that there's an  
9                   old story about no one should ever see how  
10                  laws are made or sausage. I think we have  
11                  another thing to add to the list. We regret  
12                  that we've taken this up at such a late hour.

13                  I think is it true that the staff wants  
14                  to make a comment before we start with MIT?

15                  BRIAN MURPHY: Sure. Just to  
16                  provide a little bit of context. After the  
17                  last hearing with MIT -- of the MIT petition,  
18                  the staff and MIT came together to try to  
19                  sort of continue to have discussions about,  
20                  as directed by the Board, to try to find  
21                  areas where we might be able to reconcile

1           sort of those minor differences that existed  
2           between the K2 Petition and the MIT Petition  
3           as I think is noted in the memo to the  
4           Planning Board that was sent out to you. I  
5           would suggest that a significant amount of  
6           progress was made in terms of both resolving  
7           language as well as coming to a better  
8           understanding of -- in some instances why  
9           there were certain approaches taken by MIT.  
10          And, you know, those are discussions have  
11          continued. Again, I would direct your  
12          attention to pages 6 and 7 of the memo. For  
13          example, on the innovation space subsequent  
14          to that there's been subsequent agreement on  
15          some of the language so there's less conflict  
16          there that had been referenced. And even  
17          with that, I think the goal that MIT had as  
18          far as we understand, which is to ensure that  
19          this is a given, we're talking about  
20          innovation, to ensure that this is an area  
21          that remains innovative and relevant in terms

1 of its language.

2 On sustainability there's still some  
3 minor differences around the academic sector,  
4 primarily around MIT's concerns about the  
5 fact on the areas where they're truly cutting  
6 edge and areas really that haven't even been  
7 contemplated by LEED to try to ensure that  
8 they're not hamstrung and in a competitive  
9 disadvantage going forward.

10 So really I would say that the  
11 differences remain are minor, but that is,  
12 you know, it has been a very fruitful  
13 discussion between the Institute and the City  
14 Staff as we tried to advance things. And  
15 with that, given the hour I think it probably  
16 makes as much sense to hear from MIT and then  
17 to allow the Board to really get into a  
18 discussion and then obviously we're happy,  
19 the City Staff is happy to clarify any issues  
20 or concerns as this goes forward.

21 HUGH RUSSELL: Okay. We may also be

1 asking for comments from the public since  
2 this is a public hearing.

3 Steve, are you going to start?

4 STEVE MARSH: Thank you,  
5 Mr. Chairman. Good evening Members of the  
6 Planning Board, members of the public. For  
7 the record, my name is Steve Marsh. I'm the  
8 Managing Director of Real Estate at MIT and  
9 I'm delighted to be joined by a number of our  
10 team members here tonight, including Israel  
11 Ruiz, MIT's Executive Vice President and  
12 Treasurer; Professor Marty Schmidt, our  
13 Associate Provost; Michael Owu, Director of  
14 Real Estate; Sara Gallop, our Co-director of  
15 Office of Government and Community Relations;  
16 and David Manfredi from Elkus Manfredi  
17 Architects.

18 We're pleased to be here tonight for  
19 our second formal hearing to discuss with you  
20 the Zoning Petition for the new PUD-5  
21 District. The creation of this new district

1 represents a valuable opportunity to reinvest  
2 and revitalize Kendall Square. And as you  
3 know, we've spent considerable time  
4 developing this petition. We were very  
5 pleased with the reception and the guidance  
6 we received at our last Planning Board  
7 hearing.

8 Since that hearing we've also had the  
9 opportunity to appear before the City Council  
10 Ordinance Committee, and we believe that that  
11 was a very successful overview which will  
12 lead to additional hearings to discuss the  
13 petition in greater detail as Brian has put  
14 us on the schedule.

15 Since our last hearing we've focussed a  
16 majority of our time and energy working with  
17 the Community Development Staff, as you  
18 requested, to further align our petition with  
19 the K2 study plan recommendations. We made  
20 significant progress and wanted to spend time  
21 tonight updating you on those areas.

1           Also since the last meeting the Board  
2           has had the opportunity to hear a  
3           presentation by CDD on the design guidelines  
4           for Kendall Square. And members of our team  
5           attended that hearing and have been working  
6           with CDD staff to coordinate those guidelines  
7           with our Zoning. And we feel that the  
8           guidelines give strong definition and context  
9           to our Zoning, and we're happy to include  
10          both references to these guidelines and  
11          incorporate them along with our Zoning.

12           Although it was acknowledged that our  
13          Zoning Petition reflected much of the K2  
14          study, after our last hearing CDD staff  
15          provided a list of some areas where there was  
16          some diversion. So the Board has asked us to  
17          work with the staff to resolve these  
18          outstanding issues, and you had some related  
19          issues of your own that you asked us to  
20          consider. So much of what our discussion  
21          tonight will be on agenda item 2 regarding

1 progress on alignment and then some follow-up  
2 on some Board concerns.

3 Board members were helpful at the last  
4 meeting raising the issue of appropriate  
5 distribution of particular language between  
6 the Zoning text and the design guidelines.  
7 And frankly, the simultaneous evolution of  
8 the Zoning language and the design guidelines  
9 has given us opportunities to address issues  
10 in the right places. We've spent a lot of  
11 time with Community Development Staff on  
12 this, and we think we've reached the right  
13 balance with the staff's guidance and  
14 insight.

15 In short, we've done things like move  
16 floor plates and height reviews to the design  
17 guidelines. We believe setbacks and active  
18 uses should remain in Zoning because of the  
19 important role they play in relation to the  
20 Base Zoning of the district. And then beyond  
21 the language that was included in our initial

1 petition, you raised questions providing  
2 direction regarding setbacks from the Red  
3 Cross building as well as the centers for  
4 housing creation south of Main Street. So  
5 we've added language that we believe  
6 addresses both of these issues, and I'll  
7 discuss these further in the relevant  
8 sections.

9 So let me get into the specifics. The  
10 purpose section has remained consistent,  
11 however, we were asked to reference a design  
12 guidelines here. Initially we had concerns  
13 when this arose because understandably we  
14 weren't really sure when these guidelines  
15 would be finalized or what they would  
16 actually include. So we're pleased that  
17 we've had the opportunity to provide input on  
18 that, and we really appreciate the Planning  
19 Board and the staff's hard work to finalize  
20 these guidelines. So at this point we hope  
21 that the Planning Board adopts these

1 guidelines and we're happy to reference them  
2 as part of our Zoning. We've added a section  
3 at the end of our proposal in which  
4 references the guidelines.

5 The Zoning includes language to incent  
6 MIT to build spaces for small retailers, to  
7 activate streets, and to provide housing  
8 south of Main Street.

9 In the active uses section, broader  
10 activation is set forth.

11 In this section we were asked to think  
12 about the appropriate maximum square footage  
13 of retail spaces that could be exempt from  
14 gross floor area calculations. After  
15 discussions with staff, we've agreed that the  
16 exemption for retail gross floor area should  
17 be limited to retail spaces 5,000 square feet  
18 of loss with the exception of a possible  
19 grocery store, a market, or a pharmacy that  
20 could be exempt up to 10,000 square feet.

21 We've also had further conversations

1 with staff about the retail exemption  
2 applying to floors above street level and  
3 basements. We initially requested that the  
4 exemption be applied to the second floor, but  
5 we understand that the purpose is the  
6 activation of ground levels. We do have  
7 basements that are partially above grade and  
8 we would like to activate these, so we've  
9 included the level below street as  
10 appropriate for the exemption as well.

11 At the last board meeting there was a  
12 discussion about how to incent housing south  
13 of Main Street, and we've heard that  
14 suggestion from the Board, that we include an  
15 exemption for housing in this location. We  
16 have incorporated this concept into the  
17 Zoning language. And I think as we've said  
18 we're very challenged between the existing  
19 building south of Main in providing the  
20 growth opportunities for our core academic  
21 mission, but this exemption does provide

1 additional incentive for us to pursue  
2 possible future housing south of Main, and it  
3 also helps us consider existing housing sites  
4 for possible expansion with less potential  
5 impact on academic or commercial parcels as  
6 sites are evolving over time.

7           Regarding development plans. The staff  
8 has consistently wanted the Zoning language  
9 to require a submission of a conceptual  
10 development plan for all the FAR allowed in  
11 the PUD when submitting a development plan  
12 for a specific parcel or parcels. While it's  
13 been typically more challenging for  
14 institutions like MIT to do this given the  
15 given the nature of other evolving needs,  
16 during this process we've come to better  
17 understand the importance to the City of  
18 tracking the PUD rights, particularly for  
19 PUDs that would likely go through Article 19  
20 in more than one development proposal. So  
21 we've worked with staff and we've become

1 comfortable with the concept. We've  
2 incorporated relevant language that requires  
3 a conceptual development plan illustrating  
4 how the remaining allowed development in the  
5 district would be distributed in the future  
6 with each Article 19 submission.

7 We're pleased that this approach would  
8 give the City and the Planning Board a better  
9 understanding of the Institute's thoughts  
10 over time while providing us with the  
11 flexibility that academic uses required.  
12 Again, I have said the floor plate section  
13 has been moved to the design guidelines so  
14 I'll move right to the setbacks.

15 We were asked to think about the  
16 concerns raised by the American Red Cross  
17 within the context of our Zoning. It has  
18 always been our intent to respect our  
19 abutters and we consider the Red Cross a  
20 neighbor and partners in Kendall Square.  
21 While we think the Article 19 process would

1 be an appropriate venue for discussing the  
2 details, particularly the residential  
3 building at One Broadway, we're also happy to  
4 include setback requirements that relate  
5 directly to the Red Cross building in this  
6 section. So we are proposing a 20-foot  
7 setback from the property line up to an 85  
8 foot height, and then a 36-foot setback  
9 thereafter.

10 As noted in our earlier presentation,  
11 we have included a section regarding  
12 pedestrian bridges that was meant to deal  
13 with the aggregation of floor plates of  
14 buildings joined by a bridge. With the  
15 relocation of the floor plate section to the  
16 guidelines and given the amount of discussion  
17 of bridges already included in those  
18 guidelines, we believe there is no longer a  
19 need for this section in Zoning so we've  
20 deleted that.

21 Since our last meeting we've clarified

1 the language to ensure the square footage  
2 above 250 feet which is subject to the modern  
3 housing requirement, is also subject to the  
4 City's inclusionary Zoning Ordinance. So let  
5 me repeat that for clarification. The entire  
6 residential building is subject to the  
7 inclusionary affordable housing ordinance in  
8 the area above 250 feet also creates the  
9 modern income requirement.

10 WILLIAM TIBBS: Moderate or middle?

11 STUART DASH: Moderate.

12 STEVE MARSH: These provisions along  
13 with our Zoning incentive contribution to the  
14 affordable housing trust represent a fairly  
15 significant contribution towards affordable  
16 housing.

17 The Zoning also included a section  
18 regarding review of buildings over 250 feet.  
19 At staff's suggestion we have reduced that  
20 review threshold to 200 feet. And also, I  
21 think at the last meeting, I think it was

1 Mr. Anninger who may have suggested that the  
2 height review language might be better suited  
3 for the guidelines. So we appreciate those  
4 thoughts and have worked with staff on that  
5 issue, and we've come to an agreement that  
6 the appropriate location for that language is  
7 in the guidelines and review.

8 On open spaces, we very much understand  
9 and embrace the priority with the city and  
10 the community as consistently placing a  
11 connective and open spaces, active open  
12 spaces throughout the district and the  
13 neighborhoods. And similar to the conceptual  
14 development plan concept discussed earlier,  
15 staff has stressed the importance of seeing  
16 how this open space network may evolve as the  
17 district develops. So we have agreed and are  
18 happy to include language that requires  
19 conceptual open space plan for PUD-5 with  
20 each Article 19 submission in our Zoning  
21 language.

1           On parking, much of the parking  
2 requirements, including the ratios, have come  
3 directly from the K2 process. We continue to  
4 be aligned here, and we've agreed to language  
5 around pre-existing parking spaces.

6           Innovation space is clear throughout  
7 the K2 process that innovation space, you  
8 know, places for small entrepreneurial styles  
9 to thrive is a critically important component  
10 to Kendall Square. Based on our experience  
11 of housing innovation space at One Broadway  
12 for the past 15 years, we cannot agree more.  
13 We do believe that this is such an important  
14 use for Kendall Square that we do believe  
15 that this section remain in the Zoning. We  
16 realize that the precedent language that  
17 appears in our Zoning will set the stage for  
18 the entire Kendall District so we've gotten  
19 comfortable with including requirements for  
20 specific characteristics including the  
21 minimum size of innovation centers, the

1 maximum size of suites and units per single  
2 business entity, lease durations, shared  
3 resources, and eligible tenants.

4 Lastly we've agreed with the staff to  
5 adjust the language to reflect the K2  
6 recommendation that 50 percent of innovation  
7 space be exempt from FAR.

8 On sustainability we recognize that  
9 Cambridge is a leader in this area and MIT is  
10 a critical partner. We were asked to  
11 incorporate more of the K2 language on  
12 sustainability much of which sets new  
13 precedents in the city. And we understand  
14 the perspective of Iram and others in the  
15 staff, the Kendall Square must lead in this  
16 regard. So we're pleased with the evolution  
17 of this section, which now includes a  
18 requirement for all new commercial and  
19 residential buildings to meet LEED Gold  
20 criteria, to provide a statement of energy  
21 design intent, to evaluate connecting to

1 district steam, and to be first in the city  
2 to require tracking and reporting energy use  
3 of new buildings in the PUD. We've worked a  
4 lot with the staff on sustainability. And as  
5 Brian has mentioned, the staff has asked us  
6 to require academic buildings to meet higher  
7 energy standards subject to the caveats  
8 mentioned earlier.

9 Next on signage in response to  
10 concerns, we have made PUD-5 subject to all  
11 of the Article 7 standards applicable for  
12 business, office, and industrial districts,  
13 period.

14 On active uses, the requirement for  
15 active uses remain in Zoning and we think  
16 that the design guidelines are an excellent  
17 complement to this language. The design  
18 guidelines can further direction on actually  
19 creating these important spaces throughout  
20 the district.

21 We also heard questions from the Board

1 about way finding, and this is an area that's  
2 very important to us and everyone who walks  
3 through Kendall Square recognizes it's a  
4 critical issue. So MIT is committed to  
5 working with KSA, working with the community  
6 and those stakeholders, create a way finding  
7 system that complements other open space  
8 improvements. It is appropriate for all the  
9 constituencies of Kendall Square; from  
10 long-time residents, students, faculty and  
11 staff, the businesses, and the first time  
12 visitors. All of them need help in regard to  
13 some of these way finding issues.

14 On the community fund, we discussed at  
15 the last meeting as we discussed the general  
16 principles of the community fund came out of  
17 the K2 process as well as coming from City  
18 Council's interest in this form of community  
19 benefit. The concept has generally been well  
20 received by the various stakeholders. This  
21 was a topic of discussion at the Ordinance

1 Committee, and we anticipate working on this  
2 concept and further refining all its  
3 stakeholders.

4 There are a few other issues we  
5 discussed at the last meeting. They're  
6 outside of specific Zoning language. First,  
7 MIT wants to thank Chris Carter and staff for  
8 the excellent presentation on housing. The  
9 City has made amazing strides in this area,  
10 and we too have made housing a priority.

11 Second, we recently presented at a  
12 meeting of the graduate community and we  
13 wanted to update you on the progress of the  
14 graduate student housing study. As you may  
15 recall one of the recommendations from the  
16 task force appointed by of the Provost Chris  
17 Kaiser and chaired by Professor Tom Colkin,  
18 was to undertake a study of housing needs  
19 particularly in relation to the graduate  
20 student population. Recently the provost  
21 announced the appointment of former

1 chancellor in urban studies and planning  
2 professor Phil Clay as the Chair of the  
3 graduate student housing workforce group.  
4 And this work, working group which includes  
5 faculty and graduate student representatives  
6 is expected to issue preliminary findings  
7 later this year.

8 You also mentioned transportation  
9 generally. CDD addressed the issue of  
10 transportation at the last Planning Board  
11 meeting. It was a very detailed and  
12 informative presentation of how they evaluate  
13 opportunities for growth in Kendall and  
14 Central and how it relates to the Zoning  
15 petition for you. It showed progress on  
16 non-vehicular initiatives and that work on  
17 transportation infrastructure must continue.  
18 We thanked them for providing this context,  
19 and MIT is a partner in encouraging  
20 non-vehicular transit.

21 Again, I would like to thank the Board

1 for its comments at the last meeting and the  
2 staff in spending so much time working with  
3 us to refine the Zoning language to ensure  
4 that the language reflects the intent of the  
5 stakeholders, including the City, the  
6 neighborhoods, and MIT. A lot of hard work  
7 has gone into both the Zoning language and  
8 the design guidelines over the last several  
9 months, and I think they're in a far better  
10 place right now. We've done a lot of work  
11 collectively with this Board and the staff  
12 and others over the last two and a half years  
13 and we're excited to move forward. So I'll  
14 stop there and take questions.

15 HUGH RUSSELL: Thank you.

16 So I think maybe the place to start  
17 with questions are is any Member of the Board  
18 asked a question at the previous presentation  
19 that hasn't been addressed?

20 Ahmed.

21 AHMED NUR: Steve, I appreciate all

1 the accommodations and working with the staff  
2 with regarding to the Planning Board comments  
3 and recommendations. One thing that I'm sort  
4 of maybe like to ask you was we had student  
5 body representing -- page 15 of your  
6 presentation, and there was housing and the  
7 graduate student housing and transportation.  
8 And there were a couple of concerns of the  
9 student body such as they walk alone and live  
10 in Somerville, and I was wondering if you  
11 could elaborate as to what you might have  
12 (inaudible).

13 STEVE MARSH: Well, I think where we  
14 are first and foremost at the highest level  
15 is that MIT is taking this housing issue very  
16 seriously. We care deeply about our graduate  
17 student population as you might understand,  
18 as well as our undergrads. The graduate  
19 students efforts are starting first and  
20 foremost with a comprehensive study of what  
21 our housing needs are. And I think there are

1 many things that are going on there including  
2 things like where is the federal budget  
3 issues going, and what is the research  
4 trajectory and what is the supporting  
5 graduate counts that have come up which are  
6 big issues. I think we recognize that we  
7 have been a leader in providing graduate  
8 housing as well, so we are out there in terms  
9 of sort of the northeast area of the country  
10 providing graduate housing. So I think this  
11 study, which we're delighted that we now  
12 have, a chair of this committee, a person in  
13 Professor Phil Clay who has spearheaded as  
14 the chancellor support for student issues as  
15 well as being a member of urban planning to  
16 think about these issues. So we think we  
17 have the right player involved here, and we  
18 look forward to this process to start to  
19 frame all of these issues. Because I think  
20 for us to answer this question, we need this  
21 further investigation.

1 AHMED NUR: Thank you.

2 HUGH RUSSELL: Steve.

3 STEVEN WINTER: Thank you,  
4 Mr. Chair.

5 I want to -- before I actually make my  
6 comment I wanted to say that, I want to echo  
7 your optimism and the hard work, the  
8 cooperation, the collaboration. This is a  
9 wonderful, wonderful process that we've got  
10 here, and we should all be very proud of  
11 where it's taken us.

12 Now, the -- we mentioned the Red Cross  
13 building specifically. And I also want to  
14 make sure that the Kendall Hotel is going to  
15 receive care and attention. And my guess is  
16 that if you you're using the same caliber of  
17 architects and designers that you've been  
18 using that there are design mitigations,  
19 things that we can do. So I don't want to  
20 ask what they are, I simply want to bookmark  
21 it, because I didn't see them mentioned by

1 name where I did see the Red Cross.

2 STEVE MARSH: Yeah, I -- we take the  
3 Kendall Hotel very seriously as well. I  
4 think you may recall that the Kendall Hotel  
5 did expand and did pass with a Variance. And  
6 so the setback issue is slightly different  
7 knowing that we were going to eventually have  
8 a party wall up there with the way that was  
9 built. So setback is different, but I think  
10 the, you know, the evaluation of the right  
11 types of buildings, incentive design to our  
12 neighbors is critically important as you know  
13 and is certainly a key part of any Article 19  
14 discussion that we will have as we get into  
15 more of the details.

16 STEVEN WINTER: That's what we're  
17 looking for.

18 Thank you.

19 HUGH RUSSELL: Bill.

20 WILLIAM TIBBS: I guess I have a  
21 question for you and I as our -- as the staff

1 memo says, we still have some benefits and  
2 drawbacks relative to the idea of exempting  
3 the residential -- exempting residential from  
4 the FAR, and I don't have any -- conceptually  
5 I don't have a problem with that, but I do  
6 want to make sure that it is something that  
7 works. And I guess one question that I had  
8 was for an institution like MIT is exemption  
9 or something as significant as residential in  
10 a development like this from FAR? Is that  
11 really an incentive? I can see it from a  
12 developer, but I'm just wondering, just what  
13 your thoughts are on that strategy I guess.

14 STEVE MARSH: I think I would say  
15 that we're following a lead from the Planning  
16 Board in terms of a suggestion about a way  
17 that we might be able to think about creating  
18 incentives for that. So I think we're  
19 starting with a hopefulness that, you know,  
20 including some mechanisms might be fruitful  
21 in that endeavor. I think for us, like

1 anything, you know, as we seek to figure out  
2 how we're going to deploy over time the  
3 academic capacity that we've reserved in the  
4 east campus to make sure that we continue the  
5 academic mission of MIT is first and foremost  
6 in our mind. That gives us an added element  
7 of flexibility in terms of trying to meet  
8 other objectives in the east campus area if  
9 that possibility ultimately exists as we go  
10 through some of the details of that academic  
11 planning. And I think the challenge we have  
12 now is there are too many unknowns at this  
13 point in time to answer that question so  
14 we're again, I think we're following the lead  
15 of the Planning Board and looking for a way  
16 to try to find something that could  
17 positively come out of that.

18 WILLIAM TIBBS: Then I would turn to  
19 the staff and then to say that's an issue,  
20 because I think the incentive is to make it  
21 happen I guess or to make it well so it does

1           happen. So it sounds like you don't have any  
2           problem with the idea and it's just a matter  
3           of making sure that we can --

4                     STUART DASH: I think so. And it  
5           enables us not to have to trade off some  
6           other key academic initiative potentially in  
7           there at the expense of housing. So I think  
8           it opens the door. And I think it was the  
9           intent to take it like that. You know, we're  
10          all here in terms of how to actually work a  
11          language with the staff.

12                    WILLIAM TIBBS: And I only bring it  
13          up because I think from Day 1 I think as we  
14          looked at the two different studies that we  
15          did, and this study to the amount of  
16          residential or was an important issue for us.  
17          So making sure that kind of settles in. And  
18          you're too big of a player in this whole  
19          Kendall Square area, you know, for a big a  
20          substantial contributor at that point. So  
21          good.

1                   HUGH RUSSELL: Let me also suggest  
2 another potential answer to your question,  
3 which is the housing need may prove to be  
4 something that is a need that wants to be  
5 addressed earlier, we understand that the way  
6 academic institutions grew their  
7 institutions, institutional space in a  
8 response to both an identification of need  
9 but also identification of people who can pay  
10 to build buildings. So if someone -- so by  
11 exempting FAR for housing, that means you  
12 don't have to say well, I'm not sure what  
13 we're going to do on the institutional side,  
14 but I know that all I'm losing is whatever  
15 piece of turf. I'm not losing the ability to  
16 respond at a later date to an academic  
17 initiative. So, whereas you might say well,  
18 I don't want to spend my housing, my  
19 entitlement on housing too early, so I think  
20 it may result in an earlier production of  
21 housing. It may not produce anything, but

1 I'm going to say your vision of apartments --

2 WILLIAM TIBBS: Yes.

3 HUGH RUSSELL: -- you know, on the  
4 second and third floor.

5 WILLIAM TIBBS: You remember that.

6 HUGH RUSSELL: I remember that. It  
7 was a very, very powerful idea because it  
8 only takes 28 feet of that frontage in-depth.  
9 It doesn't take a lot of depth to produce a  
10 significant impact on the street, and I have  
11 my own ideas about how that might apply to  
12 some of the historic buildings also. Which  
13 might be more suited in terms of their floor  
14 to floor height and other things to a housing  
15 use provided you could make a deal with  
16 Charlie to maybe take the parts that are far  
17 away from the street and substitute a shiny  
18 new building. So, I'd like to keep that all  
19 in play, those possibilities there, and so  
20 that we can achieve the vision that you put  
21 on the table.

1           Is there any -- so on this question of  
2           the housing exemption, is there any  
3           discussion that the Department wanted to  
4           board while we're on this subject?

5           You laid out a couple of possible ways  
6           of handling the existing, and I'm in some  
7           ways feel confident and comfortable to leave  
8           you to think it through because I think  
9           it's --

10           WILLIAM TIBBS: I think the pros and  
11           cons or the benefits that you've mentioned I  
12           think were thoughtful. So that it just means  
13           that you've got to work on it a little bit  
14           more.

15           JEFF ROBERTS: That's correct,  
16           Mr. Chair. This is Jeff Roberts from CDD.  
17           I'll kind of try to take a swing at it. We  
18           included some discussion to -- just to  
19           demonstrate that, you know, different,  
20           different approaches that you might take  
21           could have, could have different effects when

1           you look at the whole University of options  
2           that are out there. And as you mentioned,  
3           Mr. Chair, there is, there's -- we want to  
4           try to leave open the possibility for as many  
5           options as possible, and as a result, try to  
6           make sure that the incentives that are put in  
7           place or at least the mechanisms that are put  
8           in place aren't going to result in some issue  
9           down the road. For instance, the one that,  
10          the one that really came to my mind as I was  
11          looking through this is what might be the  
12          future of some of the existing residential  
13          uses as there are some substantial  
14          residential and dormitory uses in that area  
15          now. And so the question is how would this  
16          type of mechanism come into play if, you  
17          know, any of those were altered or partially  
18          at some point there was a discussion of do  
19          you -- for urban design purposes, do you take  
20          down parts of some of the buildings that  
21          exist and then redevelop them in some way?

1 And so there is some thought to be had and  
2 some pros and cons. But I think that in  
3 general the approach that was taken in the  
4 language and the approach that's suggested in  
5 the memo just saying anything that's new,  
6 just keeping what's there now is under --  
7 keeping it under the existing regime. And  
8 then saying that anything that you build in  
9 addition is exempt, is one that most directly  
10 addresses the desire, to as you were saying,  
11 Hugh, to remove any potential hang ups from  
12 pursuing those projects if they were  
13 reasonable.

14 AHMED NUR: Can you sum that up for  
15 me? I don't think I understood everything he  
16 just said.

17 HUGH RUSSELL: I don't think I can  
18 say it better than Jeff said it.

19 AHMED NUR: Okay, I'm out of luck.

20 HUGH RUSSELL: I think from my  
21 understanding the bigger picture is that

1           there is a, there are opportunities to modify  
2           some of the existing housing, and if you make  
3           any new structure exempt, then what happens  
4           is they decide they're going to nip a corner  
5           off of something, well, it doesn't make any  
6           difference, because if they replace it by  
7           something, that's exempt. It doesn't -- now,  
8           they got to get passed Charlie Sullivan and  
9           the history, you know, for structures that  
10          are within his purview, but -- and it may be  
11          -- you know, I don't think they're going to  
12          come in and say well, we've decided we want  
13          to take the top 10 floors off the Eastgate  
14          because it's too tall. I don't think that's  
15          going to happen. Because it stands as a  
16          beacon that buildings with very small floor  
17          plates don't seem to have a very big impact  
18          on the cityscape. And a few people -- is  
19          that actually the tallest building? I think  
20          it has more floors than any other building in  
21          the city. No, there's no other 30-story

1 building.

2 AHMED NUR: Green Building might.

3 UNIDENTIFIED MALE: Depends on how  
4 you count the antennas structures.

5 HUGH RUSSELL: The Green Building  
6 might be further from the center of the  
7 earth.

8 So, I guess I have a big question in my  
9 mind which is what else do we have to do to  
10 send a recommendation to the Council on this?  
11 I believe we are -- feel that the proposal  
12 before us with the kind of conforming  
13 amendments that are being proposed that is  
14 really fine and is ready from our point of  
15 view to go. We don't have an outstanding  
16 issues.

17 STEVEN WINTER: Correct.

18 HUGH RUSSELL: The language, I'm not  
19 sure the CD's department has completed their  
20 work, and to some extent because they not  
21 only work for us but they work for the

1 Council and the city in general, we can say,  
2 you've crossed our threshold and they can  
3 still work with MIT on refining language or  
4 whatever. It doesn't sound like much on the  
5 table anymore.

6 Second, is I think we should hear from  
7 members of the public tonight because there's  
8 a -- there are things that have changed. So  
9 while we're thinking about -- or listening to  
10 the members of the public, maybe the  
11 department should give some thought to the  
12 process and when it's appropriate for us to  
13 take a make a formal recommendation.

14 H. THEODORE COHEN: Before we do  
15 that I have a question for either for Steve  
16 or for staff. I'm looking over my notes from  
17 the last session and we were talking about  
18 adding Third Street and Ames Street for a  
19 required ground floor retail. Has that been  
20 picked up in here or is that something --

21 STEVE MARSH: Third Street, we --

1           you know, in terms of doing that work,  
2           absolutely committed to doing that along the  
3           new building that we would do any in-fill  
4           there. The challenge we have is there's is  
5           some existing spaces on One Broadway. We've  
6           added retail on there but there's a garage  
7           entrance there. So the new piece absolutely.  
8           And we actually want to turn that corner as  
9           you know down Broad Canal Way and activate  
10          that whole area. So we're actually pretty  
11          excited about that. So that I think we're in  
12          harmony with.

13                 The rest of this I think we're going to  
14          look for opportunities throughout the  
15          district. I mean at the end of the day we're  
16          going to try to move some things around and  
17          activate the space. So how we do that, I  
18          don't have all the answers yet, I'm going to  
19          be frank, but we are thinking about it,  
20          everything from some entertainment type  
21          things to retail uses. So we'll continue to

1 think about that.

2 H. THEODORE COHEN: Is that written  
3 into the proposed Zoning now or is that going  
4 to end up in the guidelines or is that still  
5 something that's going to be worked out?

6 MICHAEL OWU: I'm Michael Owu from  
7 MIT. It's getting addressed in the  
8 definition of streets, primary streets and  
9 secondary streets and campus streets. We're  
10 trying to address some of that in the section  
11 of the guidelines.

12 HUGH RUSSELL: And as Steve points  
13 out, there's another phase which is the  
14 PUD --

15 H. THEODORE COHEN: Right.

16 HUGH RUSSELL: -- the actual PUDs  
17 and then the Article 19 and then you'll have  
18 more information, then we can look at the  
19 opportunities.

20 Any further questions?

21 (No Response.)

1 Has anyone signed up?

2 LIZA PADEN: Yes.

3 HUGH RUSSELL: Okay. Loretta  
4 Siggers.

5 LORETTA SIGGERS: Good evening,  
6 Mr. Chair and Members of the Board, Planning  
7 Committee. My name is Loretta Siggers. The  
8 last name is S-as-in-Sam-i-g-g-e-r-s and I'm  
9 with the American Red Cross. And I'm sorry  
10 but Jarrett could not make it this evening so  
11 I am here instead. But I do want to mention  
12 I appreciate all that MIT has presented this  
13 evening. We still have not had an  
14 opportunity to meet with MIT. We've been  
15 trying to plan that meeting, and we finally  
16 had that meeting on record for Monday, and so  
17 we still haven't really had a chance to  
18 really truly go over some of the designs and  
19 some of our plans and concerns. And still  
20 feel as we're looking through some of the  
21 language through the revisions here it still

1 states some of the language has still stayed  
2 in with regard to even though they said there  
3 are some setbacks, the paragraph in 80 -- I  
4 think it was Section 13:86 or 85 maybe it  
5 was, 0.5, still remains there with regards to  
6 the six feet. And we only had two concerns  
7 in our original e-mail or memo to you, which  
8 was that particular paragraph and so that  
9 language is still stating. And then if you  
10 look at the next page of the revisions, it's  
11 taken out the language around the passageways  
12 so I'm not sure if it's really clear between  
13 that passageway between the two buildings, if  
14 that's -- how much space should be between  
15 the two buildings is really clear in these  
16 new revisions.

17 So, again, not having the opportunity  
18 to have met with MIT to really put some  
19 language and numbers of feet around this with  
20 still concern with regards to, you know, the  
21 distance between our buildings and the

1 setbacks. So we haven't had a chance to  
2 address that.

3 The other concern that we still  
4 continue to have would be, and that was our  
5 only second -- other concern which was the  
6 height of the building, which it looks like  
7 it still would be somewhere around 300. I  
8 think we had asked if there was that  
9 possibility of it not being quite as high.  
10 Because again if you look at the building  
11 next to us, and that building we will be  
12 completely massed on both sides. And so  
13 there was still that concern of the height of  
14 the building which again doesn't seem like  
15 it's been addressed in any of the changes  
16 here. So those concerns still remain. And I  
17 just want to bring that to the attention as I  
18 still went through the revisions here, that  
19 those, those concerns were still there. So I  
20 think that's all I had to address this  
21 evening.

1 HUGH RUSSELL: Thank you.

2 STEVEN WINTER: Thank you.

3 Mr. Chair.

4 HUGH RUSSELL: Yes.

5 STEVEN WINTER: May I ask, Brian,  
6 will CDD attend these meetings as well  
7 between the Red Cross and the MIT?

8 BRIAN MURPHY: I don't think we're  
9 planning to. We haven't met with the Red  
10 Cross previously.

11 STEVEN WINTER: Okay.

12 HUGH RUSSELL: Okay, the next person  
13 is James Williamson.

14 JAMES WILLIAMSON: Thank you. James  
15 Williamson, 1000 Jackson Place.

16 First of all, I continue to have  
17 concerns about height which I think can be  
18 best expressed by the experience that many  
19 people in Cambridge are now finding  
20 themselves having when they walk out on to  
21 any of the nearby streets and look that way

1 and see the new Broad building going up at  
2 what strikes me as a startling unexpectedly  
3 enormous height and mass. And I think that  
4 might provide background to what I hope will  
5 be consideration of the allowable heights in  
6 this district, not that there shouldn't be  
7 more density but how much? And the mass of  
8 the buildings is important as well. And when  
9 I was at the AAAS annual meeting over the  
10 weekend and looked out from the Hynes, that  
11 building stuck out like an enormous structure  
12 in the Kendall Square area.

13 On transportation, I really don't think  
14 you're, you know, paying a lot of attention,  
15 it doesn't seem to me, to the transportation  
16 conundrums. For the first time ever I was  
17 literally unable to get on the Red Line in  
18 Kendall Square at 5:15. The train was there,  
19 the doors were open, it was so packed with  
20 people that I literally couldn't get on. And  
21 I think it's kind of unfair and disingenuous

1 to take as your metric whether or not you can  
2 get on a train sometime during a full hour as  
3 the measure of whether the infrastructure is  
4 accepted -- that we currently have is  
5 acceptable for what needs to be done here.

6 On housing, housing is extremely  
7 important. I don't know that it's as  
8 wonderfully done at MIT as was said. 39  
9 percent of a 50 percent growth in the  
10 graduate student body ends up being, you  
11 know, a significant -- rather large number of  
12 graduate students who are looking for housing  
13 in Cambridge and Somerville and contributing  
14 to the pressure on rents. And this, so this  
15 is a problem not just for MIT graduate  
16 students, who I think there's a coalition  
17 here that's emerging, house -- MIT really has  
18 a responsibility to do, I would argue for 100  
19 percent over time. And the question is what  
20 can be done over time, and I'm not sure why  
21 there needs to be incentives for something

1 that should be seen as a moral obligation for  
2 MIT. The side of this that sometimes isn't  
3 mentioned is the benefit to the community of  
4 Cambridge. People can't afford to live here.  
5 So this is not just gonna benefit MIT  
6 graduate students, this will benefit  
7 affordability for the rest of Cambridge. And  
8 that sort of leads into my last observation,  
9 which I think is really what I came here to  
10 talk about tonight, which is transferrable  
11 development rights. Done, what I would argue  
12 is a proper way. There's a lot of talk about  
13 innovation. There doesn't seem to be  
14 innovation in the way we do the planning in  
15 this instance where if done with the right  
16 kind of imagination, we could have what  
17 someone would call a win/win situation  
18 linking Central Square to Kendall Square  
19 where the development rights to build the  
20 kind of density that may be close to what MIT  
21 are requesting would be allowed but it would

1 be -- but MIT and other property owner,  
2 Boston Properties, other major corporate  
3 developers, would have to buy those rights  
4 from Central Square either from property  
5 owners or into a fund that would be in the  
6 hands of the city. And that money --  
7 otherwise they're making huge, huge  
8 financial -- there are huge financial  
9 benefits here for MIT to take some of those  
10 benefits and distribute them to Central  
11 Square, to allow the development in Central  
12 Square that people want to be of a more  
13 modest scale, to have a hundred percent  
14 affordable housing in Central Square at four  
15 or five stories. To have affordable  
16 neighborhood-oriented locally-owned retail in  
17 Central Square. To do that without going  
18 higher which is some of the people who are  
19 involved in the Central Square task force  
20 have been suggesting, then you need to have a  
21 subsidy. There needs to be some money

1 involved, not from greater height but from  
2 this kind of cross subsidy. So this is a  
3 great idea. I'm sorry we haven't had the  
4 chance, those of us who've got an interest in  
5 it, to put this out on the table sooner, but  
6 I don't think it's too late. Transferring  
7 the right to develop the kind of density that  
8 is being talked about in Kendall, allowing  
9 that to happen in exchange for subsidizing a  
10 better square and a more modest development  
11 and a more affordable development in Central  
12 Square.

13 So, thank you, appreciate it.

14 HUGH RUSSELL: Thank you.

15 Peter Reeve.

16 PETER REEVE: Thank you. My name is  
17 Peter Reeve. I'm a businessowner in Kendall  
18 Square. My father and I opened 20 years ago.  
19 It's a family business in the Boston  
20 Properties building, 5 Cambridge Center. We  
21 are members of the chamber, a founding member

1 of Cambridge Local First, member of the KSA,  
2 and I'm a member of the K2 Committee.  
3 Kendall Square is important to us. Important  
4 to our family, important to our employees,  
5 and we are happy to see how MIT has come in  
6 alignment with the K2 recommendations and  
7 supportive of this program. We think that  
8 developing these properties in this way is  
9 what Kendall Square's needed. It's been an  
10 awkward space for sometime. It's a small  
11 business, walking the streets, servicing the  
12 clientele, we need more retail space for  
13 local businesses and supportive of this plan.

14 Thank you.

15 HUGH RUSSELL: Thank you very much.

16 Brian Dacy.

17 BRIAN DACY: Good evening. I'm  
18 Brian Dacy from the Cambridge Innovation  
19 Center. And really I want to echo Peter's  
20 sentiments. I served on the K2 Committee as  
21 well, and we put in a lot of hours, although

1 I don't know if we come close to what the  
2 Planning Board puts in, but -- and it's  
3 remarkable I think how MIT's plan now aligns  
4 with those recommendations. And we all took  
5 this process very seriously, and as I know  
6 you do. And I'm very pleased with how this  
7 has come out. And the mixed use nature of  
8 the plan is just so special and so needed,  
9 and this is really Kendall Square's moment in  
10 the sun and hopefully it lasts for a while.  
11 But, there are cities around the country and  
12 around the world that would like to do what  
13 Kendall Square does. And we all have  
14 different feelings about pushes and pulls of  
15 different pieces, but most importantly  
16 something good needs to be done, and this is  
17 a case where we don't want perfect to get in  
18 the way of good. Something good here is  
19 going to make an enormous difference to all  
20 of us in Kendall; to all of the businesses,  
21 to all of the people that live around it, and

1 to this region and it's an opportunity that  
2 shouldn't be missed.

3 Thank you.

4 HUGH RUSSELL: Thank you.

5 Carol Ballou.

6 CAROL BALLOU: Carol Ballou, 257  
7 Charles Street. You know this evening I was  
8 late because I went to the Harvard Graduate  
9 School of Design to watch a man who is on the  
10 -- is it the American --

11 UNIDENTIFIED AUDIENCE MEMBER:  
12 Planning association, he's the president.

13 CAROL BALLOU: President. And it  
14 was very interesting because he was talking  
15 about density. And what he said was that  
16 density is going to get -- going to be the  
17 thing of the next 20 years. That people who  
18 are older want to be closer in to the city to  
19 stores and also said the same thing about  
20 young adults. He went through all the  
21 different generational groups. And he is out

1 of Raleigh, North Carolina, and he just did a  
2 planning study which he showed us. It was  
3 just terrific to see. And I know we've  
4 worked with MIT to really pull them together,  
5 and I do believe Central Square should be  
6 doing the same thing. I mean, that's my gut,  
7 because watching this whole play out on this  
8 screen tonight was very, very interesting.  
9 But I know that we worked with MIT, we'll be  
10 working with them, you know, for a long time.  
11 And they are listening, they are coming  
12 around, and they are, you know -- I believe  
13 in these big structures for housing. You  
14 know, we've got to have housing. And I don't  
15 care whether it's for 20-year-olds and I  
16 don't care if it's for 60-year-olds, we need  
17 housing and we don't have it in Kendall  
18 Square and we need it. So I'm all for giving  
19 them tons of space to do that with, and so I  
20 just wanted to give me support.

21 Thanks.

1                   HUGH RUSSELL: Thank you, Carol.

2                   Charles Marquardt.

3                   CHARLES MARQUARDT: Hi, Charlie

4                   Marquardt, 10 Rogers Street.

5                   I want to remember that we started this  
6                   a little over two years ago because I seem to  
7                   recall going through a snowstorm at WBUR to  
8                   supposed to fight with Ms. Gallop for the  
9                   need for more housing. At that time there  
10                  was 60,000 square feet, give or take, in the  
11                  plan. We're over 240 now. It's working.  
12                  The process has been working. I think it's  
13                  been a great process. We've seen significant  
14                  changes. Before we had all commercial, maybe  
15                  a smattering of retail, and a housing  
16                  afterthought. Now we have a whole building  
17                  that's going to be devoted to housing up to  
18                  300 feet. I wish we went a little bit  
19                  taller. I know Ms. Sigger won't like that,  
20                  but I like tall buildings. We've got a  
21                  better definition of what the entrance to MIT

1           could be. I'm actually really thrilled about  
2           what the gateway could be. MIT needs an  
3           iconic entrance to MIT in Kendall Square, not  
4           just on Mass. Ave. a mile away. So I think  
5           they really have to do something great there  
6           and I'm looking forward to seeing what that  
7           looks like.

8                       And I think that they've taken the  
9           academic piece to heart. There was really  
10          not that much in the original plan about what  
11          went where and where it would go. They've  
12          listened. And I think that's what's been  
13          shown throughout this entire petition, that  
14          they will listen and they've actually  
15          adopted, and tonight's presentation showed  
16          this crystal clear. But you know what? This  
17          is just a petition. I want a whole lot more  
18          than a petition. I mean, I look at the  
19          expansion space for academic as being  
20          important, and they set that aside. But I  
21          want the creation of more housing. They're

1 proposing true mixed income housing. I think  
2 it could be one of the first times we ever do  
3 this in Cambridge where you have affordable,  
4 middle, and market all on the same building.  
5 That's like a neighborhood in a building.  
6 That's great. And I think that at Broad  
7 Canal you're actually starting to see a  
8 neighborhood develop. If we could just get  
9 someone to work with Glenn Nickrum (phonetic)  
10 and get that space taken care of, we will  
11 really knit the fabric of that little  
12 neighborhood together. And I think the  
13 sooner we can get that done the better. And  
14 look at the retail options. It's growing.  
15 You're starting to see more stuff in there,  
16 but more local retail can only happen if you  
17 have more space. I think you've heard from  
18 the retail consultants and others that  
19 there's really nothing now down there.  
20 There's no space. Wrapping the rest of Broad  
21 Canal and wrapping up and down Main Street,



1           Is there anyone else wish to speak?

2           Barbara, come on.

3                   BARBARA BROUSSARD: I'm sorry, I  
4           didn't think we could get to speak this  
5           evening. Barbara Broussard, President of the  
6           East Cambridge Planning Team. MIT will be  
7           coming before the community next Wednesday  
8           evening, but as a person who has looked at  
9           this change, this petition over two years,  
10          I'm happy. I'm more into the innovation  
11          housing. I would like -- I don't want to  
12          shuttle and I want an elevator. And I don't  
13          need all that space and all the worry. I  
14          think it is for everybody, and I'm into the  
15          tall building. Maybe it shouldn't be the  
16          only housing, but I certainly don't think  
17          that Kendall Square should be at the brunt of  
18          Central Square becoming nice and as it is.  
19          They have to do their own part. I really  
20          look forward to the other side of the Broad  
21          Canal being developed. It's very, very

1 important. We have business there now, but  
2 we need to support them. Innovation space is  
3 really key. I certainly don't want Kendall  
4 Square to become another urban office park of  
5 very large companies. Innovation drives  
6 these companies and we need to put more time  
7 into entrepreneurial space.

8 Thank you.

9 HUGH RUSSELL: Thank you.

10 Does anyone else wish to speak?

11 CHRIS MATTHEWS: Chris Matthews, 26  
12 Sixth Street, Vice President of the East  
13 Cambridge Planning Team. I just wanted to  
14 echo some of the previous remarks from the  
15 neighbors. We've had a really grown up  
16 conversation of the last two years, and I  
17 feel like we've got to know MIT a lot better,  
18 and the people of the Kendall Square  
19 Association. And I hope we can translate  
20 that now into a built reality that represents  
21 much more openness and porosity between the

1 university, the neighborhood, and the  
2 businesses that are moving into Kendall  
3 Square. I feel that future's bright and the  
4 proof will be in the pudding.

5 Thank you.

6 HUGH RUSSELL: Thank you.

7 Does anyone else wish to speak?

8 (No Response.)

9 HUGH RUSSELL: I see no one.

10 So, Brian, are we ready to fill in line  
11 to draft us a place where we can forward it?

12 BRIAN MURPHY: Sure. I mean I think  
13 if you like based on what we've done with  
14 Forest City what we could try to do is come  
15 up with a recommendation for the Board for  
16 your reaction at the next meeting, which I  
17 believe would be March 5th. Does that seem  
18 reasonable? As I'm cavalierly saying that  
19 without looking at those people who actually  
20 have to write this. Is March 5th reasonable?  
21 Is March 12th more realistic?

1           JEFF ROBERTS: You want to afford  
2 enough time to review it, say a week in  
3 advance and it's easier to do it that way.

4           BRIAN MURPHY: Is the 12th  
5 acceptable?

6           WILLIAM TIBBS: That gives us --

7           HUGH RUSSELL: Right, I think, you  
8 know, I don't know at what point the Council,  
9 the Council is meeting and so we want to get  
10 our advice to them. I assume that in the  
11 meetings that the Council is having there  
12 will be a description of just what we've seen  
13 tonight and someone can get up, say an  
14 Assistant City Manager, and say the Planning  
15 Board has seen this, they're on board and  
16 we're writing the recommendation.

17           BRIAN MURPHY: And right. And is it  
18 fair to say that would be a recommendation  
19 that was supported by all six members who are  
20 here this evening?

21           HUGH RUSSELL: Yes.

1 STEVEN WINTER: Yes.

2 BRIAN MURPHY: Okay.

3 What we'll do is work as quickly as we  
4 can to get you a formal recommendation, but  
5 we will certainly present to the City Council  
6 the expectation that that would be  
7 forthcoming with a favorable recommendation,  
8 and with, you know, giving them some of the  
9 background, the background that we gave the  
10 Board is sort of in line with what they'll be  
11 seeing.

12 HUGH RUSSELL: Okay.

13 So a while ago I made myself a sheet of  
14 all the comments I made on this over the last  
15 six months or so, and almost everything's  
16 been addressed. There's still some work  
17 that's down the road. Some of it is  
18 literally things that have to be done in the  
19 future: Study of historic buildings, which  
20 you're working on. How we, you know, address  
21 housing for middle income and for that, the

1 graduate student housing is actually  
2 addressed to that. Some things aren't going  
3 to happen. I -- Tom and I had wished that  
4 the buildings could be no higher than 150  
5 feet. I think we've both now convinced that  
6 that's just not going to accomplish all the  
7 goals here. But that there's a process and a  
8 review criteria to try to make the 200-foot  
9 buildings or 250-foot buildings fit in  
10 properly.

11 I was interested in James's comment  
12 about the Broad building, because as I  
13 bicycled down from the Somerville Star  
14 Market, I see this now. I think which one of  
15 those buildings is it? And I of course it's  
16 the Broad building. I think what will happen  
17 is in fact what is happening around Museum  
18 Towers, which is there will be a district,  
19 there will be a new shape to the skyline and  
20 Kendall Square will -- things that are now  
21 sticking up will now blend to be a more

1 blending effect.

2 You know, I like Washington, D.C. a  
3 lot. You know, could we have enforced a  
4 thing, no building can be higher than the  
5 base of the MIT dome? I don't think so.

6 WILLIAM TIBBS: The Green Building.

7 HUGH RUSSELL: I'm also pleased, I'm  
8 particularly pleased because I put out a  
9 challenge, I think it was in September or so,  
10 that there be a Zoning proposal for this site  
11 which was our proposal, not your proposal.  
12 And to hear from Carol and Charlie and Chris  
13 and Barbara say that they feel like this is  
14 our proposal, I think we feel that way. So I  
15 think, you know, the City and MIT have done  
16 an enormous amount of work to make it that  
17 way. And that pleases me more than perhaps  
18 anything.

19 Anyone want to say anything else?

20 Steve.

21 STEVEN WINTER: At the risk of

1 putting you on the spot, Roger, I wanted to  
2 give you the opportunity if you wish just to  
3 make some comments in a general sense of  
4 where this is taking Kendall Square and kind  
5 of -- and comments, the perspectives that you  
6 might have, because you've certainly been  
7 involved in the area for a while.

8 ROGER BOOTHE: Well, thank you very  
9 much. It's an honor to say something after  
10 so many people have already spoken. I'm very  
11 happy with this whole process, too, and I  
12 share exactly the concern that Hugh and Tom  
13 have talked about. I was worried about the  
14 heights initially and we've had a lot of  
15 discussion with the K2 Committee about that  
16 and on staff. And I think the key is that  
17 these things will develop incrementally. And  
18 I think that's what we've seen over my 33  
19 years in Cambridge, is trying to think  
20 incrementally, but with a vision that -- so  
21 that the hole is greater than some of the

1 parts. So we're well poised to do that. I'm  
2 happy where we are.

3 H. THEODORE COHEN: Can I just -- I  
4 want to thank everybody on the staff and MIT,  
5 but I also want to say that there are some  
6 board members who are not opposed to height.  
7 You find actually downtown D.C. kind of  
8 boring. But I do like height, but not just  
9 arbitrarily and I do think, you know, the  
10 requirements for housing, and I agree the  
11 density is really the need and necessity of  
12 the future and that I think that we've  
13 reached a good compromise, I think, for what  
14 the city needs and what MIT needs and the  
15 future of the city and I think that this is  
16 very good.

17 HUGH RUSSELL: Okay. There's nobody  
18 here from the Council tonight.

19 WILLIAM TIBBS: Don't worry, they'll  
20 get their chance.

21 HUGH RUSSELL: So are we complete?

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Thank you very much.

We are adjourned.

(Whereupon, at 9:45 p.m., the  
Planning Board Adjourned.)

\* \* \* \* \*

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When the Errata Sheet has been completed and signed, a copy thereof should be delivered to each party of record and the **ORIGINAL** delivered to Community Development, to whom the original transcript was delivered.

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**ATTACH TO PLANNING BOARD**

**DATE:** 02/19/13

**REP:** CAZ

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I have read the foregoing transcript of the Planning Board, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statements made.

\_\_\_\_\_

**C E R T I F I C A T E**

**COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.**

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

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

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

**IN WITNESS WHEREOF**, I have hereunto set  
my hand this 19th day of April 2013.

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

My Commission Expires:  
April 23, 2015

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