Via email...

2 August 2013

Mr. Hugh Russell, Chairman
Cambridge Planning Board
Cambridge Community Development Department
344 Broadway
Cambridge, MA 02139

Re: **240 Sidney Street -- Special Permit #278**

Dear Chairman Russell:

I am sorry we were unable to include this in our prior correspondence but I wanted to make sure we responded to concerns raised by you and Planning Board Member (Steven) Cohen at the June 4th Planning Board hearing prior to our August 6th hearing.

I have attached brief correspondence from our wind and air quality engineer, Cermak Peterka Petersen, as well as our acoustical engineer, Acentech.

Based on their findings, we believe that given the significant reduction in scale of our building (we removed the fourth floor closest to the Biomed property at 40 Erie Street) as well as proactive planning and best practices design and construction, our proposed residential building will safely and harmoniously co-exist with 40 Erie Street's current office and laboratory use as well as its future use.

I have sent a copy of this letter to Bill Kane at BioMed so he is aware of our response and included here a copy of our letter to BioMed regarding their letter to the Board.

Should you have any questions, we are prepared to answer them at the hearing. Thank you for your consideration.

Sincerely,

Scott I. Oran

cc: Mark T. Dufton
Anthony Galluccio, Esq., Galluccio & Watson
Adam Weisenberg, Esq., Sullivan & Worcester
Bill Kane, BioMed Realty Trust

CERMAK
PETERKA
PETERSEN

WIND ENGINEERING AND AIR QUALITY CONSULTANTS

August 2, 2013

Adam Weisenberg
Partner
Sullivan and Worcester, LLP
One Post Office Square
Boston, Massachusetts 02109

Re: CPP Preliminary Opinion - Air Quality Effects of 130 Waverly Avenue Lab on 240 Sidney Street

CPP Project: 7260

Dear Mr. Weisenberg;

The following comments are based on our preliminary review of the RWDI letter to the Cambridge Planning Board regarding the "Proposed Development of 240 Sidney Street, 40 Allston Street and 618 Grove Avenue" dated 28-May-2013.

The RWDI letter provides an adequate outline of the potential scope of air quality issues due to exhausts from the existing 130 Waverly Avenue laboratory. The letter fails to indicate, however, that the potential air quality issues could be addressed through reasonable design modifications to the proposed development at 240 Sidney Street. For example, based on our experience conducting both mathematical and wind tunnel dispersion modeling simulations, we are confident that suitable locations can be found on the proposed development for mechanical air handler air intakes that would provide for acceptable air quality within the building even when accounting for emissions from the laboratory exhaust stacks. In addition, as the existing laboratory use will reportedly terminate within the next twelve months, new laboratory users could make reasonable design modifications to improve general air quality.

We do agree with RWDI that operable windows on the building elevations closest to the existing laboratory may not provide for acceptable air quality during all wind conditions. However, the frequency of adverse conditions are difficult to predict without complete data about the laboratory mechanical systems design and type of research being conducted. Further, air quality concerns arising from the eventual re-use of the laboratory building could be addressed by rendering affected windows on 240 Sidney Street in-operable and planning appropriately located air intakes for any mechanical systems.

Mathematical or wind tunnel dispersion modeling can be used to identify acceptable air intake locations on the proposed development at 240 Sidney Street as well as to identify potential design changes to the existing laboratory when its re-use is determined. These changes would provide acceptable air quality at the proposed development.

Sincerely,
CPP, INC.
Wind Engineering and Air Quality Consultants

John J. Carter
Senior Associate

1415 Blue Spruce Drive Fort Collins, Colorado 80524, USA Tel: +1 970 221 3371 Fax: +1 970 221 3124 info@cppwind.com www.cppwind.com

Acentech Incorporated
33 Moulton Street
Cambridge, MA 02138

Telephone: 617-499-8000
Facsimile: 617-499-8074
E-mail: postbox@acentech.com

Acentech

31 July 2013

Mr. Scott Oran
Dinosaur Capital Partners LLC
101 Huntington Ave., 9th Floor
Boston, MA 02199

Subject: 240 Sidney Street Residential Development
Impact of Community Noise on Building
Acentech Project No. 623842

Dear Scott:

Rose Mary and I were pleased to meet you at the subject site earlier this week to measure and investigate noise conditions emanating from 40 Erie Street that might adversely impact residents in the building you plan to develop at 240 Sidney Street. The area of the site that is of particular interest is at the rear where 40 Erie Street, an existing office and laboratory building is located across Grove Avenue. The neighboring building includes two existing, older, utility-type, centrifugal exhaust fans on the roof over a loading dock associated with that building. I understand you intend to set-back your proposed building 21 feet from the property line so that the fans will be about 95 feet from the rear of the proposed building, which is three stories at that location.

We measured the present noise level at your property line at Grove Avenue to be 60 dBA as presented in Figure 1. The measurement location for this data is shown in the attached Site Diagram. However, this noise level includes noise from several pieces of existing equipment related to the existing buildings at 240 Sidney Street which would be removed when the property is redeveloped. As a result, we also made a measurement at a location halfway betweenthe 40 Erie fans and the 240 Sidney property line, where the dominant noise seemed to be from the 40 Erie fans. This noise level was 62 dBA. This measurement is presented in Figure 2 and the location is shown in the Site Diagram. At this location there was only minor contribution of noise from the existing 240 Sidney equipment. If we account for the fact that some of this noise is from the existing 240 Sidney equipment and extrapolate the noise to the 240 Sidney property line, the estimated noise at the 240 Sidney property line due to the 40 Erie exhaust fans is on the order of 55 dBA. This is not a precise level, but an estimate, since we cannot make more precise measurements of the noise due to the 40 Erie equipment alone.

The noise level due to the 40 Erie equipment meets the current, 65 dBA, commercial use noise requirement in Cambridge. This also meets the 60 dBA daytime noise requirement for residential properties in Cambridge. However, 40 Erie's current exhaust fan noise does not meet the 50 dBA nighttime noise limit in Cambridge for residential properties. 40 Erie's exhaust fan noise, at approximately 55 dBA, is somewhat higher than the nighttime residential requirement once you redevelop the 240 Sidney Street property for residential use.

40 Erie's current 55 dBA noise is not dramatically in excess of the residential property limit, but people will likely be easily aware of it if they are outdoors or if they are indoors with the windows open. However, I would not expect this current noise to be a concern for people who are indoors with the windows closed. The magnitude of noise at the site due to the current 40 Erie exhaust fans is perhaps something that would cause people to want to close their windows, but once the windows are closed, this would no longer be a concern with even ordinary insulated glass window construction. Hence, it is my opinion that no extra glazing or laminated glass would need to be considered to improve the window sound isolation to have acceptable interior noise conditions even with the present outdoor noise condition.

Moreover, we understand that the tenant in the 40 Erie building where the exhaust fans of concern are located will be moving out within a year. After that time, given the age of the current fans, they might be replaced and if this happens, I imagine that any new exhaust fan installation will need to meet the 50 dBA nighttime noise regulation limit at residential property lines. This comprehensively establishes what the noise emission requirements are for all manner of rooftop equipment that might be considered for the roof of the 40 Erie building. Of course the system requirements for a new tenant are uncertain, but these noise limits would seem to be only moderately restrictive for modest size fans (on the scale of the existing). If the new exhaust system were developed with vertical discharge high-plume style fans, these fans can come from the manufacturer with integral accessory silencing. I think the suggested noise emission limits could be relatively easily achieved assuming that the exhaust quantities remain comparable to what they are today.

In summary, the current exhaust fans on 40 Erie create an estimated noise level at the 240 Sidney St property of 55 dBA, which is in excess of the 50 dBA Cambridge nighttime residential requirement. If the fans run at night, residents could close their windows to achieve acceptable noise levels without special modifications to the windows if they were bothered by the noise. If a new tenant at 40 Erie replaces the fans (as they may likely do), appropriate fan selection and accessories should easily allow new fans that are on the scale of the existing system to meet the nighttime noise requirement of the Cambridge regulation.

I hope this provides the noise measurement information and noise mitigation discussion you need for the project. If you have any questions, please let me know.

Sincerely Yours,

ACENTECH INCORPORATED

Douglas H. Sturz

Encl.: Figures 1 and 2
Site Diagram

623842/Basic Findings

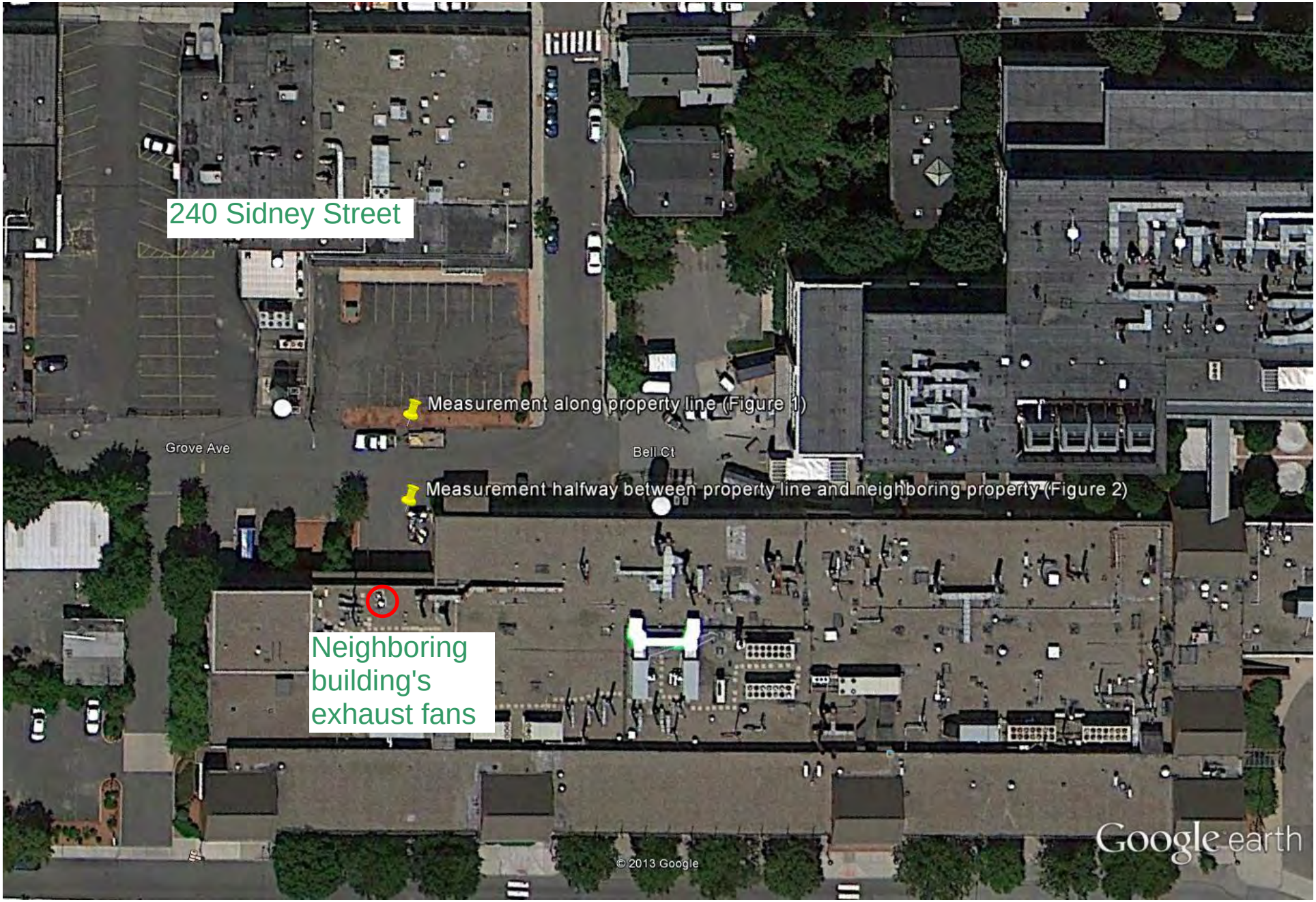

240 Sidney Street
Measurement along property line (Figure 1)
Grove Ave
Bell Ct
Measurement halfway between property line and neighboring property (Figure 2)
Neighboring building's exhaust fans
© 2013 Google
Google earth
Google earth
feet
meters
300
100

Figure 1
240 Sidney Street Residential Development
Sound Level Measurements
Measured 7/30/13

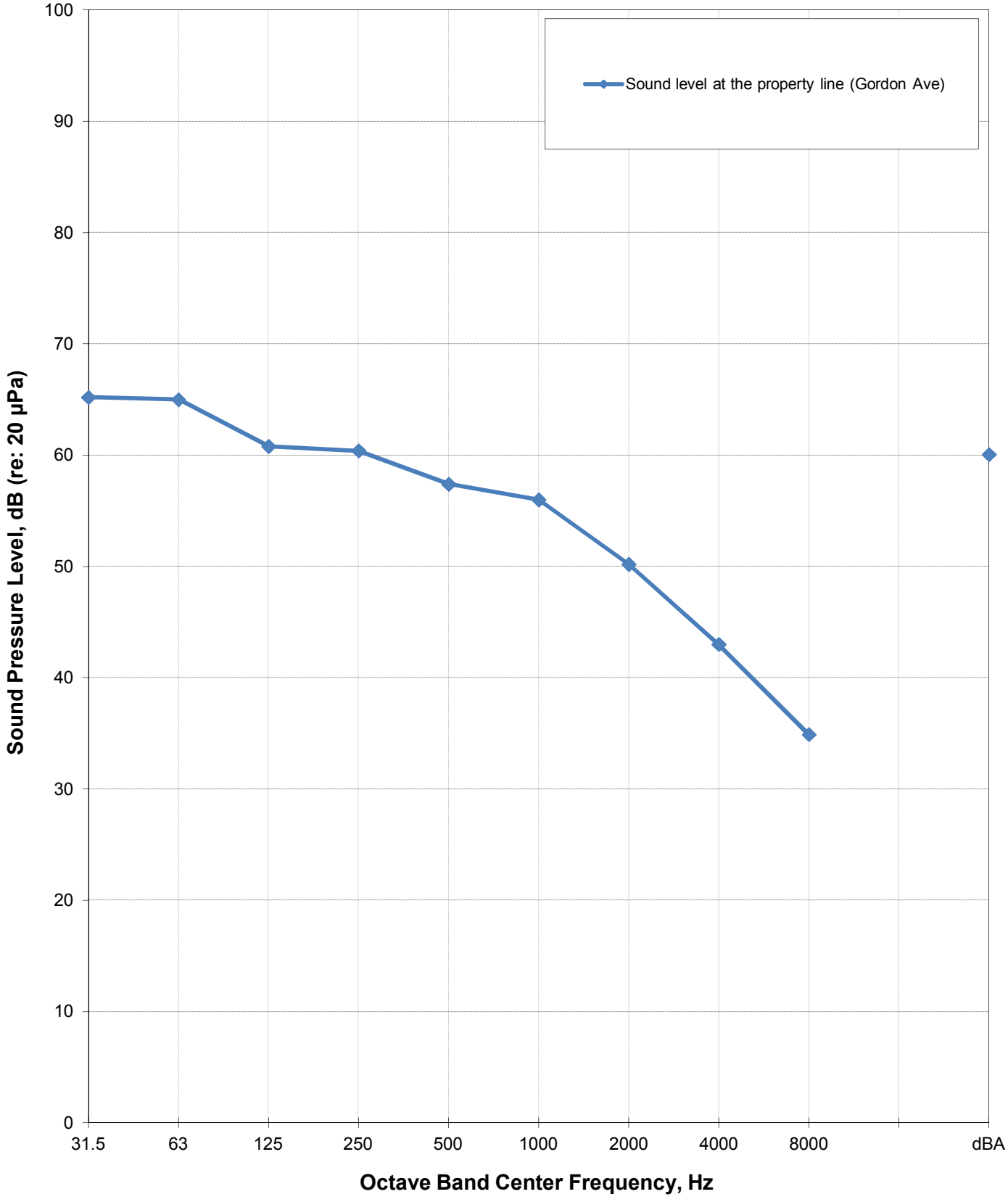
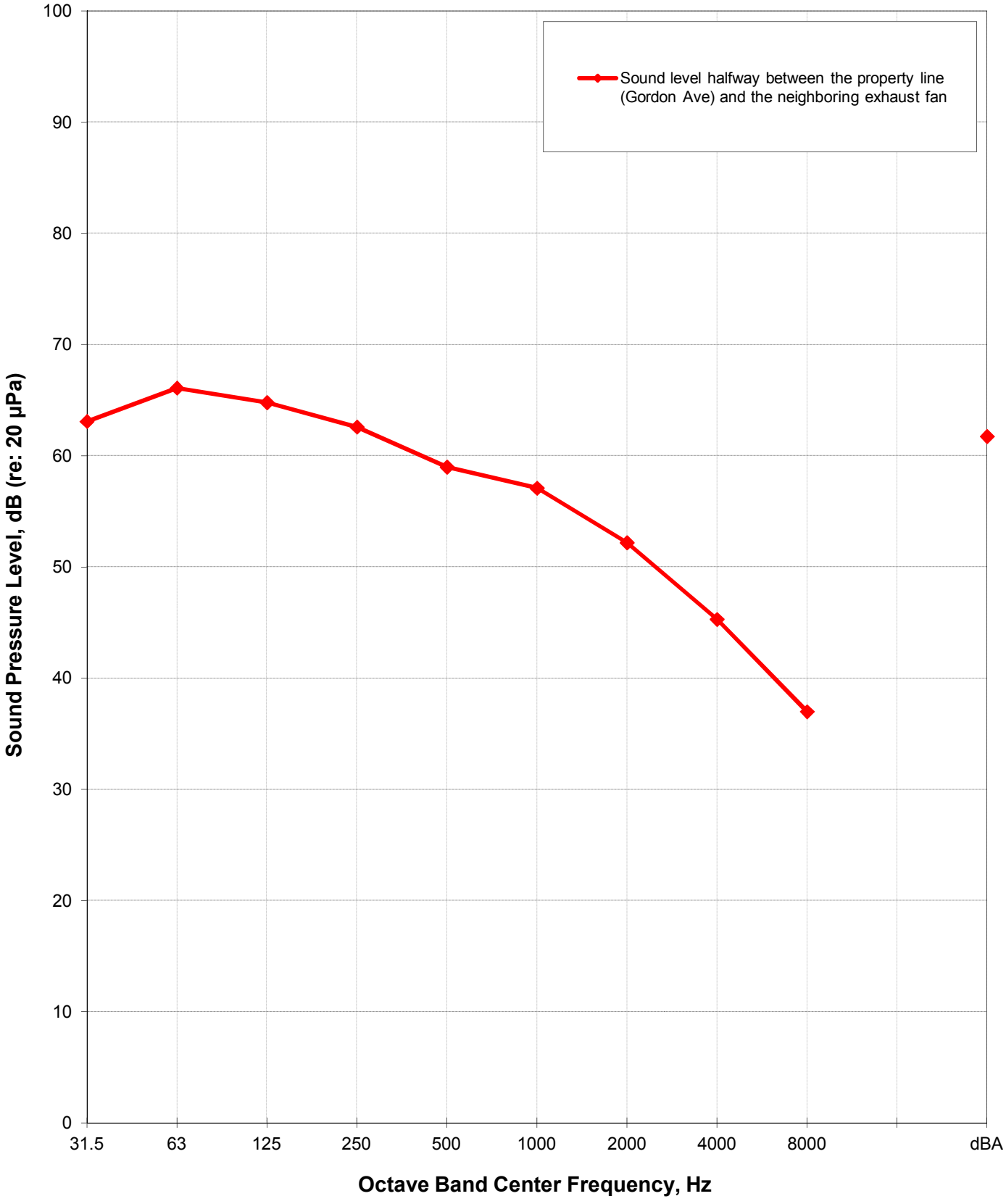


Figure 2
240 Sidney Street Residential Development
Sound Level Measurements
Measured 7/30/13



Via email...

2 August 2013

Mr. Bill Kane
Vice President, Leasing & Development
BMR-40 Erie Street LLC
17190 Bernardo Center Drive
San Diego, CA 92128

Re: Proposed Development of 240 Sidney Street, 40 Allston Street and 618 Grove Avenue (the "Property")

Dear Bill:

Thank you for sharing your letter of May 28, 2013 to the Cambridge Planning Board. We appreciate your input and the opportunity to respond to your concerns. The *italics* below follow your quotations from the Ordinance.

Reduction in Parking Special Permit

No Special Permit will be requested for a reduction in parking. We reduced the proposed number of units by ten percent to 96 (from 107) and enlarged the parking garage to hold 106 vehicles—one for each apartment and ten visitors' parking spaces . As we have increased the parking, we are withdrawing our request for parking relief and our proposal exceeds required parking and fully complies with City zoning.

Project Review Special Permit

The Project will have no substantial adverse impact on city traffic within the study area as analyzed in the required traffic study.

Our Traffic Impact Study (TIS) was completed by Howard Stein Hudson Associates, Inc. and reviewed and certified as "complete and reliable" by the City of Cambridge Traffic, Parking and Transportation Department on January 17, 2013. The TIS results are conservative as the Planning Board does not allow the TIS to take into account the discontinuance of the current office and laboratory use of the site with its 66 car surface parking lot which will be replaced when redeveloped.

New buildings are [to be] designed and oriented on the lot so as to be consistent with the established street streetscape on those streets on which the project lot abuts.

Our original planning took into account *all* of our diverse neighbors -- both residential and commercial abuttors. As you know, our site was rezoned in 2002 with the intention of providing a transition between the residential neighbors and commercial uses like yours. Our commercial neighbors include not only your one-story 20' tall office and laboratory building at 40 Erie but also 200 Sidney Street, equally distant from our property and owned by an affiliate of BMR-40 Erie Street LLC. As you know, 200 Sidney Street is a four-story office and laboratory building which is over 60' tall with a significant mechanical penthouse, over 200,000 square feet and is sited approximately 30 feet away from 40 Erie for over 300 feet.

Multi-family Housing (12 or More Units) Special Permit

New buildings should be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.

As stated above, our challenge was to relate not only to our three and four story residential neighbors on two and a half sides but to both your 20' tall 40 Erie building[1] and your much larger 60' tall 200 Sidney building. As a result, our three- and four-story building is in scale with its current surroundings and anticipates the future potential reuse of your site which may, under current zoning, be as tall as 60 feet with FAR =1.95 for residential uses with incentive zoning bonuses.

In addition, since our original proposal, the building massing has been reduced to minimize its impact on surrounding properties. Specifically, we reduced the height of our building by one story (approximately ten feet) to three stories (approximately 35') directly across from your building to match the height of your current 15' to 20' tall hood exhaust stacks (total height of 35' to 40'.) Our current proposal includes only 96 apartments in a predominantly 35' tall, three- story building with a small 45' tall four-story section only near the corner of Grove Avenue and Putnam Avenue, matching the height of the recently built Putnam Green apartments.[2]

The continued operation of or the development of adjacent uses as permitted in the Ordinance would be adversely affected by the nature of the proposed use … [Or] for other reasons, the proposed use would impair the integrity of the district or adjoining district.

Acknowledging both the current office and laboratory use as well as the potential future reuse of 40 Erie[3], we sited our building farther away from Grove Street than required and thus created a protective buffer between our residential building and your office and laboratory building. We increased the setback to our property line from the required 10' to 21' and will plant trees to create a visual barrier. Combined with the width of Grove Avenue and the setback of your building, the total distance from our building to your loading docks[4] is about 95' – about the same distance as two buildings on opposite sides of Massachusetts Avenue in Central Square.[5]

In addition to the protective buffer, lowered building height, and the increased parking mentioned above, to ensure the continued operation of or the development of your site would not be adversely affected, we have:

[1] Only 17,000 square feet of 40 Erie, about 17% of the total building, actually abuts 240 Sidney Street across Grove Avenue. See diagram attached.
[2] Your letter incorrectly states that we proposed to build to the "maximum permissible height" but that is 60' and our proposal was and is no taller than 45'. A rendering is attached showing the current building.
[3] The current office and laboratory tenant, Vertex, will vacate in the next twelve months and the future re-use of 40 Erie is uncertain. It may contain laboratory or office uses or given the unused FAR be replaced by a larger building for lab or even residential use or some combination as contemplated and encouraged by the 2002 rezoning.
[4] Your letter refers to your building as "industrial" but the loading docks are seldom used and the building ceased to have an industrial use almost twenty years ago when it was converted to the current office and laboratory use.
[5] Your letter incorrectly stated that our two buildings are "virtually on top" of each other.

- Designed windows in the area of concern directly northwest of 40 Erie that may be made inoperable and noise-resistant by installing interior storm windows. If the tenant that replaces Vertex has hood exhaust stacks in the area of concern and noise issues arise, we will install these noise-resistant interior storm windows. These interior storm windows will prevent any noise complaints and, as they would be inoperable, alleviate any concerns about air quality at 240 Sidney. If excessive noise proves not to be an issue when the re-use is determined, we would simply render the windows in this area of concern inoperable, if future laboratory use dictates.

- Specified exterior walls filled with cellulose insulation which provides superior acoustical properties.

- Specified a heat recovery ventilation system for units proximate to and facing 40 Erie Street with remote air intakes directed away from 40 Erie to avoid any air quality issues.

- Designed all common area make-up air intakes to be remote from 40 Erie so as to avoid any air quality issues.

All of these design changes will be incorporated into our planning and construction. We look forward to a cooperative relationship as neighbors and abuttors.

I will also be forwarding separately a copy of a letter to the planning board addressing other issues that may be of concern to you.

Given the responses outlined above, we hope you will reconsider your opposition to our project.

Thank you for your consideration.

Sincerely,

Scott I. Oran

cc: Mark T. Dufton
Anthony Galluccio, Esq., Galluccio & Watson
Adam Weisenberg, Esq., Sullivan & Worcester

Annotated Site Plan

Rendering of Proposed 240 Sidney Street Building