PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, June 18, 2013

7:05 p.m.
in
Central Square Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts

Hugh Russell, Chair
H. Theodore Cohen, Vice Chair
Steven Winter, Member
Tom Sieniewicz, Member
Catherine Preston Connolly, Associate Member

Brian Murphy, Assistant City Manager for Community Development

Community Development Staff:
Liza Paden
Roger Boothe
Stuart Dash
Jeff Roberts

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PB#141 -- Cambridge Research Park, design review and approval of BioMed Realty Signs for public access and design review and approval of a public restroom

PUBLIC HEARINGS

(continued) Charles Teague, et al Petition to amend the Zoning Ordinance of the City of Cambridge in the following ways: Create new definitions for Lamp, Luminaire, Direct Light, and Indirect Light; amend portion of Sections 6.41 and 6.46 in Design and Maintenance of Off-Street Parking Facilities to replace terms "glare", "reflection", and "lights" with other terms as defined in the petition; amend paragraph 7.15(B) in General Limitations for All Signs Permitted in the City of Cambridge; modify the title of Section 7.20 Illumination to read Section 7.23 Lighting Restrictions for Residential Districts and remove the term "indirect" from the text

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PUBLIC HEARINGS (Continued)

Jenny Popper-Keizer, et al Petition to amend the Zoning Map of the City of Cambridge by replacing the existing Special District 8A with Residence C-1 in the area bounded by Allston Street, Waverly Street, Putnam Avenue, and Sidney Street. The effects of this change would include: Prohibiting non-residential uses that are currently allowed on a limited basis; decreasing the allowed residential Floor Area Ratio to 0.75 from the existing 1.50 for residential and 1.75 for dormitory; increasing the minimum lot area per dwelling unit from 1,000 square feet to 1,500 square feet; and decreasing the allowed height to 35 feet from the current of 60 feet or 45 feet within 100 feet of the Residence C-1 District

Councilor Kelley Petition to amend to create a new Section 5.55 Special Provisions for Rainwater Separation in Residential buildings. This new section would authorize a Board of Zoning Appeal Special Permit to allow changes to roofs that currently collect and combine rainwater with household waste-water through discharge to a single outflow pipe to the municipal sewer line. The Special Permit would require that all rainwater from the roof would be eliminated from the sewer line and be recycled or led to the [ground to follow its natural path.

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PUBLIC HEARING (Continued)

The special Permit would allow additional height not to exceed 10 feet above the existing roof line of the building, additional Floor Area Ratio not to exceed 20% of the existing Floor Area Ratio of the building and to restrict this addition from becoming an independent or separate dwelling from the floor below the roof.

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P R O C E E D I N G S

HUGH RUSSELL: Good evening. This is a meeting of the Cambridge Planning Board and by your hands, tell me how close I should get to this microphone.

First item on our agenda is an update from the staff. I don't see Brian here.

LIZA PADEN: I can do it. So the ongoing Planning Board meeting schedule, there will be a meeting on July 9th. It will be here in the Central Square Senior Center. There are two public hearings. One is the Phillips Petition, which is Special District 2, and the other is for 300 Massachusetts Avenue, it's the Special Permit application.

On July 16th there's a public hearing for 633 Putnam Avenue which is a conversion of a non- residential space to residential use. And the rest of that evening will be

about Central Square.

And there will be two meetings in August; one on August 6th and one on August 20th. All of those meetings until -- all of those meetings through the end of September are going to be held here at the Central Square Senior Center.

HUGH RUSSELL: Okay, thank you.

The next item on our agenda is a Cambridge Research Park public toilet. And Roger looks poised to --

ROGER BOOTHE: I just want to give a little context. It's Planning Board Special Permit No. 141. This is a great image that shows Watermark project and the little building in question. Tonight with the green space in front of it and the canal, and I like this image because it kind of puts the question in its context. And the Planning

Board Special Permit No. 141 requires the Board to approve a use that's not specifically called out in the permit. So approving the public toilet would be one thing, and then there are people here from Arrow Street and BioMed that have some signage also that I believe the Board saw copies of.

I just want to say in a little bit of a preface that we're excited about getting a toilet in this vicinity because there's just tremendous success here of people using the canoe and kayak concession. And we're seeing successes -- we talked about the K2 process and having more and more people here. The public toilets are a big deal. So we're delighted that BioMed is willing to take this on, and I think they have a pretty interesting design that Jim Batchelor will

tell you about. And then there is the question of signs that go with that so they can explain that, and there's some choices in the signage which would be have to follow through with any design thoughts we've had. So I think that's my little preface. And then they want to go from there?

JAMES BATCHELOR: Toilets first?

ROGER BOOTHE: Yes. I'll hold it for you.

JAMES BATCHELOR: Good. So, my name is Jim Batchelor. I'm with the Arrow Street architects and we are pleased to bring one very small but hopefully positive contribution to this area in the form of a single unisex toilet which is in Roger's drawing right there. That drawing is excellent for showing everything except the trees. There are trees there. I didn't put

together a PowerPoint in the interest of keeping it simple, but I think all of the members of the Board have a set of drawings. We submitted them to Roger, and we hope that you'll approve this. We have in that set of drawings a couple of views which show it in sight and we have also in there an overall plan that shows the area if people have questions about how it fits into the larger context.

The one item that Roger and I have talked about possibly adjusting in this is the exact orientation and location of the toilet. So that the rendering shows the proposed toilet perpendicular to the orientation of the canal, and we have subsequently looked at making it parallel. Essentially in the same position but a little closer to the walkway and, therefore,

interfering less in what I think of as the open space spot.

HUGH RUSSELL: So I guess we have to determine if this is an appropriate use and we may comment on the design if we wish.

STEVEN WINTER: Yes.

HUGH RUSSELL: I would assume that none of us disagree that it's an appropriate use.

So are there comments on the design?

TOM SIENIEWICZ: Just for the record, I want to understand if it has been designed for people with disabilities?

JAMES BATCHELOR: It is.

TOM SIENIEWICZ: So it's consistent with the regulations?

JAMES BATCHELOR: Yes, it is.

TOM SIENIEWICZ: Great.

H. THEODORE COHEN: Can I assume

this is one of the facilities like they have in certain places in downtown Boston where when you go in the door, it's locked, and then when you leave, it either, the toilet is automatically cleaned or the whole facility is cleaned?

JAMES BATCHELOR: This is not one of those automatic, self-cleaning facilities. This will be the responsibility of BioMed and they will maintain it.

STEVEN WINTER: Mr. Chair. We're not used to these microphones. My only comments are to say that the proponents and the city staff and all the folks who pulled this together, this is a wonderful piece of work. It's a -- it meets human needs, water -- access to water, and access to a toilet facilities are human needs that we need in a public realm. We can go get food

at the restaurant. We can do other things. This is a sign of a really civilized place, and I really, really like this. I would also say that the placement of the facility should certainly be up to the designers and the engineers and not in terms of -- I think they can do just fine with the style, but I think there's a lot of other things to be considered and that's just fine with me.

H. THEODORE COHEN: If we're going to be talking about placement, I actually find the placement I actually find the placement rather odd. I like the concept of the bathroom, the facility, and the design of it is fine, but it seems to me certainly in this rendering where it's perpendicular, it just seems plunked down right in the middle of the only open space and I was wondering, I mean, I certainly think that going parallel

seems better, but I was also wondering is there some reason why you could not be located in some other area where it wouldn't seem to just intrude completely into this very lovely open space. I mean, when we look at, you know, the drawing that Roger has and you see this nice field, and then you look at this and then suddenly you've got a bathroom stuck right in the middle of the field, that doesn't seem appropriate to me. I obviously want it to be as accessible and visible to as many people as possible, and that it's easy to use, but it just seems to me that it is taking up, you know, it's just dividing that space in half practically. And, you know, I don't care for it initially in that particular location.

HUGH RUSSELL: What was the logic?

JAMES BATCHELOR: Okay. I'll say a

little bit about the logic. And I will say that we looked at a good number of possible locations in that vicinity. That vicinity being along the canal, relatively convenient to the canoe and kayak rental, which is a principal source of people who are there and who would like to use it. And this did seem good. It seemed appropriate in our analysis of it to locate it a little bit off the main sitting area that's the center. In other words, if you can visualize the area in the center where there are a lot of tables and chairs.

We're locating it in a place which is in a line created by a series of trees. So, in the plan, there are a series of trees and this represents the next location. We wanted it to be three-dimensionally continuing that definition of the space. There are a number

of places there that we thought, you know, people might be eating near here, and we thought maybe not place the toilet where we felt there was a higher likelihood of them eating. So I think we felt like this left the rectangle of usable area essentially unaffected because the rectangle of usable area is defined by the trees. So I do think that it's a good location in the sense that it's not diminishing the usability of the open space really in my mind at all. We did go out, walk the site, and arranged a few tables and chairs to represent the shape of it just to visualize it, and I think that it's good to keep that corner open, corner in effect where the facility is shown and what I think of is the main principal courtyard.

We looked at putting it further over, more towards the side, and we felt that would

be less convenient, less used, and we thought this was a reasonable balance.

HUGH RUSSELL: My comment on the location would be if I were plunking it down there, I would do the same thing Jim had done, and I might put it exactly where it is or might put it 25 feet one side or the other. But that's the kind of the range of places and, you know, there isn't -- I don't think you want it in the plaza with the chairs because it's too important there. You don't want it on the far end. You don't want it close. So it's sort of in the middle third is the place that logically it goes.

STEVEN WINTER: Mr. Chair, I think we all -- sorry, folks. I think we also have public safety issues that the designers need -- are considering, and I want that somewhere where I can see what's coming and

going, frankly, if I'm in that public realm and I'm, and I'm aware of that public realm.

HUGH RUSSELL: Does not seem to be an overwhelming sense of the Board on this matter.

STEVEN WINTER: The use is fine.

HUGH RUSSELL: Yes, the use is fine. The design is cool. The -- it's particularly cool when you're actually having a ground level view. The overhead view I think is -- it's more incidental when you're down at its level because it's another thing that's happening rather than the focus of a rendering which is the first rendering works.

ROGER BOOTHE: That was exactly the point I wanted to make. Is that I thought a lot about it and going out there and looked, and it might need a little more tweaking. I'm certainly sensitive to the point that Ted

raised. And I believe actually turning it the way Jim -- did you get a drawing that shows it turned or did they only get the --

JAMES BATCHELOR: It should be in there the last sheet. Black and white sheet.

ROGER BOOTHE: If you look at the difference, I believe it was an improvement to turn it parallel to the walkway which kind of gives a bit more sense of a flow to the green space. That green space -- the part of the reason I like the drawing I brought is to show that that's only one of a whole bunch of things that are going on in this whole area, and there's going to be a cafe with ground floor seating right over the building. There's already a very successful hardscape around the head of the canal where people get the boats and so forth. This little green space is really for the building that's not

really built yet. And they're seeing it as something where people would spill out from events in that building. Of course, it's publicly accessible. But I don't think it's going -- I think it's there, it's sort of green context for the water and all the other hardscape things that are going on. So I think it's an attractive little toilet. I mean, not to get people get excited about it. Stuart actually spent a lot of time trying to locate toilets in public parks and it's very hard to make it happen. So I think it's a very positive feature, and I'm sure BioMed will do a really good job of keeping it up which the City is frankly unable to do. So we could look at tweaking it some more if you want us to do that, and continue to do that sort of design review.

HUGH RUSSELL: Okay, is that

acceptable?

STEVEN WINTER: Yes.

H. THEODORE COHEN: Yes, yes, and actually from my point of view twisting it, making it fit really then within the line of trees seems to make more sense to me and it leaves a larger open space --

ROGER BOOTHE: Exactly.

H. THEODORE COHEN: Where I assume kids and frisbees and dogs and whatever. So, yes.

HUGH RUSSELL: Okay. Could I have a motion to approve this as a use, and on the condition that it be subject to continuing design review?

TOM SIENIEWICZ: I'll move so.

HUGH RUSSELL: Okay.

Is there a second?

H. THEODORE COHEN: Second.

HUGH RUSSELL: And discussion?

(No Response.)

HUGH RUSSELL: On the motion?

(Raising hands.)

HUGH RUSSELL: Five members voting in favor.

Now I understand that there are some signs. Is this the -- this is the sign that the Chapter 91 people want?

SAL ZINNO: Also generated quite a bit of discussion I understand.

LIZA PADEN: Introduce yourself and use the microphone.

SAL ZINNO: Good evening, I'm Sal Zinno, Z-i-n-n-o from BioMed. And also with me is Ashley Myslinski, M-y-s-l-i-n-s-k-i.

So, there's some signage as required per our Chapter 91 license in Kendall Square. And Chapter 91 license actually calls out

that the signage should be approved by the Planning Board.

The first package that we submitted was a little bit totalitarian exactly what Chapter 91 specifies, but it also mentions that the Planning Board has the right to weigh in on it. So that's the Board, and we have a few other options. So Roger and Liza had a preference, but we're open to whatever everyone else is happy with. So we're basically asking approval for one of those options to be installed at three sites throughout Kendall Square.

HUGH RUSSELL: Should we take a straw poll?

ASHLEY MYSLINSKI: So Liza prefers --

LIZA PADEN: No.

ASHLEY MYSLINSKI: This one.

HUGH RUSSELL: So how many are with Liza?

(Raising hands.)

HUGH RUSSELL: Okay.

ASHLEY MYSLINSKI: Roger's only comment was that he feels this is much easier to read with the darker background, so we were thinking of compromising, adding some darker background here, but basically this layout.

UNIDENTIFIED AUDIENCE MEMBER: But the public welcome on the top left is I think very important. You can't really see it in the bottom.

ASHLEY MYSLINSKI: So we can change the color of this font, certainly, so that it's all this color.

HUGH RUSSELL: We had, I think, a nice part about the bottom one is that it's a

little simpler and it's a little better to read, and if the rest of the text were just a little bit darker, I think it would meet all those requirements.

ASHLEY MYSLINKSI: So, this will be dark blue.

HUGH RUSSELL: Right.

ASHLEY MYSLINSKI: Do you want this part to be grey and white or just all dark blue?

HUGH RUSSELL: I would rather see the background be uniform and the text color adjusted so that it's appropriately visible, and I wouldn't want to make that decision here.

ROGER BOOTHE: We can continue to look at it going in that direction.

HUGH RUSSELL: Going in the right direction, yes.

ASHLEY MYSLINSKI: Okay, perfect.

HUGH RUSSELL: It's a lot better than the, than sort of the statutory form is --

SAL ZINNO: Street sign.

HUGH RUSSELL: This looks welcoming.

STEVEN WINTER: Mr. Chair, may I ask a question?

HUGH RUSSELL: Yes.

STEVEN WINTER: Sal, what's actually size?

ASHLEY MYSLINSKI: This one is 26 and a quarter.

LIZA PADEN: Inches.

ASHLEY MYSLINSKI: By 36 inches across.

HUGH RUSSELL: So more visible because it's bigger.

ASHLEY MYSLINKSI: And this is 24

inches by 36. So it would be about this size.

SAL ZINNO: Yeah, about the size of that board, yeah.

H. THEODORE COHEN: The license was very explicit about the size for the lettering, so is this complying with that or do we have to vote to modify it?

SAL ZINNO: It's up to you. The Planning Board has the right to modify any of the signage requirements in the Chapter 91.

ROGER BOOTHE: But I think they should vote on it.

LIZA PADEN: Yes.

ROGER BOOTHE: I think it would be cleaner if you do vote on it because they do have that statutory requirement and a very dull looking sign. So this is much better sign.

HUGH RUSSELL: Right.

So would somebody like to make a motion?

TOM SIENIEWICZ: Sure. I'll make a motion that we approve the sign based on the discussed modifications, the horizontal oriented sign based on findings of this Board.

HUGH RUSSELL: Is there a second?

STEVEN WINTER: Second.

HUGH RUSSELL: Second.

Discussion? On the motion?

(Raising hands.)

HUGH RUSSELL: All those in favor? Five members voting in favor.

HUGH RUSSELL: Thanks.

SAL ZINNO: Thank you.

HUGH RUSSELL: So the next. We have three public hearings and we have a little

over two hours. Maybe two hours and a half at the on side for those hearings. And we've been a little concerned because several times in the last couple of months we've run out of time. In fact, I think Charlie is one of the people who we ran out of time on. So what we'd like to try tonight is to say let's set up time blocks. If one item can't be concluded in that time block, then we'll discuss it in another meeting.

(William Tibbs Seated).

HUGH RUSSELL: And I would suggest that we start, essentially for this hearing until 8:00 and the next one until 9:00. We take a break probably at 9:00, and then we have the last one in about half an hour.

And so, Mr. Teague.

CHARLES TEAGUE: We're privileged tonight to have Doctor Solet of Harvard

Medical School to actually explain why Teague Petition's important. And, of course, I'm Charles Teague, 23 Edmunds Street.

And introduce yourself.

DOCTOR JO SOLET: Sure. I'm Doctor Jo Solet. I'm a member of the division of Fleet medicine at Harvard Medical School, and also as part of the department of medicine at the Cambridge Health Alliance. I'm also, for more than 20 years, Historical Commission at Cambridge, and I have to say in two decades this is my first visit to the Planning Board. Privilege to meet all of you. My understanding is you are among the smartest people in city government to cross the country. So it's a pleasure to have the opportunity to talk with you tonight ever so briefly about the ways in which light is alerting, and I am here to support the

improvement upgrade modernization of our lighting ordinances in Cambridge reflecting how science has increased our awareness of the effects of light, and also reflecting the changes in lighting technology that are in fact making it more intrusive.

I'd like to say that to begin that I don't see Cambridge as an underresourced city. There are places in the country where the citizens are subjected to a great deal of sleep disruption. There's a term called occupational justice that comes out of Appalachia where the folks have disrupted sleep from coal mining and fracking. In Cambridge we are a world class city. We are famous for our innovation, and we have the ability to take technology and use it so that we have a both a vibrant city and a city in which the well-being of the citizens is given

a primary role.

So with that I have some slides for you. They are designed specifically to reflect this town. So some of these things you may actually recognize, but not this Luna Moth. I chose this Luna Moth to say we are not only stewards of this town but in fact all the living things. And that means the plants and the animals, all of us, all of us evolved in relationship to light. And in terms of, in terms of human beings, and some of you may at the end of this talk feel that you're not getting the sleep that you need and if you need some support for that, you know how to find me.

There are, there are really two major processes that regulate human sleep. The first we call the homeostatic drive for sleep. And that's essentially how long have

you been up? The longer you're up, the tireder you're going to be. Right? We've all done that. In the old days we used to pull these all-nighters and think we could get away with it. We're getting to the point maybe where that's a little bit harder. Sometimes we still try. One thing we've noticed when we've done that is in the morning when the sun is back out, we feel more alert even though we've been up all night. And as the day proceeds, we start to fade again. There's a reason for that. And that reason is that in part we are run by light. So that's why on the bottom you see the circadian drive for wakefulness.

Now, recognize this is Cambridge. You see what the clock says, 24, 24, 24. The lifestyle in Cambridge, which some of us partake in, 24/7 light and technology, cafe

on every corner, insufficient exercise, limited sleep. Some of these things are by choice. Some of them are not.

So here some of the things that we can do if we want to improve our sleep. Our exercise and activity levels are going to influence our sleep. Obviously our sleep schedule, the more consistent, the better our body likes it.

Who we sleep with.

What we did about caffeine, alcohol, medicines, over-the-counter as well as prescription. Alcohol by the way, while it has an immediate sedative effect, produces rebound insomnia. So if you wake up at four o'clock in the morning and you don't know why, think about if you drank before you went to sleep.

Anxiety is not helpful. Age, gender,

and genetics, not so easy to do something about. Although in Cambridge some of us try to do something about our gender.

Cultural norm, social context and lifestyle. Now keep that in mind because you are in part responsible for the cultural norms, social context, and lifestyle for the citizens of this city.

Light and circadian drive. We like to believe we have some control over this, but we don't necessarily have the kind of control we wish we had. And let me give you a personal example. Behind my home in the Cambridge Historic District is an eight-story building with security lighting blaring into my house. I do what I can, even though I can read the newspaper at night with all the lights out in my house, my biggest concern about this lighting is a safety issue. I

have had a guest in my driveway, walking toward my door when another guest pulled in in their car. The light was so bright it blinded the person pulling in. They could have killed the chief of medicine who luckily jumped out of the way.

Now I wrote to the management of the condo. I wrote to every owner of a condo in that building, and I begged the city for help and nothing could or was done about this problem. It remains that way. When the leaves fall back off the trees, I have a dangerous situation at my house.

(Brian Murphy Seated.)

DOCTOR JO SOLET: Limited sleep increases appetite and lower (inaudible). Again, brand new one, Mount Auburn Street. My understanding is they deliver until three o'clock in the morning and we need that;

right? Because at three o'clock in the morning if you're still up, something is happening to you. There's an imbalance in your hormones at this point. Your body thinks you're having an emergency. It's making you -- increasing your appetite and lowering your satiation. So what that means is that you're going to want those cookies. And you're going to be miscued. If you're busy, you're going to eat instead of going to sleep.

Now the whole country is full the people that do this. The amount of sleep that Americans are getting has gone down about two hours a night since the 50's. At the same time we have an obesity crisis. Interesting.

So here are some of the things that happen when you have insufficient or

disordered sleep. Impaired attention and reaction time, decreased memory and concentration. It gets worse. Depression, impaired task completion, psychosocial difficulties. In fact, decreased helping behavior increased tendency toward violence. Risk of injuries and falls. Increased report of pain. Inflammation, in fact, goes up when you haven't slept. Weight gain, diabetes, cardiovascular disease. If you don't sleep after getting a flu shot, your flu shot doesn't have the same impact in terms of development of antibodies. So if you're getting a flu shot, sleep afterwards.

So here you see what I was talking about earlier. Here we have the overweight and obese in the United States. And if you look at that graph, it's going up and we have a reciprocal graph on the bottom mean sleep

duration dropping, dropping, dropping. Pretty stunning, wouldn't you say?

Intersecting epidemics. So look at the country. Obesity, diabetes, and insufficient sleep. This comes from the CDC. So I'm here then to ask you if you have the opportunity to upgrade our lighting ordinance so that people do not have to experience intrusive light in their homes, wouldn't you want to do that?

I hope you will.

Thank you.

HUGH RUSSELL: Thank you.

CHARLES TEAGUE: Thank you. I'll hide behind the podium, more conventional fashion or maybe not.

Okay, so some of you have seen some of this before and some of you have not seen any of it so here we go. We have got a short

amount of time, so I'll go quickly, hopefully thoroughly.

This really describes everything I'm going to talk about. Is that it's in some sense it's trivial. It's -- it goes to concept, it's very easy if you just bend the light down. It goes to the concept of if this is his fence, it can go on his property, his light can go onto his property, his light should not go on his property. There's no more complex than that.

So, just to continue with the health -- I took one of my slides and left it. In 2009 the AMA came out supporting control light pollution and a glare as a public health hazard. And they're talking about the unsafe driving conditions, especially the elderly at night. And we all, and we all are aware of this in Cambridge with our increased

bicycles. And also as Craig Kelley pointed out, bicycles being ridden all the time at night.

Anyway, there's a bit of housekeeping. There was a minor, several minor changes I gave -- I submitted the revised amended petition, but I didn't see it out on the table here. It's very trivial changes. I have the text, the text I have in my slides is as amended. It's been -- it was adopted favorably referred back to the full Council. Basically it reduced the number of changes so it's even more true to the original ordinance. And it clarified that the street lights can light streets. I reviewed it this morning with the Building Commissioner who said we can enforce it, and CDD has reviewed it.

So, we're really in a Zoning Ordinance

has three existing paragraphs, 7.20 protects residence A, B, C and C-1. And signs are protected by 17.15(B) which controls the light citywide. And point C has enhanced protection for A, B, C, and C-1. And 6.46 controls citywide parking lot lights. So we're off to the races. And this is why we're all here tonight, is this one light. This light was on -- can we get these lights out here? Does someone know how to do that?

This is, this goes to show it's hard to take pictures at night as well. But this is, this is why we're here. This is my living room in 2005. I've been at this for eight years. It's sort of a long time. And when you can see, when you can see the shadow there's a problem. So, we go to the existing language which I did, and I go and I said, well, let's get this -- let's go down and get

this enforced. And you go here, and I lived in Special District 2 which is sort of a residential district, but that's not good enough. And what's more the light is in Business A2. So really right off the bat this fails. It also fails because the Building Department said we don't know what direct light is. We see what -- this is, this is -- we see that it, it -- it's -- we see the intent and they do have -- understand that shining light on streets is unsafe. They talk about adjacent properties. The concepts are here. And this is a much more restrictive -- this -- there's no -- I'm not proposing any changes to this paragraph. In these districts you still won't be able to light your bushes or wash lights down the walls. But that's what we had there.

So, this is -- is this the way we

should define things, hand shadow puppets? It's not frivolous because when you walk down Wood Street there's, as you walk, you can see your shadow as you go down the street on the fronts of the homes. And that is really basically the concept of direct light. So this is direct light. You're gonna have a very clear, crisp, distinct shadow. If it's reflective light, you're going to get continuation and diffusion. But that's not -- we can't use hand puppets.

Now this light gave me the ability to read the newspaper in my backyard on a moonless night. That's not a very good standard either. And then you go and you look and say why is the light up there lighting in the parking lot? And is our favorite light up here, our Dunkin' Donuts, it's lighting these parking spaces. So we go

to the Zoning Ordinance and just say oh, well, we regulate the parking lots. And so, and here it is health, that's good. Abutting properties, that's good. Unfortunately they use the word glare. But this is the preamble. It doesn't do anything. Here's the meat, and they've restricted it now to residential properties and they're talking about glare. Glare you may need a PhD to understand and you need instrumentation to figure it out.

And just for completeness, we come down here and we have yet another standard of 50 feet of a public residence district. So right within this little section here, we have three different standards of what's happening. Now down here we use, we use glare and glare and now we use direct light. So the only change here, the only change is

it's changing glare to direct light. And there was -- there's good reasons for that.

So, just for completeness remember, there's three sections in the Zoning Ordinance and this is on the signs and they have -- they have protections that are citywide. And then there's protections down here, once again we have a -- now we have a concept of a curfew and now we have Residence A, B, C, and C1 that get special protection. So this is from 1961. There's four issues here. Is A, B, C, and C1 more protected? But it's -- but the people on the edges of these districts don't enjoy that protection. They're with everybody else in the city which is less protected, but we do have citywide parking lot and sign protections. Glare's undefined and direct light is undefined. So let's go to get to what we should be doing,

we look at our key principles. To me nobody has a right to shine lights in someone's window.

And then we go to how the city actually works, which is the Inspectional Services, okay, which is complaint-driven. And they have limited resources and they don't staff at night.

So what we really want to end up with something which is compatible. We want to start automating the process and reducing the expense.

Now, many of these, many of the remedies are inexpensive, and then we don't want to make anything overly onerous so we restrict the distance. Remember, we're going to replace glare with direct light. We're not gonna concern ourselves with indirect or reflected light except where it already

exists in the Ordinance. And we continue to leave things in the Ordinance that offer some protections.

So this is, this is really everything. This one diagram, this lays out where someone has the right to light. It's the property line. Just as this sky can put a fence on his property, he can't put a fence on his property. He can't put light on it. The concept is you can look up and you can see the light. And you can see that this shines in his windows.

And they call it glare on this -- and really glare is good approximation because I reviewed these with the experts. These, these gentlemen -- we had a gentleman from the International Dark Sky Association presented at Henrietta Davis's 2009 hearing. As I said, this has been going on for a very

long time, and it's a good approximation of glare. So remember we're substituting direct light for glare. So direct light. So it's basically directly from the luminaire. And we'll define those in a bit. And really what it comes down to is what we want is something that's enforceable without causing a lot of pain and effort on anybody's property. We want to make this so that it becomes very clear, very obvious, and really just make it so that they -- the Building Department can send someone a letter and things get resolved.

So, we add the definition of a lamp which is -- and then we add a definition of a light fixture, basically, which is in the trade called a luminaire. And then in here we have some exclusions for holiday lighting. And we -- I also add an exclusion for

internally illuminated signs. And then this is, this is yet a -- this is another new paragraph. And what we do is we say keep your light on your property and we take and we add restrictions on how far you can un -- to make sure that only the neighbors complaining. And then we add a line here just to make sure that streetlights can light streets.

So, come through here and we're just going to go through some examples. This is the light that set everything off. It's a really sort of a very nice wall pack. You can see that it's designed not to shine excessively and out. But it was a -- now there's even more modern ones, and this is an LED one, but it's firing straight down. But this is the classic wall pack that's all over everywhere. And you can see that it's

designed to shine down over someone's door. You put this out over the door in your hardware store and light up your parking lot. And that's just designed to push the light straight out.

So this is what happens at night. That light. And this is the same building, but this is all the way up the roof and they're doing this. And they're doing this because once again they're trying to light a parking lot. And they are completely indifferent to the light going in these people's windows.

So remember this is just a -- this is just the same thing as this diagram. Just keep this diagram in mind. So here's a -- I'm just going to run through a series of examples. Here's bad and good. It's just a matter of paying attention. And it's also a matter of energy. And I'm sure you've all

been in many places all around the country that have things like this, just completely unnecessary.

So, I always like to extract some pointed quotes from previous hearings. One of the most enlightening things I've ever done was to walk with a very talented lighting consultant at night. It's a very, very common feeling to be safe you need more light. It's exactly opposite. The light just needs to be directed where you want it. And here's a -- here it is. This is increased light, decreased safety. And you can see that this is direct light. And we've all experienced this over and over again. You know, generally it's a car coming towards you, but, you know, this is, this is, this is obviously poor design.

And now we're going to go through a

series of good lights. And if you keep the -- keep the diagram in mind, you can see this is a, this is a very good light. This is not too tall, it's very recessed. And this is Mount Auburn Hospital which has a wouldn't full mix of good and bad lights.

This is Mount Auburn still. You can just see by eye that you're gonna get a nice spill out here.

This one's obviously good.

And over here nice downward facing. And this was a result of a condition on a Special Permit, same downward facing lights and that's what the neighborhood got and it's worked out very well.

Retroactive? Yes. And no. Because the lights are active. They get turned on every time, every night. And once more people go out and change the bulbs or they

replace the fixtures, and there's no point to doing this at all if we don't, you know, handle these.

So, once again this is designed for the way the city works today, complaint-driven. Only the lights that are bothering people are going to be reported. There's lots of easy fixes, and you can either appeal -- on either side, you could appeal the Building Commissioner's decision or you can get a Variance. But the -- one of the important things is to now going forward is just to catch this. And so that because it's cost the same to put up a good light as a bad light.

And here's a particularly bad light that shines in one of my neighbor's windows. It's been no response over many years. And this set off a City Council policy order in

2007 when they did the St. John's Church parking lot, nice and decorative. But the fix is easy. Just some black metal pieces. It's easy, you know, you can turn off a light. I say it's long overdue. It's an undisputed it's public health issue. It's not just an annoyance.

As I said, 2007 policy order.

2009 Henrietta's hearing.

2011 I filed and re-filed and we had two Planning Board hearings and an Ordinance Committee hearing.

In 2012 the Raymond Park people, the Walden Square, people had a petition. We ordered the original intent of the Ordinance -- this was very small changes. This is fixing the definitions basically. It equalized the protection for everybody now that we're having residents everywhere in the

city, and I just go back to you don't have rights to shine lights in someone's window. The -- what -- it was at City Council last night. They wanted to get some sort of verbal report from the Board as to what they feel. I -- this was my last slide from when I was supposed to present earlier. I was offering a Cambridge lighting tour. I would suggest Berkeley Street, Wood Street, Sherman, Edmunds where I live, and Mount Auburn Hospital as I say it's a great mix of good and bad. We have the CDD memo. There was some comment about federal and state law which I think it always overrides. I saw it one of the towns. They actually had an exception for some antenna definitions. Lexington to Belmont do put this in Zoning. It's already in our Zoning. That's one of the problems with Cambridge is we only have

one Zoning specialist to enforce this. They certainly -- it's under the gun and there's -- we're not going to staff and train people. I suggest the I report system. There was a suggestion about --

HUGH RUSSELL: You seem to be wandering a bit from the petition, and I think the Board would like to hear from other people.

CHARLES TEAGUE: I was all done. I was putting up this last slide.

HUGH RUSSELL: We've seen it four times before.

CHARLES TEAGUE: I understand. All right.

HUGH RUSSELL: So, we'll go directly to public testimony. I don't know if there is a sign-up sheet.

First name is Catharine P. Taylor.

When you come, please give your name, spell it if it's necessary to get it correct in the record, and limit your remarks to three minutes.

CATHARINE TAYLOR: Good evening, Mr. Chairman, and members of the board. You're very kind to let us speak. My name is Catharine Taylor. Catharine, C-a-t-h-a-r-i-n-e. I live at 23 Berkeley Street with my husband in an A2 Zoning District abutting a C2 residential. We have an apartment building behind us, and we knew it was there and had a light on it when we bought. Fairly recently the light -- they remodeled and they changed the light. They put in a metal halide light. Now this is one of the problems with the, with these new lights, we are living under a Variance that's was written in 1961 when metal halide lights

weren't even invented. They were '62 and we couldn't afford them until this century started. That light bulb change has left our house, four rooms of it, bright so that I can read a newspaper in the middle of the night within my house. This is crazy. And it ends up on our garden. It looks more like a Walmart parking lot or Fenway. Great if you're playing ball. We aren't. It keeps us awake. And I'm not the only one. I've talked to half dozen friends who say well, you know, our neighbors have this, it's going straight in our windows. If -- they say put up blackout shades. Great, except if you sleep with the windows open, the blackout shades move. It doesn't help you. We need an enforceable sensible thing of law, and this modification addresses the weakness in the Variance of non- definition. And within

the newer proposed definitions you can scoop up these newer lights that are particularly loathsome.

I think we all remember when Halogen lights were first put on cars, and before they figured they had to have them bent down, there were accidents. This is the kind of lighting we are facing in residential areas.

Thank you very much.

HUGH RUSSELL: Thank you.

Next speaker is Kenneth Taylor.

KENNETH TAYLOR: My name is Kenneth Taylor. I'm an architect and an urban planner and a resident. My office is at 2 Craigie Street, and my residence with Catharine Taylor is at 23 Berkeley Street.

As an urban planner, I'm aware of efforts to improve lighting elsewhere in the country. I was the author of the plan for

the urban plan for the center of Newport, Rhode Island, and we spent a good bit of time on general lighting and historic building lighting. And the -- there was a great deal of focus on trying to provide the right kind of environment for the city.

Tucson, Arizona, in 2012 passed what could be called a model ordinance, and it takes into account dark skies and the whole issue of light pollution. In a way it's surprising that we in Cambridge, Massachusetts, which feel that we are the technological center of the world, have an ordinance that was passed in 1961 and has not been amended since then. The technology in 1961 was more focussed on incandescent neon fluorescent lighting, and the high intensity discharge lightings; the HID lighting, sodium vapor, Mercury vapor, metal halide, xenon,

none of these had been brought into use at that point. Xenon is a capable of blinding you if you look directly into it. When the automobiles adopted it, they had to figure out how not to blind the drivers coming in the opposite direction.

What's happened, you have a 1961 ordinance. You have a technology that has changed that has exacerbated problems that were not probably solved in 1961. And we have an ordinance that apparently is unenforceable. If not unenforceable, it's not enforced. And I'm not sure whether they're the same or not.

The other thing that's a major worry is this Planning Board and this city has approved a major amount of additional development and increasing of density in the city. Now, increasing the density in a city

that already has serious lighting problems is going to simply exacerbate the situation. So, it's puzzling why the city in the -- in the desire to get the tax dollars from the new development, which we all appreciate, because it lowers our taxes, hasn't had a parallel effort to maintain the quality of life in the city. And if you don't maintain the quality of life, it's going to diminish. And it may diminish more rapidly than you would hope. We need an enforceable ordinance. We need to come into the 20th century, but we're not going to do that in a very short period of time. So I urge you very strongly to support the passage of this ordinance so at a minimum we could have some enforcement to deal with the problems that the current ordinance is supposed to deal with.

Thank you.

HUGH RUSSELL: Okay, thank you.

The next speaker is Marilyn Wellens.

MARILYN WELLENS: Thank you, Mr. Chair. My name is Marilyn Wellens. I live at 651 Green Street and I support this ordinance. I think it's -- I'm sorry, we're leaving for three weeks tomorrow morning at five. Sorry.

Yes, so I support this ordinance and I will be brief. I have gone over both the petition and the memo that you have commenting on it, and I have a few comments myself.

As you already know, light is in the Zoning Ordinance. Teague addresses issues of enforcement. On the potential issues the first one, the proposed standards for identifying direct light is visible to any

person. The question is whether a human being would be able to identify the source of the problem. As somebody who lives with an office building nearby and now a lab building, I can tell you that if you are living with it and it's an ongoing problem, you have means of confirming the source of the problems. So it is humanly possible to use sense data to identify the source of the offending light.

And similarly with the second point, sense data will help us identify these things, and it is our sense data that are offended by the, by the situation at hand. So I don't understand why these are problems.

And I believe Mr. Teague has addressed the question of streetlights and public ways. On page 3 I see placement of lighting and the height. I don't see why the height of the

light regulating that would actually deal with the problems because Mr. Teague has shown that no matter how high the light is, if the luminaire is designed in such a way, it can cause direct light and shine right up at you. So I don't think that's a feasible alternative. And I think this is a well thought out proposal. It's been before you before in previous incarnations. And I strongly urge you to do something about this. You have a document in front of you. I would strongly suggest that you act on it. It's very long overdue. And the comments about the density and intensity of development in the city are very well taken. And it, you know, we do want people to continue to live in Cambridge and not everyone is going to be indifferent to these effects. So I'll just stop and thank you.

HUGH RUSSELL: Thank you.

The next speaker is C.L. Alpert.

CAROL LYNN ALPERT: Members of the Planning Board, thank you very much for allowing us to have this hearing and speak on the Teague Petition, which I would like to lend my support to. I was also here in another room two years ago when we had a similar Planning Board meeting. I've sent numerous letters to the City Council. I really would like the city to do some movement on this. I feel like a lot of these people have spent a lot of time showing up at hearings and waiting for long hours to speak, and I feel like we're not being heard. Meanwhile lots of petitions are being granted for Zoning changes for, you know, big developers who live out of town and may have apartment buildings here where they slap up

the cheapest light and there's no way for someone raising a family next-door to try to shield their children from excessive light at night. And that's just not right. I think we're a big city, we're a world class city, and we can do something about this. I notice -- I've been noticing during this hearing that right behind all of you is a sign that says: Only staff can adjust the shades. And I think that speaks to the desire that we all have to control the lighting in our own spaces. So speaking as a citizen of Cambridge, I live on 99 Cushing Street, the purpose of this Ordinance and the suggested changes is to really help enforce and educate a good neighbor policy that helps everyone be respectful and courteous to their next-door neighbors. So, all we want is really the ability to have safety, privacy,

security, and peacefulness in our own homes. We don't allow neighbors to put their trash in our yards, to put their fences in our yards. We don't allow them to excessively blast us with noise from their houses into our houses. We don't allow them to have noxious smells or unhelpful fumes. We don't allow them to trespass. But why is it different, why are they allowed to have their streams of photons coming into our homes and disrupting us? It's a very real thing.

I think you've heard from the scientists here about the sleep disorders. I know that very few people care about being able to connect with the stars at night. That's unfortunate. But if you just take it down to the simple thing of privacy, security, and safety, without glare in our own homes, please help us.

I'd like to say that I work in --

H. THEODORE COHEN: Could you wrap up, please?

CAROL LYNN ALPERT: I will. I work in science communication at the Museum of Science. I'm happy to volunteer efforts to put educational materials on the website to help people understand what is good lighting and what is bad lighting. And I'd be very eager to do that, so thank you for your attention to this.

THE STENOGRAPHER: Could you spell your full name for me, please?

CAROL LYNN ALPERT: Yes. First name is Carol Lynn, two words, C-a-r-o-l space L-y-n-n. Last name, A-l-p-e-r-t.

HUGH RUSSELL: The next speaker is Carolyn Shipley.

CAROLYN SHIPLEY: Thank you. Good

evening. Thank you for this opportunity to speak. It seems to me that this is a very simple and common sense change to an Ordinance.

JOHN HAWKINSON: Can you use the mic, please, Carolyn?

CAROLYN SHIPLEY: Oh, sorry.

To me this is a very simple, easy to pass change to an Ordinance that has become slightly obsolete because of the change in technology. It seems to me to be a simple thing to pass. I support it. And it would be a simple thing to pass to improve quality of life for all Cambridge residents. There is a -- I live in Cambridgeport, and I belong to the Cambridgeport Neighborhood Association list serve, and a little while back there was a posting by a neighbor, a Cambridgeport neighbor, who lives opposite the Shell sign

on Memorial Drive and Magazine Street. I'm sure you're familiar with that. It was recently restored. In fact, it is a brand new light. But it is flickering, it is flashing, it is -- the lights are going up and down, and it just so happens that her children's bedrooms face that light and it interrupts their sleep. I don't know whether scientists can tell us what that would do to the child's learning ability.

DOCTOR JO SOLERT: It's a landmark. Call the Historical Commission.

HUGH RUSSELL: Please.

CAROLYN SHIPLEY: No, I'm just saying with the flashing lights. I understand that. It was very -- it's an obsolete historical landmark, it was not working.

So that's just one simple example of

how lighting, and not particularly lighting on a building, can affect the quality of life of Cambridge residents. I had -- my neighbor had put on a light on the apartment building and it was a very bright light and it was on the first floor, but it was shining on to the second floor bedroom of my house. So I asked the management company if they could adjust the light or change it, in which they did, and it made a big difference. But why was it installed in the beginning upward with a really bright light? That's my own personal experience. And it has, it has improved. My quality of sleep since that was changed. This is a simple adjustment to an Ordinance that will bring peace and quiet to a lot of Cambridge residents and improve our quality of life and I hope you will pass it.

Thank you very much.

H. THEODORE COHEN: What is your address, please?

HUGH RUSSELL: Thank you. 15 Laurel Street.

CAROLYN SHIPLEY: 15 Laurel Street. Thank you.

HUGH RUSSELL: Okay. Does anyone else wish to speak? There, and secondly you.

TOM STOHLMAN: Hi, I'm Tom Stohlman, 19 Mechanic Street, S-t-o-h-l-m-a-n. When I'm lying in bed at night, I could read a good book by the bad light coming from the Mount Auburn Hospital. And this amendment would make it much easier for me to show the Zoning Enforcement Officer that there is a violation of the Zoning Law. It doesn't require me to get a light meter. It doesn't require me to get a measuring stick. And it doesn't even require me to get the nighttime

to prove. The proposed stand will make it easy to show with a day photograph where the direct light from a luminaire is coming from. And it will also be easier for a property owner who's proposing a new design to show that he or she comports with the Zoning Law because they can take that same photo and demonstrate that it's in compliance, that the pole cannot be seen. So I fully support this amendment. It has been a long time since Mr. Teague started down this path, and I think it's about time that it get passed. I hope you endorse it and send it on to the City Council.

Thank you.

HUGH RUSSELL: Thank you.

Gary Dmytryk.

GARY DMYTRYK: Hello. My name is Gary Dmytryk. I live at 2440 Mass. Ave. My

name is spelled D-m-y-t-r-y-k and I'm the President of the Association of Cambridge Neighborhoods. Thank you for giving me the opportunity to speak tonight and thanks to everybody who has come to this hearing.

I've heard the stories of a number of people who have this problem with intrusive light shining into their homes and their properties. It's not just an annoyance, it's also a serious health problem as we've heard tonight. Mr. Teague has gone through a number of iterations of this petition. After each one he's received feedback from the City and he's incorporated a lot of that input. So this has already been debated I would think by the CDD, by the Inspectional Services. Our current Ordinance was written more than 50 years ago, I understand, I heard tonight, 1961. And it needs to be

modernized. It needs to be updated. And this is an opportunity to do so.

Thank you.

HUGH RUSSELL: Thank you.

Does anyone else wish to speak?

(No Response.)

HUGH RUSSELL: Okay, I see no one. So I -- at the beginning of this hearing I suggested that we conclude this discussion by eight o'clock. It's now 8:15. I see Jeff there and I presume you would like to discuss this, but shall we just put it all off to a later meeting? Or shall we --

TOM SIENIEWICZ: Well, the issues seem relatively finite but maybe I'm missing something, and I would expect that we could conclude this matter in a relatively short period. That's my feeling. I don't -- without polling the rest of my fellow board

members. I'm also aware that by extending this hearing, we are impinging on the rights of other people in the city waiting for their matters to be discussed. So that's the dilemma that I think that we're all sitting on top of.

HUGH RUSSELL: Bill.

WILLIAM TIBBS: I was just going to say it's not a dilemma because we can't discuss this until the next meeting. I mean there's a time period now. We have extended this already, so I mean it's eating into the time period, and maybe Liza can help us out with that. But I think the, you know, we, particularly on a night like tonight where we have lots of hearings, we -- it's not unusual to hear them and then discuss them later.

BRIAN MURPHY: Mr. Chairman, the one thing I would say is that based on last

night's City Council hearing, I think that there may be a desire by the Council, absent hearing some from the Planning Board, to ordain the petition on Monday night. Alternatively I think if they got some feedback from the Planning Board indicating what they were -- what the sort of items of concern were and the ability to get that back to the Council prior to the summer meeting, then I think that there may be a chance to sort of -- if there's a desire for the Planning Board to have any modifications, I think it may be somewhat time sensitive is the point I'm trying to make.

HUGH RUSSELL: So given Tom's comment and Brian's comment, I would propose we continue on another 15 minutes or so if we have to. And so I'm going to make my own statement now which is I have one abutter who

20 years ago put up two wall packs shining directly in my bedroom window which drove me bananas. I called the school department, that was the abutter, and they sent somebody around and put two traffic signs on the lights to act as shields which helped somewhat. Then ten years later they redid the school, they put on new wall packs that were adjusted to shine down, but they shine on the bricks. So the brick becomes the light fixture because the wattage of the light is so much. Unfortunately Mr. Teague's petition wouldn't help me there because you can't actually see the light source but, you know, it's still, you know, I don't know, it's many, many foot candles. That's problem A.

Problem B is I have another neighbor who has a couple of spotlights shining off

his porch onto his backyard. It's been like that for the 40 years I've lived next to him. And at one time there were people parking back there and, you know, I just think he feels more comfortable seeing that light. So I have to keep the shade at my bedroom window down and well, okay, it's annoyance. I would not -- if this Ordinance passed, I don't think I would call the Building Department on my neighbor.

My third neighbor has a nice decorative carriage lamp out in front of her house that lights the common walkway between our two houses and actually is very useful light. I wish the light wasn't quite so bright, but I've unscrewed two of the three lights in the fixture. So it's a complicated issue. I think nearly everyone in this room and everyone at this table has a story about how

light trespass has affected them and how they have been only partially or unsuccessful in dealing with this. It's a very complicated issue. I think I would support this petition because its basic intent is to give enforcement tools and to make sure there's a standard for granting new permits. And if it turns out that people are being crazy with their neighbors, then we may have to fix it, but right now the stories that people are telling us, I think people need more help, the city has to give that help. And I would make one other comment that in designing new projects, you know, we're required to do photometric studies to show that there's no more than one-tenth of a foot candle crossing a property line even onto a public street, which seems a little silly. And in one case the town agreed with us, and the (inaudible)

three-tenths of a foot candle onto a public sidewalk because there's no way to light the parking lot otherwise.

So if this is handled with discretion and sense, I think this is an important tool to have. So that's why I would support it.

Ted.

H. THEODORE COHEN: You know, I think the concepts that he's trying to get to are very important and very relevant. I do have -- what gives me concern, and I just don't understand it, and maybe staff can explain it better or how it's going to work, in the definition of direct light there's the statement for enforcement purposes, a luminaire shall be considered to be causing direct light. If any part of the lamp or any of the parts designed to distribute the light, reflector lens, diffuser are visible

to any person -- I mean, looking at the presentation that was given to us and the petitioner indicated some lights that he thought were good lights, it seemed to me, if I were standing on the ground, I could see, you know, the parts that are indicative of whether it's a violative of luminaire. And I just don't understand, you know, how that's supposed to work. So if somebody could explain that to me, I'd appreciate it.

HUGH RUSSELL: Jeff, you want to give it a try?

JEFF ROBERTS: Sure. Jeff Roberts, Community Development.

It's something that we commented on as we put together some information about this, so I'll just try to briefly head over the review of what we came up with. We met with the Petitioner on this many times and there's

general agreement that the Zoning Ordinance as it's currently written does have a lot of limitations in terms of the scope of what districts it applies in, and also the definitions aren't perfectly defined in terms of what the, what constitutes direct light.

The proposed Ordinance does take a stab at that. It does broaden it to the entire city which is one, one issue to think about. It would apply to the kind of residential areas that I think most of the people discussed. The supporters have been sensitive to as well as places like Kendall Square, you know, business district would have the same standards that would apply. Also the definition of direct light put together with the, with the proposed regulation, but essentially say that any light that's visible or any luminaire or a

part of the luminaire that casts light, if it's visible from any place on any property within 300 feet away, would violate the Ordinance. So it, as I think as you noted, it would mean that if you could, you know, if you could see it, if you have a light, even a light that's angled downwards, you might not -- from certain angles, you might not see it. In some cases as you walk closer to it, it may be unavoidable that you would see a part of that and then that would create a non-conforming luminaire. So the, the point was raised that this was a complaint-driven enforcement, but which does, you know, it does put a lot of -- it puts a lot of weight on the ability to have sort of common sense enforcement as was brought up, and to address those issues that are, that are causing real problems. On the other hand, I think

property owners can be concerned about whether their property conforms or not, regardless of whether it's a complaint. I think a property owner for, you know, especially if it's somebody who is getting financing to develop a property, people tend to ask, you know, is this in conformance with zoning? And if it's, if it's not, then that can be -- even if there aren't any complaints, that could still be an issue for a property owner.

So I think that we, we noted that concern as well. That it does -- the proposed regulations do seem to cast a very broad definition of what -- or it would catch a lot of lighting. It would probably catch a lot of lighting that would not necessarily be offensive but it, I think the attempt is to, is to grab more cases rather than fewer and

create a potential for enforcement for a wider range of lighting and to rely on the enforcement process and the communication between neighbors to alleviate any -- anything that could be potentially a problem.

That doesn't, that doesn't directly answer your question, but I think the answer is that we share that concern and we don't necessarily --

H. THEODORE COHEN: It answers my question.

JEFF ROBERTS: -- and we don't necessarily know through enforcement. I think Zoning is a bit of a tricky tool for dealing with issues of lighting. It's a very, it's a very fine grain type of, type of issue and Zoning offers kind of a limited set of tools. There were some other, what we had discussed with the Planning Board before and

we did some research into what some other communities were doing. We looked at Newton as was suggested, and that's described in the memo. We looked at -- I mentioned a brief from the American Planning Association which actually takes from the Tucson, Arizona, Ordinance that was mentioned. The regulations as to height and it's height -- it's not just height, but height and directionality. So height and ensuring that the light is actually directed in a downward way. And that's meant not just for light trespass purposes, but to protect for environmental reasons to protect the night sky. And there's also I think in Tucson, they also have something that may be more complicated for Cambridge, but a lumen budget. So I think properties there are only allowed to -- there's just a cap on the

number of lumens that you can have around the outside of your property and so you can decide how you want to arrange it, but ultimately have to stay under a certain, a certain half.

So there are other alternatives. We tried to link some of those out of the memo. I'd be happen to talk about that a little bit more if there's some interest.

H. THEODORE COHEN: Yes, you do answer my question that my porch light, which I think probably would comply with every other aspect of the Ordinance if it were adopted, is indeed visible from someone who is standing on the sidewalk or standing on the street and so that technically I would be in violation of this Ordinance as would I think all of my neighbors on the block whose lights intrude into anyone else's property.

And I mean I certainly appreciate the intent of this, but that particular language I find extremely troubling. And whether there has to be some sort of objective measurement or some other language which can make clear, you know, what is violative and what isn't and the concept that we're creating and an ordinance with an enforcement that potentially puts everyone at risk and then it's just a purely discretionary determination by the Zoning Enforcement Officer whether they're going to enforce it or not I find very troubling.

WILLIAM TIBBS: I'll try to be brief and I'm in total agreement with the concept that you're trying to do or the intent of what you're trying to do. My biggest concern is whatever unintended kind of circumstances that might occur from it. I think I was the

person that Mr. Teague referred to at the last hearing that said one of the most enlightened thing I had done was had a professional walk through at night to talk about glare and stuff, and that would be my suggestion is that I think what we're trying to do is good, but I do think it needs some tweaking and some -- it just needs some work. And I highly recommend that the city actually get some talented lighting professionals to just go out and look at some situations and maybe help us with definitions and situations, and maybe help us to find limits to what they exhibit.

TOM SIENIEWICZ: Very briefly, I'm generally in favor of getting some kind of Ordinance -- cleaning up this Ordinance, so that light pollution can be controlled. So I think my fellow board members' points are

well taken to the enforcement issues. I'm only sorry that the particular amendment doesn't address the environmental issue of nighttime glare, but maybe that can be in the next petition. So I don't want to hold it up with that, but it just seems within the illumination section of the Zoning Ordinance you would address nighttime glare somehow. Upward facing lights is what I'm concerned about, night sky.

HUGH RUSSELL: Okay, that microphone seems to be having an intermittent buzz.

CATHERINE PRESTON CONNOLLY: Okay. Is this one better?

HUGH RUSSELL: Yes.

CATHERINE PRESTON CONNOLLY: All right. I guess my thought on this is that I don't want to let the perfect be the enemy of the good, and that it is a good step in the

right direction on an important issue? And while there may be things that need to be tweaked down the road that we my find that neighbors are being unreasonable or that people can't get financing or something, I don't see those as so overwhelmingly likely in huge numbers that they can't be addressed in the short term with relief and in long term changes if necessary. And I'm not sure they'll be necessary. And I would rather do something than to continue to put off doing things until we have more information.

STEVEN WINTER: Thank you, Mr. Chair. No applause is necessary for me by the way, just so you know.

I concur with all that we're saying, which is we've got something to move ahead with. Let's move ahead with something. I think that the Zoning Ordinance is maybe

going to be a very difficult tool to address this issue with, but I think we should start knowing that it's not perfect right now. I'd also like to ask Brian if -- could you tell us how this the lighting petition came through the Planning Board, about when? And did it in fact go to City Council at that point? This is two years ago, maybe three.

BRIAN MURPHY: I'm having a shotty memory and I'm hoping Jeff has good records.

JEFF ROBERTS: I actually kept the same file from that so I can peel back. So this was heard at the Planning Board in September 2011 and there was much discussion at the time. I think there was support in trying to refine definitions and putting new definitions in there. Some questions about how do other municipalities enforce the lighting ordinance.

STEVEN WINTER: And then, Jeff, did we do then send recommendations to the Ordinance Committee?

JEFF ROBERTS: It was not. I believe -- my recollection is, and it doesn't say in my notes that there was a recommendation. My recollection was that it expired before the Planning Board was able to submit a recommendation. And then a -- yes, and then the petition expired and it has been re-filed now.

STEVEN WINTER: Thank you Jeff, I appreciate that.

So I think there's something to be said for moving ahead and establishing something to get something going on the issue. Although, I don't feel that this is fully cooked yet, the Zoning Ordinance are fully cooked, and that concerns me. I also think

there's some really interesting issues that we need to get in front of. For instance, the difference between general lighting and historic building lighting. That's a really interesting topic and I'm not sure that we have that. But I also feel, as people said, that the Ordinance is obsolete and we need -- so we need to do something about that. And if in fact were we need to help to give the Council some tools to move forward, to at least get started on some of the changing, some of the text. And also I think we need to define with a glossary, we need to define our terms so that they're defined according to us, according -- and according to our Zoning Ordinance just so that there's no lack of clarity there.

Thank you.

HUGH RUSSELL: So this is usually

the spot where I say: Okay, if we do make this recommendation, we can pull together everybody's thoughts. But I don't see how to do that. One stream would be to say intense right, there are some un -- there are some unintended consequences that have been brought up by members of the board that may never prove to be a difficulty as Catherine said. You know, we could recommend that the city hire a professional lighting consultant to come back and propose a model ordinance and spend another year studying this and a lot of money. You know, I was thinking well, the beauty of this Ordinance is that if you can see the light and a lamp reflecting from somebody else's property, that's sufficient for the Department, the Inspectional Services to enforce the Ordinance. That's the beauty of it.

In fact, nobody has to do a photometric study which is nearly impossible to do with a lot of interesting lamps with different manufacturers. It's pretty hard to do even when you have one manufacturer, you know, with known photometrics of these luminaires. You know, you could see well, if the light itself is less than 100 lumens and it's, you know, no more than 25 feet from the offending window, that's a defense. You could start building in more technical things so that someone who is being forced could say yeah, but I could prove this really isn't a problem: Again, is that necessary? I think what we have to do is tell the Council that we support strengthening the regulations, that the simplicity of the solution means that it's not -- there aren't going to cover every possible outcome and we can imagine

some, you know, the enforcement that might be required for lights that really aren't a problem. But I would say we as a Board don't have very good suggestions as to how to redo it. It's a huge study and maybe we should let time do that.

WILLIAM TIBBS: My only comment, I agree with what you said, and I just want to make sure particularly since you made reference to it, I don't think we should be spending another year on this. I'm really in support of doing something, I think we just need to tweak it and get a better understanding of what it is. It is not a delaying tactic. It's just really just to try to take what we have and just say -- which is what we do. Typically what we do with Zoning and take what we have and try to from our perspective make it a little better.

H. THEODORE COHEN: I also want to be clear that I support the concept and I support doing something sooner rather than later, but I find this one provision 7.21.3 relating to the definition of direct light and for enforcement purposes, just so overbroad that it would make so many citizens, and so many residents in technical violation of the Ordinance that I could not support it with that particular provision. I would like something to occur very quickly. I don't know what the language is that corrects it, but as much as I appreciate the idea of, you know, let's do something even if it's an imperfect ordinance, an imperfect amendment, I find that one provision that would, you know, put so many people in technical violation just unacceptable to me and I cannot go along with that one.

HUGH RUSSELL: I think the simplest fix is to set up a standard that -- the lumen standard that -- because we are -- everybody who spoke against this, spoke against bright lights. And that might have thousands of lumens or hundreds of lumens. And I don't know what that standard is, but I suspect my neighbor who shines the spotlight in my window, because he's so far away, might pass even though it's a -- you know, it's a thousand lumen spotlight, it's also so many feet away. But I think that might be a technical matter that the city could address in the time period.

So are other people willing to send a recommendation that says that's the thing we -- that's a particular thing we want tweaked and we want the, I guess Jeff has written a long ordinance, a long

recommendation here, and we don't necessarily see recommendations that need to be tweaked. He's trying to understand it and trying to anticipate what might happen.

JEFF ROBERTS: I'm sorry, I wasn't sure if you wanted a response. Was it a question?

HUGH RUSSELL: Yes, I would say it's a question, yes.

JEFF ROBERTS: I think that what, in looking at the other, at the other Ordinances, I think there are a few different options that -- you noted one of them. No lumen, an intent lumen intensity standard is something that could be a little bit more clearly defined. It doesn't need to be measured if it's based on -- it could be based on light trespass as defined as to what light is being cast on other property. Or it

could be simply based on the intensity of the light itself which is rated and be determined more easily than by using a sort of a photometric plan. And then there -- so that's one, that's one approach. And then another approach could be some more specific recommendations as to the placement of lighting rather than simply putting a standard of whether it can be seen or not seen. It could be based on the directionality and the height and distance from property lines or the factors like that which could be reviewed on a plan. So those are some options.

WILLIAM TIBBS: I guess I go back to Brian because you started out by saying that the reason why we should spend more time on this was to give the City Council a sense of what our thoughts were, and that you felt

that if we give you -- if we did that, that might be something that would give a little bit more time just to sort some of these things out. I'm just wondering if that is how -- where are you at this point?

BRIAN MURPHY: I think I have enough from the Board where I could say to the City Council that it's -- there's clear desire and unanimity on the Board to do something about this issue and to update the Ordinance that needs to be done quickly, and be done by the summer meeting. Then a couple of concerns were raised about issues of whether or not it might be an overinclusive ordinance in terms of the issue of visibility being prima facia evidence of a violation and that there may be some openness of looking at exploring whether or not that could be narrowed a little bit between now and the summer meeting.

The other issues that I think the Board raised, you know, could be ensuring that there were a clear definition of terms in a glossary, but that those were the pieces that were there. And if the Council then based on that information decided to move ahead on Monday, so be it. If the Council decided to wait for a little bit more feedback for the summer meeting, we would then take that as our homework, come back and present something to you at a future meeting in a timely enough fashion for the Council to vote it on their summer meeting of July 29th. But I think it's also clear to say that the sense of the Board is that this is not something that they want to see dragged on and involving additional study, but ought to be voted by the Council in some form or another with a favorable recommendation either Monday or at

the end of the summer.

Is that a reasonable summation?

HUGH RUSSELL: Right. Let me make a suggestion as to how this might operate. Which is if you can directly see the lamp, the standard that's in the Teague Petition, you can make a complaint. If you, a person who can defend themselves against the complaint can show that they don't have more than a certain number of, a certain amount of light trespass or that the lamp, the size of the lamp is no larger than a certain amount. So that puts the onus of proving that it's okay on to the person with the light. If they can demonstrate that that light is in fact -- even though you can see it, is within -- what seems to be reasonable standards, then, then the -- that would be satisfactory. But it doesn't -- right now, it's the other

way around. Or it's, like, you shouldn't have to hire the lighting consultant to come out and say you've got a problem. It should be simple to say, yes, I've got a problem. So that would be my suggestion as a way that you might keep the simplicity of the Teague concept and add the nuance in. And you could even put those standards as something that might be not written in the Ordinance but regulations that might be written and the supplement or guidelines or something.

Okay?

STUART DASH: Hugh, I just wanted to check one of the things that you're saying is that you said that --

JOHN HAWKINSON: Stuart, can you speak up?

HUGH RUSSELL: Push the switch up.

STUART DASH: You said that the

Teague Petition, you paraphrased it as that you can directly see the lamp. And I think, Charlie's, as drafted, if you can see the luminaire? Any portion of the luminaire.

CHARLES TEAGUE: No, no, any portion that --

HUGH RUSSELL: Part of the lamp that's designed to reflect light out.

DOCTOR JO SOLET: Produce or reflect the light.

HUGH RUSSELL: Right.

STUART DASH: So it could be any portion of these downward candlelights. If you can see any portion of that is reflected that is --

HUGH RUSSELL: Right. And there's a question like I can see the reflector on that light, on all the can lights.

DOCTOR JO SOLET: But you don't see

the elements.

CAROL LYNN ALPERT: You don't see the lighting element.

HUGH RUSSELL: Right. So that's a point, you know, because of the design of the reflector, it doesn't allow me to see the lamp until I'm directly under it, at which point my super orbital ridge detects me. So, okay.

We've now taken up a lot of time here. We have other business.

WILLIAM TIBBS: In that last regard I just want to say that the new LED lights are kind of funny. They don't have bulbs in the way that we think of them, so I think that's something that we need to be very, very careful of. And some of them are all reflector and some of this have -- it's a very odd thing. And they tend to be very

glaring. So it's a --

DOCTOR JO SOLET: I'm sorry, I'm not totally familiar with your policy. The Historical Commission we might ask if there's anyone in the audience the -- with regard to the LED lights, the medical school has been studying the effect of the LED lights on sleep architecture. And what we're finding is that it extends the period known as sleep latency, how long it takes you to fall asleep, and disturbs the actual architecture of the sleep stages. So if you have an LED light glaring at you into your window, you're in trouble. Also, don't read your iPad right before you go to sleep.

HUGH RUSSELL: Okay. So that's -- let's take a break and come back at nine o'clock and start with the hearing on the Popper-Keizer Petition.

(A short recess was taken.)

HUGH RUSSELL: Okay, we're going to get started again. And we're going to hear the Jenny Popper-Keizer Petition to amend Zoning Map of the City of Cambridge to replaying the existing Special District AA with Residence C-1 in the area bounded by Allston, Waverly, Putnam, and Sidney.

Who is going to present?

VIVEK SIKRI: Me. Good evening. I'm Vivek Sikri. That's V-i-v-e-k S-i-k-r-i. 64 Allston Street.

Good evening, Planning Board members, friends, neighbors, thank you for your time and consideration today. I'm here to talk about preserving the character of Cambridgeport by extending the C-1 District into what is currently SD8-A.

Let's start by talking about the

existing neighborhood. Cambridgeport, you know, the iconic triple decker are all over. We love them. We live in them. We got a sprinkling of one- and two-family homes with front and backyards, personal space, but also public space. We're indoors in our own homes. We're behind our fences but we're outdoors. We're next to our neighbors. That's where we meet neighbors. And I can tell you in the 10 plus years I've lived there, I moved there stranger to all of these people, and ten years now many of them are my best friends.

Let's take a quick tour of the neighborhood. The triple decker. It's iconic and it's very dense. I can tell you I don't have all the room in the world. I live in the middle floor of one of those. It's kind of tight. But, you know, it's a great

building because you interact with the people up and down from you, left and right from you a lot.

It's charming. You've got a few single-family homes. I wish I was lucky enough to live in one of those. And this gives families an option to remain in Cambridge. You know, too often we see families leaving town because of space. We need more room. Well, it's -- when I walk out my door, I have the community at my doorstep. This is what we want. We want to interact with the people we live with. This is what builds a community that preserves itself and stays.

If I lived in an SD8-A building, I might walk out of my door into a hallway. A long hallway, anonymous doors, neon lights. Very depressing place.

So to get to the community if I lived in an SD8-A building, I go out my front door, walk down the hallway, walk into an elevator, probably share it with someone who is my neighbor but yet a stranger because I have hundreds of neighbors in this building. Uncomfortable silence on the elevator ride down. Go out into the lobby, through the doors to where they have the buzzers, a hundred of them, and then finally out into the community with my friends and neighbors.

In C-1 we have homes with front yards. Neighbors meet neighbors. It's interactive. You form bonds. You form friendships. In SD8-A we have corporate front yards. Neighbors meet no one. You can see no one's out in these pictures.

So let's talk about SD8-A. Why was it created? Why did it become about?

When it was created, SD8-A was a brilliant idea. Let's encourage housing development. Commercial is pushing housing out of here. We're going to have a shortage of housing if we don't do it. That was 12 years ago. I submit we no longer need this. Housing is now driven by market needs. People need housing. The prices are high. Maybe if you're trying to buy a house in Cambridge, you'll see that. And as such, I feel like that part of SD8-A is gone. We don't really need it.

It was intended to be a transitional district. In this particular case we actually have a railway track about a block away from here that provides a great buffer. It's leafy. It's green. It's pretty wide, and it keeps two very distinct areas on either side of it separated.

If you have smaller buildings such as C-1, they have a smaller impact. They also don't need as much transition. You know. If you have a small impact here, then what's right next to it, doesn't feel your presence that much. You don't need the transition.

And commercial's being pushed out of that area by residential anyway. You can see that in this exact plot of land. Vertex is moving to the seaport.

Let's look at the Zoning numbers. C-1 we have an FAR of 0.75. Pretty dense for a residential area. SD8-A with the inclusionary bonus, which realistically is what would get built, is 1.95. Almost triple. Three times. Look at the minimum lot area per dwelling unit; 1500 in Residence C-1 versus 550 once you throw in the bonus. The height almost double. These are very

different things. They're different beasts. They do not belong jammed up next to each other.

The neighborhood context. The two numbers in green, those are both C-1 districts. About the same size as the parcel of land in question, and about 40 units or so each and so pretty dense.

Fulmore Park you can see right in there. Nice, brand new park. I can't wait for it to open, hopefully in a few weeks. And right next-door you could have over 100 units. Overwhelming the small park, they have a lovely open space in there, and, you know, it's just a number of units is so overwhelming. It's, you take the next two blocks and it's more than that combined.

Where this parcel of land is I feel the right place for larger units. We're a little

further from the T. It's about a 15, 17 minute walk. And, you know, this is perfect for families. Families are leaving Cambridge. In 1950, 87 percent were family households. 30 years later it was cut in half. Another 30 years later it's gone down another 10 percent. This is a trend that needs to turn around.

All of this data is from the CDD statistical profile of Cambridge.

Back when SD8-A was created, it was created as an incentive to do something that was perceived to be good for the community, bring more housing in. Right now what needs to be incentivized to be reversed is this trend of losing families.

I submit it's the wrong place for higher density. C-1 is already pretty high dense compared to other districts. Compared

to B, which has an FAR of 0.5. This is 50 percent more. The 8-A Zoning was to incentivize housing, but that's not obsolete. We don't need that anymore. You can make a lot of money building smaller houses.

The business trends show that the bio labs and commercial are moving out of that area. They're moving towards Kendall, towards Alewife, and towards the Seaport District downtown. As such, we don't need that high density of residential right there to provide space for the workers for those businesses. We can move that closer to where the workers will be working.

We don't really need the transition either. As I said, commercial and R&D is moving out of there. We're ending up with what is a more residential district. Let's keep it C-1 residential as most of the

neighborhood is.

The BioMed property right next to this may in fact be residential as well because they're losing their tenant also.

The other thing in the area is Fort Washington Park. We certainly do not need a buffer from Fort Washington Park.

The railroad tracks are already a line drawn there. They're not going anywhere. We might as well use those. And smaller buildings have a smaller impact and need less transition. You don't need to be segregated from a small building because it's not going to affect you.

Fort Washington Park, it's a beautiful park, historic. It has survived amazingly through decades and decades, and it would be a shame to see that park overwhelmed by huge buildings surrounding it.

So why revert to C-1? Well, the market. The market's saying build houses. People are building houses. We don't need to provide incentives. We don't need to provide huge FAR's and heights and all that. We already have C-1, which is a very dense already. We need to encourage the responsible development of the area in tune with what is around rather than being purely profit driven.

We need to increase housing stock. There's no doubt that 99 plus percent occupancy in Cambridge, we have a housing shortage. We also need to increase, you know, housing stock of all kinds. We don't just need more studios and one beds. We need more three beds. We need more single-family homes. We need more two-family homes. The diversity of housing allows the diversity of

population.

There are many good reasons to keep SD-8. I won't lie to you. It's a good idea, and there are many reasons to move away from it as well. So the conversion of commercial to residential should be encouraged, absolutely. No doubt. However, we need not tinker with market forces. Let the market do its work. We need to maximize the number of housing units. Yes, we do. We have too little housing in Cambridge. We need more. But we don't need it at the cost of an existing community. We need to decrease the cost of housing. Yes, we do. And we need to put that less expensive housing near less expensive transport auctions. We need to put them right near the T.

If not Cambridgeport, than where? Well, areas that are not densely populated

already, and don't have communities that date back over a hundred years. For example, North Point is a great example of an area where it's on the upswing, high density and it's going to be beautiful because it's not displacing any existing community.

To summarize, high density is very appropriate. Close to the T. Low density is more appropriate, further from the T. We're about 15 minutes walk from the T. If you consider that as a roundtrip commute, half an hour a day. That's not a trivial amount of time in a person's day.

The Zoning should serve the community's needs and desires. We need housing absolutely. We need low density housing just as much as we need high density housing. We can't ignore low tensity housing and favor only high density.

The market factors have changed. Time moves on. Housing does not need to be incentivized now like it did when SD8-A was created. The commercial moving away from there means we don't need the transition anymore. That reason for putting SD8-A in place is gone.

You know, I like to think about this like the economy at large. When the economy's doing badly, the Fed goes and lowers the interest rate to spurt growth. You can get a cheaper loan. You can build a new addition on your house. You can invest in your small business. Similarly Zoning plays that role in communities. When you guys see we need more housing, you allow greater FARs. Right now what we need is more place for families. Cambridge is losing families. We need to turn that around. And

we -- the Zoning needs to change based on market reality's current climates. It's a moving thing. And I ask that you continue to make it move.

Thank you for your time and consideration.

HUGH RUSSELL: Okay, thank you. Shall we go to the rest of the public testimony?

H. THEODORE COHEN: Yes.

HUGH RUSSELL: Is there a sign-up sheet?

Scott Oran.

SCOTT ORAN: Good evening. Hi. Good evening, I'm Scott Oran, managing director of Dinosaur Capital Partners. We are the developer of 240 Sidney Street representing Sidney Grove, LLC, the owner since February of 2012. We represent about

80 percent of the area that's been affected by this petition, and I'm here tonight to speak in opposition. Regrettably I should say.

In fact, regrettably this morning at the advice of our counsel and Nick Galluccio and Adam Weisenberg we filed the formal opposition to this down zoning petition. As you would remember, we do have a Special Permit application pending in front of you. We had a June 4th hearing. At that time we actually got a lot of very helpful feedback both from the Planning Board and the neighbors, and we are continuing to have conversations. We think those are very productive conversations, constructive dialogue with our neighbors. And we met with them actually as recently as last night. And we have another meeting planned with them in

July. And we will actually be back before the Planning Board to talk about our Special Permit on August 6th. So as a result, we don't think this is the appropriate venue to review our proposed project. And as a result, we respectfully ask that you therefore send a negative recommendation to the Ordinance Committee and not support this petition.

Thank you.

HUGH RUSSELL: Thank you.

The next speaker is Don Grossman.

ATTORNEY DON GROSSMAN: I'm Don Grossman, 179 Sidney Street, G-r-o-s-s-m-a-n. I live down the block from Special District 8. I have lived there for -- since 1989, and then I lived on Peter Street which is right across from the subject area since 1972. So I've seen a lot of change in the area over

the years. The biggest change was, from my perspective, the rezoning right after I had purchased in some commercial property in the area. It was very contentious. It was 20 years ago now. There was a huge amount of compromise involved in that rezoning, and I think some of the assumptions that were presented to you about the reason for the rezoning, although it was preamble, talking about incentivizing housing and creating a transitional zone, a very important part of the rezoning was preserving the rights of existing commercial property owners. The Zoning in that area before the rezoning for the majority of it was Industrial B, FAR 4.0 unlimited height. So going from 4.0 to -- in my district, which is Special District 10, existing build out plus the possibility of 25 percent additional where the FAR in my

district is 1.0. I don't know what it is in Special District 8 was really a draconian down zoning. I think that people have made investments in the area based on the Zoning that was put in place, and it was put in place unanimously by the City Council of the vote of 8-0 at the time. There were huge concessions made by very many parties, including MIT, transferring and creating a park which has subsequently kind of gotten hacked up a little. But in any case, I think there was some expectation of stability. I think if you look at the special districts that were designed to incentivize transition to housing, in many cases there have been very little transitions. And even on the border along Brookline Street where you would expect that to be most proximate to the residential neighborhood, you've got a recent

redevelopment of lab space on Brookline Street. So I understand the perspective of the neighborhood. I've listened also recently to the, you know -- and I know this is isn't a referendum or a discussion of Dinosaur Capital, but I think they're certainly doing what was the intent of the Ordinance and doing somewhat gracefully, and they've made a significant investment. And I think it would send a bad message to property owners in the area and people interested in investing in the area if this kind of very highly compromised and carefully negotiated Zoning got overturned and redirected.

Thank you.

HUGH RUSSELL: Thank you.

Next person is Matthew Ponzio.

MATTHEW PONZIO: Good evening, Planning Board members. Thanks again for

your time. I'm Matthew Ponzio, P-o-n-z-i-o, 68 Allston Street. I'm here to speak in favor of the petition. I think the central question before you is one of size, density, and scale. What's appropriate and compatible with the existing neighborhood? My neighborhood is Allston Street, Chestnut Street, Hamilton, Brookline. Some of you probably live in the area. That's the neighborhood that I think about when I think of my neighborhood. Sidney Street and the buildings up that way, they are in Cambridgeport but that's not really my neighborhood. That's some of the places -- I don't mind them, they're okay, but I don't think of that as the neighborhood.

It's my very strong belief that the size, density, and scale of the building allowed by SD8-A are incompatible with the

existing neighborhood. And I hope that as many of you as residents of Cambridge feel somewhat the same way.

We talked a lot about this, we need housing, and I'm sympathetic to that need as much as I can be not knowing a lot about it but we need it. You say we need it, I believe it. Some of the decenters of the petition have stated that we need to maximize housing units created and not artificially restrict them. And I would agree with that, but do we have to exploit every piece of available property to the point where we undermine the character of our existing historic neighborhoods. I would say yes, let's add housing but in areas like this can we do it in a way that preserves the character of the neighborhood?

The allowance of SD8-A are really not

compatible. At the end of the day on this property, we're talking about specifically, I move to C-1 as a reduction of maybe 40 units. We're not talking about a huge piece of land where we're going to lose 400 units as a percentage. And the owner of the property at SD8-A is well within their rights to build the limitations of that Zone, and they may or may not consider what really fits into the neighborhood or works for the people that live in the adjacent areas. So we ask that you not only protect this existing area of Cambridgeport, but even extend it by endorsing this petition to rezone the property to C-1.

Thank you.

HUGH RUSSELL: Okay, thank you.

Jenny Popper-Keizer.

JENNY POPPER-KEIZER: Jenny

Popper-Keizer. I live at 74 Allston Street. And we're one of the young families that moved to Cambridgeport because we wanted to be in the neighborhood and not have to move to Arlington or Jamaica Plain. Everyone that we know, once they started having kids, they leave because they need neighborhood. They need front yards, they need backyards, they need safe streets. They need less density. And they need to know who is walking down the street and if it's okay to talk to their kid. We also -- if they build this high density building there, if it were there when we moved -- we've lived in Fresh Pond, we've lived in Inman Square. When we had kids, we moved to Cambridgeport. We would not have moved to this apartment if that building or something like it were there. We would have continued. We did look in Arlington, but we

really loved Cambridgeport. It's very convenient. It gives the learning opportunities that my kids have. Living between Harvard and MIT are just immense. And it's very, very enriching for our lives to live here. But if it starts to become really dense, we will have to move. We will have to find another neighborhood that doesn't have these big one- and two-bedroom apartment buildings. Which is to say they're speaking of, you know, if you develop this land with similar buildings with larger apartments, two and three bedrooms, we have been dying for a three-bedroom. We've got four of us in the two bedroom right now, but we are not willing at this point to leave Cambridgeport. And if they could build more buildings like what we're already living, these multi-family homes, with this character

in that lot, and they built slightly bigger ones, three bedrooms, we would move there, our friends would move back, and we would stay. And that's basically all I have to say.

Thank you.

HUGH RUSSELL: Thank you.

Does anyone else wish to speak?

CHARLES MARQUARDT: Hi, Charlie Marquardt, 10 Rogers Street, one of those big impersonal buildings. But unfortunately I do know all of my neighbors. So I think if we look at all these buildings and look at what we're doing, we look back at the what the discussions have been about K2-C2 and all the other things going on in Cambridge. We talked about we need housing. We need some housing of different mixes and different numbers of units; ones, twos, threes, studios

that all work. We've already presumed that the developers are going to maximize it and have all these studios. That's where you guys come in and you can work with them and come up with a different mix. That's not to changing it if you go back and say you can't build.

I also saw something I've been hearing that certainly frightened me. I don't know if it's going to frighten everybody else, but it really frightened me. It basically said take the inclusionary zoning and put it somewhere else, because if you turn from SD8 to C-1, there is no inclusionary units. And I've seen throughout Cambridge that we're running into issues with good affordable inclusionary units. That's what you're getting in these bigger buildings. You're getting -- just the other day. I know some

of you were at the ground breaking for 2020, the new building at North Point, where there's going to be a whole tower of -- a whole column of three bedrooms with inclusionary units in it. We wouldn't have this in this sort of a place if we didn't keep SD8.

Also we're also talking about backyards, front yards. I'm looking around some of the city's newer buildings and some of the nicest newest open spaces are in front of these buildings. I don't know if anybody's been through the redevelopment of One Rogers Street where they redid the park right in front of it? It's gorgeous. You can do great open spaces that are front yards for the entire community and bring everybody in without taking away an SD8. So I urge you not to pass this. Let's keep the benefits of

SD8 and not go backwards to C-1 Zoning.

Thank you.

HUGH RUSSELL: Thank you.

Does anyone else wish to speak?

CHARLES TEAGUE: Hi. Charles Teague, 23 Edmunds Street. I wasn't planning to speak. I was just -- I love the concept of extending the neighborhood but I was -- it was also -- but I was just taken back of the concept that inclusionary zoning would go away on a -- when you have -- it's -- it seems very simple to me, if you're building more than 10 units, you are doing inclusionary zoning. And so that doesn't make any sense to me. So I leave it to the Board to figure that one out and keep on getting whatever.

Thank you.

HUGH RUSSELL: Does anyone else wish

to speak?

(No Response.)

HUGH RUSSELL: Okay, I see no one. So what's the pleasure of the Board? Let's postpone discussion of this and go on to the next item or we could make brief statements that might direct the department. They've already sent us a memo and we haven't had a chance to have a presentation on that.

What would you prefer to do?

H. THEODORE COHEN: Well, is there any time pressure from the Ordinance Committee or the City Council with regard to this petition?

LIZA PADEN: The City Council public hearing is tomorrow evening.

HUGH RUSSELL: So they're in the ordinary course event to take this up in September or October?

LIZA PADEN: I didn't hear it.

STEVEN WINTER: She didn't hear it.

HUGH RUSSELL: Oh. I said that means, therefore, that because the hearing has started, the clock starts, there's 65 days I think from --

LIZA PADEN: 90.

HUGH RUSSELL: 90 days. That takes them into August. July, August, September. So they could be addressing this in September.

LIZA PADEN: Yes.

HUGH RUSSELL: Almost certainly given the fact that they're only one September meeting.

So I'm interpreting the stares I'm receiving as we wish to postpone discussion of this until a later time.

Okay, that's what we'll do.

So now we'll go on and hear the Councillor Kelley Petition to amend and create a new Section of 5.55, special provisions for rainwater separation in residential buildings.

Please proceed.

NIKOLI CAUCHY: Good evening, and thank you for hearing me as a supporter of Councillor Kelley's proposal for adding paragraph 5.55 in the Zoning Ordinance.

HUGH RUSSELL: Could you give us your name?

NIKOLI CAUCHY: My name is Nikoli Cauchy, C-a-u-c-h-y. I live at 387 Huron Ave. in Cambridge and I'm the owner of a triple decker. And I'm going to briefly run you through 19 slides showing what issues I've had with my triple decker and why I support this new paragraph proposal.

So the five points that I'm going to bring up are mostly the liability to homeowners. The cost of the city, which is a subject of debate on which engineer O'Riordan will be commenting. The incentives that are provided by Ordinance 5.55, and the safeguards that were put together, amongst others, with discussions with Jeff. Thank you very much. And then green opportunities and innovations that go in as sidekicks.

So for those who aren't familiar with most if not all of triple deckers, they have a concave roof, as I've tried to illustrate without a little point right here. And it takes all the rainwater from the roof, puts it down a central pipe, which at a lower floor connects with waste pipes from toilets, sinks, kitchens, whatever, and then goes out into the underground through one single

combined rain and sewage pipe connecting to the city sewer. A single triple decker gathers about 6,000 cubic feet of rain per year. Our bills for the sewer and for the water are measured in capital CCFs which are hundreds of cubic feet. So it's 60 cubic feet per year.

A typical annual bill on my house is about 130 CCFs per year. That means that the rain input for my building is about half more of what my consumption for entire building and anywhere between 7 and 10 people living in the place full time. So it's a significant amount of added water to the sewage. Therefore, computing on 2400 triple deckers in Cambridge, one could -- wanting to be a little bit of sensationalist, add up a bill to $1.4 million based on our sewer rate of $8.32 per CCF. That is really what it

would be. Engineer O'Riordan has pointed out that the city doesn't pay the same amount for sewage that we are build. That leads to all sorts of complications which are way beyond my discussion here. But at the very least, it seems like it would be a couple hundred thousand dollars a year aggregate.

So, from the homeowner's perspective, the main problem with these triple deckers, well, these concave roofs, as I call them. Is that central pipe, A, can get blocked; B, can crack, because in almost all the buildings it is still cast iron. When it cracks, it will, it will leak water at random times not always predictably on all the floors below. It will come through the central wall of the building. I work as a contractor. I have worked on dozens of such buildings, not just in Cambridge, where

problems of the nature has happened.

One of the main problems that I face myself and that I've been facing increasingly with other buildings that we shovel the snow off of in winter, is that the drain pipes tend to get frozen over. And so the snow buildings up, builds up. In this case here there's about a couple of feet of snow total. We've excavated a hole to look at the drain pipe, and the drain pipe is solidly frozen. The clog -- the little circle that you see there is the filter, the, the little thing that prevents stuff from going in the drain pipe. Totally frozen over. So any new precipitation that would fall on top of this, or if this were to melt and becomes water, would flood the roof completely.

Another issue that's been really remarkable is that in houses where the flat

roof has sufficient space underneath it, that people have packed insulation in there, which is the case of mine. This is my house on the left versus my neighbor's house. We're the only two triple deckers of this sort in the area. But where she has a very shallow ceiling to roof line and has virtually no insulation there, these two photos are five days after a snowfall, I think it was in 2011. And my roof has solid ice also covering part of the drain. So it really poses a big issue in terms of snow loads especially as we get to increase snow density because of global, global warming as we might want to call it anecdotally.

Right now in my neighborhood on Huron Ave. we're spending a hundred million dollars to separate the rain from the sewage lines in the streets, and where everything is being

dug up thanks to Mr. O'Riordan, and it concerns roughly about 800 total homes. Of the 800 total homes for cost reasons, picking the lowest hanging fruit, quoting someone in this room, about 80 rooms are, 80 houses are going to be modified so that the rainwater currently being guided through downspouts into sewage lines can be diverted into the rain line. These 80 homes, there's about 10 percent of the total number of homes retrofitted. There are about 150 flat roofs houses that are somewhat similar to mine, perhaps gosh, do I want Oracle 10 to be on my computer? I don't think so. Whatever it is.

That means that the 150 flat roofs may be up to 20 percent the amount of water that is currently being separated on the 80 homes that will be modified at city expenses. But on flat roofs, the work involved in digging

through the foundation to put a new pipe out, even if it can be done inside the house, is preposterous. And there's no reason for the city to support such a cost.

Furthermore, I argue that if you look at our water bills, the sewerage rate has increased about five times faster than our water rate, which means that sewer is definitely an increasing problem. So every little bit of rain we can eliminate from the sewer, translates directly into savings of water. So central drains are bad. They're a liability for the homeowner. They're costly to the city. And then there are other aspects that are ecological. They form heat islands in the summer because the sun doesn't heat one side and then the other, but heats the whole thing pretty much the whole day around. There's no opportunity for any of

the roof to cool. And then as we've seen insulation in the attics for people who want to be green and save energy, then causes the drains to freeze and all sorts of other problems.

The warming climate change will increase the intensity of our rainstorms. My house has had its ceilings three times; once for mice, twice from branches that got broken off my neighbor's trees blown by the wind, and without my knowing it obviously gets sucked down the drain, blocked it completely, floods the roof, water starts coming in all around the periphery. It is a nightmare. Not to mention the actual physical load.

There is the energy consciousness, increasing the insulation in the flat roof increases problems. However, if we added a level, a partial level via, we would increase

insulation and we would eliminate that rain drain which is exactly why paragraph 5.55 of the Zoning Ordinance would be so useful. In terms of timing, personally, I went through the BZA in 2009. In 2011 then Mayor David Maher proposed to the Ordinance Committee in a similar way, I think, although I don't understand politics all that well. But to what Councillor Kelley is doing now, that something be undertaken. There were new elections. And because that hadn't been acted upon, it was sent back to -- well, to today I guess. And in the meantime I've had three damages to my ceilings and quantities of times I've had to go up there clear the drain, shovel the snow, and so on at great risk.

Zoning Ordinance 5.55 solves all these problems. The city gains reduced rainwater

into the sewage. If there is an increase in the liveable area by forming some sort of a greenhouse and attic space or whatever homeowners might be willing to put at their cost on top of their house to eliminate the rain drain. The city gains a little bit of added tax revenue. The owner gains peace of mind, attic space or whatever, and improved insulation and green opportunities. This is typically what I have envisioned where you can't see too much all that well, but one can imagine gutters here that recuperate some of the rainwater, lots of skylights to provide circulative cooling and heating in the winter. The little brown squares on top of them are a little lattices on which one can grow vegetation just like on the side walls so that in the summer you get shade, in the winter the vegetation sheds its leaves, you

get heating.

The concerns about relaxing the Zoning Ordinance limits are reduced natural light on neighbors, the FAR's -- everybody here probably knows what FAR's are. If not, raise your hand and somebody else more qualified than I will explain. Roof height. And the main concern is increased population density.

First of all, CO5.55 requires a Special Permit so it's not like anybody can do whatever they want.

As far as natural light goes, triple deckers when they're in groups, are all aligned close to one another, and the roof overhang at the crown is significantly large. Typically a foot and a half on every side. So that the angle of view from one window to the neighbor's roof will never allow a neighbor to see directly something of the

nature that I sketched on the previous slide.

When triple deckers as the far one on the left there in Standish Street are next to a neighbor's house, I've run all sorts of calculations to prove that the actual natural light is in no way, not even if the next house has a dormer on it, is in no way affected.

The FAR, these, C05.55 places a limit over the existing in terms of what can be built up. And more importantly, it does not allow the creation of a whole new unit. It's not like there's going to be an additional fourth floor on the triple decker and it will become four apartments. It's really more meant to be an annexed usable space, but provides the shedding of the rainwater and eliminates most of the headaches associated with central roof drains.

And then the maximum roof heights, typically triple deckers are lower than as I just showed in the photos, than neighboring houses, so a gain of 10 feet above, which would be the limit allowed by C05.55 would mitigate somewhere between 7 and 0 feet higher than the neighboring building.

These are exactly the excepts of C05.55 as they are written. And the conclusion is that it benefits all parties. It's got multiple safeguards to prevent from abuse. One of the BZA questions was about the proliferation of the design. Well certainly condos in triple deckers will never manage -- most likely never manage to agree between co-owners as to what can be done of that nature. The cost is very high so most homeowners anyway wouldn't want to do it. It's only for those who are motivated enough

to do it. They will eliminate their range drain and the city will gain a little bit of sewage savings and a little bit of tax revenue. No intrusion on neighbors. Incentives for green design and innovation, I see it absolutely as a win/win situation.

One of the city engineers who consulted on the Huron project early on, Dennis Carr whose firm did all the surveying, gave me actually the quote, the City should pay owners willing to do that work for all it would save the crews doing the work. I'm not even asking for that. I'm just saying to you that C05.55 if allowed may enable some homeowners who are willing to put the effort into it, to do something really original.

A couple of architects meant to show up here tonight, John Altobello (phonetic) in particular but didn't make it. And this is

the, again, the final view of the rendition that I imagine.

Thank you very much. And thanks for staying so late.

HUGH RUSSELL: Okay, thank you.

Does anyone else wish to speak? Is there a sign-up sheet?

(No Response.)

HUGH RUSSELL: Does anyone else wish to speak at this time? A rare opportunity for us to hear you.

OWEN O'RIORDAN: Thank you very much. My name is Owen O'Riordan and I'm the city engineer at the Department of Public Works. And we submitted a letter today to Brian, and I expect it was communicated with you as well.

Again, broadly speaking, the Department of Public Works is in favor of taking

advantage of opportunities when they arise in terms of removing extraneous flow from our sewer systems. Extraneous proposed by its overflows and discharging it to our receiving waters. And also called backups, to people's homes, because there's insufficient capacity in our sewer systems people convey that away from properties during significant rainfall events. And so broadly speaking we want to encourage where this extraneous flow can be removed from our sewer system. And again at reasonable measures we would support those.

In terms of -- the context for this discussion to some extent is around the work that's happening. At this point in time the Alewife watershed. We are in the process of completing a larger sewer separation improvement in that area. And there are goals that we're required to meet in terms of

EPA permits. And we are, and it's necessary for us to work on private property in order to be able to achieve those goals. And so it happens that we expect to remove in-fill on -- in excess of 170 properties throughout the neighborhood. In order to be able to achieve that goal, we have not included properties that have flat roofs and single stack leader serving both (inaudible) and storm water discharge from properties because it's been too expensive for us to do so. But what we can achieve, the requirements of our permit by not including those. And so once you provide that as a perspective for you in this discussion. I do not have information with regard to the rest of the city, and how many flat roofs exist in the rest of the city and how many of those are internal roof leaders and roof leader that are purely combine sewer

lines that are discharged from our sewer system. So I can't provide that from a broader context of this discussion. But I'm happy to answer any questions you may have.

HUGH RUSSELL: Thank you.

WILLIAM TIBBS: I have one. How were you removing the inflows on the 170 that you are doing?

OWEN O'RIORDAN: Through a variety of different means. One of the major sources of inflow in the area adjacent to Fresh Pond are sum pumps. We have very, very high groundwater in those areas, and so there are people who have three and four sum pumps that run on a continuous basis discharging to our sewer systems. And so to the extent that we can, to the extent that we're not inconveniencing homeowners and families who may have living space in their basements, we

are removing sum pumps from our sewer system and discharging that to back gardens or separate that throw to our separating rain lines. That's one of the primary sources. We're also taking roof leaders that are external to the building that unfortunately reconnect back into the buildings and having those discharge the splash pads or to drywalls all lead to our draining system as well. In the majority that's what we're doing.

WILLIAM TIBBS: And just so I understand, with the sum pumps you are -- the sum pumps will still be there. You're just redirecting where the flow out of there? Okay, good.

H. THEODORE COHEN: I have a question.

On flat roof buildings is adding a

10-foot addition on the roof the only really feasible way to separate the rainwater from the sewage?

OWEN O'RIORDAN: You know, there are 67 buildings that we have examined in this area that have flat roofs, and because of our goals were somewhat different, I can't distinguish whether they were triple deckers or what have you. But of those, 48 of those buildings have internal roof leaders both storm water. And of those we are actually separating 31. And so there are a number of those properties that have two pipes internal to the buildings as things stand, and that may have been how they were built initially or indeed they may have been retrofitted with that. There are alternative means but none of them are cheap and people that don't necessarily -- people don't necessarily

perhaps take advantage of those as alternative means because there's no incentive to do so at this point in time.

H. THEODORE COHEN: And if I could just follow up on that. So the purpose of adding 10 feet is so that you can -- and having the peak roof so that you can have the rainwater run into the gutters. And are you suggesting that financial feasibility of doing that is that the homeowner gets the additional 10 feet as residential space?

OWEN O'RIORDAN: Potentially that may be the motivation. You'd have to ask the proponent.

H. THEODORE COHEN: Thank you.

TOM SIENIEWICZ: What my fellow board members may or may not know is that I'm also the President of the Charles River Watershed Association, and we advocate

strongly for something called Blue Cities which is figuring out ways in which dense urban developments can live in watersheds and existing watersheds responsibly. And so this piece of proposed Zoning I find to be really appealing on that level because yes, obviously it separates the storm water from the sewer system. It's fantastic. But also the potential for it to recharge the watersheds is very, very progressive in terms of its initiative and in terms of its motivation, and so I think it's remarkable to kind of tie an incentive into what I see as a kind of critical and really cool environmental effort. That not withstanding, as a Board, I really would like to talk about the nature of those incentives that are built into this. I'm not convinced by the rendering, and this is not an engineering

question, it's more of an opinion on the rendering we saw tonight on the added 10 feet. I think the FAR makes sense. I would love some discussion about the height. I think personally I appreciate the engineer's perspective that there are other ways to solve the roofing problems besides I think a 10-foot high peaked roof. And I think that that might hurt the character of our neighborhoods. Although in principle I'm very much in favor with the idea that we can do environmental good and in return give a private property owner some developmental rights. I think that's a really progressive way to think about our Zoning Code.

HUGH RUSSELL: It seems like from the data that the city engineer has presented to us, this is a -- something that's not going to happen very often. There are

relatively few structures that are, that fall into this category and they're -- but -- and I've looked through the little diagram. So black is a three decker. And then if you were to put an asphalt shoe hole roof on the three decker, then you'd need a four and twelve roof pitch to do that, and it would be relatively easy to do that. You could buy a pre-fabricated roof trusses that would span the building or you could frame it. And that would be about five feet tall for a typical three decker with 30 feet wide or -- they're usually -- they're usually more than 25 and rarely more than 30 feet wide. So I've seen a 35-foot case.

So the red represent a 10 foot in this proposal. And then there's a some dotted lines that show the amount of usable space that's created under such a roof that can

stick frame. But also a red line across the bottom because you have to build a new flat floor because of the present roof structure is pitched. So it's quite an elaborate construction, and I'm concerned that you're adding basically, you know, a half a story or three-quarters of a story on to the buildings that are already close to the height limit. The petitioner said, well, the other buildings around it are higher, that may or may not be. But a three decker tends to be somewhere between about a 30 to 34 feet tall. And then most in the current districts have a 35-foot height limit. So it's going up 10 feet beyond -- potentially 10 feet, seven feet beyond the permitted district that might -- if you're on the wrong side of this, could prevent the next-door neighbor from putting in solar panels on their roof if they wanted

to do it. Because in the winter the sun angles would cast shadows. It doesn't have much shadow effect in the summer because the sun is up higher. So, I'm also a little concerned that he says it's under a Special Permit, but there aren't specific criteria for granting the permits. So the way a Special Permit works is that if somebody meets the criteria, permission be granted is the Zoning principle. If there aren't special criteria that we fall back upon the statutory permit requirements that don't seem to have projections built in for abutters. And other parts of the Ordinance where there are Special Permits, say, in the reuse of existing buildings, there's a number of provisions built in that the Board has to consider but the impacts on the adjacent structures. So, you know, those are my

concerns with this.

TOM SIENIEWICZ: So, I was quickly trying to do a drawing to compete with you -- I can't because the way I was thinking about this is that yes, you can separate -- this the storm water, but you could also deal with it trying to infiltrate it on the site. You know, they were talking about splash blocks and such. That might have an effect on the yard. I was thinking, well, give the property owner an FAR bonus but don't make them build up. But think about the roof in this way: If you're going to change the nature of the open space on the site because you're going to use it to infiltrate, it might be dammed from time to time. It might have engineered materials on it. Why don't we say under Special Permit because of that, you know, desirous condition environmentally

we might allow to you use your roof. And now decks on roofs above the third level count as FAR. Well let's exempt that. That's part of the FAR bonus and say, okay, that's now usable open space. You're going to do something that's really good for the environment, you're going to recharge the watershed and the water table, in return, the city will consider a Special Permit for the FAR to use your roof. So I did a little diagram.

HUGH RUSSELL: So this isn't a debate between the Board and the people who are here so we're trying to get out --

NIKOLI CAUCHY: It may not be, sir, but with all due respect, every single concern that's been mentioned --

HUGH RUSSELL: Excuse me, sir, you're going to remain quiet. I said that --

NIKOLI CAUCHY: Okay, thank you. I'm happy to pay my taxes.

HUGH RUSSELL: You had a long chance to speak. Now it's our turn.

H. THEODORE COHEN: Well, I was --

HUGH RUSSELL: We listened to you.

NIKOLI CAUCHY: Yes. All I'm saying is that these are concerns that have been addressed.

HUGH RUSSELL: Right. We heard your presentation. We're trying to discuss it without interference.

H. THEODORE COHEN: I obviously can't go into all of the engineering issues. I will state, you know, the concern that we talked so much about the nature of triple deckers and how much we appreciate their appearance and try to mimic them in a lot of new construction. The visual impact this may

have on a triple decker. But I was also wondering while I generally don't support the concept of sending things to the ZBA for a Variance, if indeed we're talking about a very small number of people who may decide to do this, might it be appropriate that those people could seek a Variance from the height limitation or from the FAR or both for specific properties and specific situations where the ZBA would get input presumably from neighbors and any impact it may have on them and, then it takes it out of the construct of having to create various, you know, terms and conditions and criteria for a Special Permit.

TOM SIENIEWICZ: The Variance mechanism is constrained by the Board having to make findings of hardship which are pretty narrowly defined under the state laws. And so Variance is probably not -- I'm not a

lawyer, but probably not the right way to go. The Special Permit criteria are set up in the Ordinances in order to do -- to negotiate these sorts of things that -- so I think you can still work it the same way. You could have the good conversation between neighbors about impacts, that's what Special Permit criteria is trying to define. But Variance properties are the way to go as much as I like to put it that way as well.

HUGH RUSSELL: I mean in fact, in his presentation said this was tried by Variance, the Variance was denied by the BZA. And so --

TOM SIENIEWICZ: Oh, okay.

WILLIAM TIBBS: I just want -- one thing I found that's very interesting is there ever one that needed discussion and that I'm listening to is what people have to

say, and this is one. Relative to the fact that it's a small number, I think that the -- it's a small number at least if we look at the, you know, in the Fresh Pond area that the city has really looked at. But if you kind of look at the whole city as a whole, I mean, I'm not quite sure how it affects, but it could be a larger number. I must admit, Tom, that I found your approach, particularly the FAR benefit of the rooftop very interesting. So this is one where I -- when I first read it, I was a little baffled by it. And then now I'm very interested in what our discourse is and how it goes and if there's -- if it can be something that we can make a recommendation but I'm open to it.

HUGH RUSSELL: Is there anything we will want the staff to look at? I think Tom's suggestion makes a lot of sense to me.

It sets up a different kind of incentive that is lower impact. Are there other things that might be incentives?

TOM SIENIEWICZ: I know Mr. O'Riordan did his usual really thorough analysis of what the impact might be in that specific district by Alewife Brook and Fresh Pond. Also full disclosure, I own a triple decker which could take advantage of this change in the Zoning Ordinance. It's nowhere near that. It's off Western Avenue down closer to the Charles River. I venture to say there's an awful lot of properties between East Cambridge and Riverside, Area 4 that probably could avail themselves of the proposed section. I'd love to know if there's some way that staff could, without doing engineering, get some estimate of the number of properties we might be talking

about that might be able to avail themselves of a Section 5.55.

HUGH RUSSELL: I guess the hard piece of it is trying to figure out which buildings have only one stack running down in them because it's much easier to separate that if they're two stacks, and you have to go into the buildings and look in the basement and have an engineer do that. And I mean that's what the engineering department had done.

TOM SIENIEWICZ: In the case of mine the roof pitches to one side. It's collected in a gutter, which is then put into a combined sewerage system and the building can actually see the plumbing. I think there are others that work that way. It pitches to one side, and the main gutter that goes then into the system. I don't know, there's got to be

some way to estimate it. I don't know if staff can think about this much more carefully than we can at ten o'clock at night.

HUGH RUSSELL: I mean, you know, I was kind of looking and saying well we've got some pretty good data that's, that has been presented to us over a very limited area in the city. And the question would be is this typical? And, you know, we have an estimate that we're 2400 three deckers in the city. I don't know how accurate that is, but in some ways there might well be more. If I had any guess, I would guess it's smaller, but I guess you could go into the GIS and find out the number of structures with the three families, and many of those are going to be three deckers and many of those in fact have flat roofs.

Anyway that's a -- so Jeff, if you go out and count all of those.

JEFF ROBERTS: I'll get right on it.

WILLIAM TIBBS: I just want to say that my concern of that I would be thinking about, even though I don't have any answers to this whole height issue that Hugh is trying to struggle with because pitches, and you were right, the main reason for a triple decker was to have a flat roof that would be just under, you know, within the height limit at the time that they were built. So obviously adding a lot more height might be some ramifications that we're aware of. Relative to that I have a pretty big triple decker that's kind of by itself that's surrounded by smaller buildings right in my rear windows that I look at all the time. So the idea of that going up another 10 feet,

that doesn't excite me all that much, but these are all things that I'd be interested in just understanding a little better.

STEVEN WINTER: I feel we've opened up a really good discussion, Mr. Chair.

HUGH RUSSELL: Okay, if there's nothing else anybody wants to add, then we will be adjourned.

Thank you very much.

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

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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 28th day of August, 2013.

_____
Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
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