

PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, April 29, 2014

7:05 p.m.

in

Citywide Senior Center  
806 Massachusetts Avenue  
Cambridge, Massachusetts

Hugh Russell, Chair

H. Theodore Cohen, Vice Chair

Steven Winter, Member

Tom Sieniewicz, Member

Steven Cohen, Member

Catherine Preston Connolly, Associate Member

Brian Murphy, Assistant City Manager for  
Community Development

**Community Development Staff:**

Liza Paden

Jeff Roberts

Stuart Dash

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#### **PUBLIC HEARING (Continued)**

PB#288, 40 Thorndike Street, Special Permit application to convert the existing non-conforming Courthouse structure at 40 Thorndike Street to a mixed use office building containing ground floor retail uses, 24 dwelling units, and below grade parking. Special Permits are being sought pursuant to Section 19.20 Project Review, Section 8.22.2.a Alteration of a Non-Conforming Structure, Section 5.28.2 (et seq.), Conversion of a Non-Residential Structure to Residential Use, and Section 10.40 General Special Permit Requirements. Application is by LMP GP Holdings, c/o Leggat McCall properties, LLC.	6
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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. I've got to try to figure out how close to this microphone I need to be.

JOHN HAWKINSON: It's good.

HUGH RUSSELL: Okay, I'll try to stay here.

The first item on our agenda is an update from Community Development Department which Jeff is going to give us.

JEFF ROBERTS: Thank you, Mr. Chair.

We have upcoming public hearings for the Board on May 6th, that's next Tuesday, there will be a hearing on the Planning Board petition to amend the PUD procedural requirements. We will also have a hearing on the case No. 290, which is construction of apartment units in the Basement Housing

Overlay District at 1-3 Landon Street. And case No. 291, which is the construction of -- which is on Bellis Circle, the construction of detached, separate dwellings in a Residence B District.

And then we have another set of public hearings coming up May 20th; a continuation of case No. 286. That's 75 New Street. A continuation of the public hearing on the Lutz, et.al. Zoning Petition dealing with Richdale Avenue. And continuation of case No. 289, 57 J.F.K. Street in Harvard Square. That one did not get approval from the Historical Commission, but it remains an open case for the Planning Board so the Planning Board will need to look at that and some conclusion will need to be reached.

There's a meeting on June 3rd. No public hearings yet, but we expect to have an

update from the North Point Partnership on their future parking plans. That was a requirement, a condition in their Special Permit that they come back and give an update. And we expect they'll do that June 3rd.

Also on upcoming things not yet set in stone, the City Council has adopted an order requesting the Planning Board to look at instituting caps on financial institutions in Harvard, Central, and Kendall Squares, and we'll be bringing that to the Board for discussion in the future. And also the City Council re-filed the Chun, et.al. Zoning Petition on the Cambridge-Highlands neighborhood. So that will be scheduled for a future hearing coming before the Board. And I'm sure there will be much more.

HUGH RUSSELL: Okay, thank you. I

take it there are no meeting transcripts.

LIZA PADEN: No.

HUGH RUSSELL: Okay.

So the next item on our agenda is  
Planning Board case 288, 40 Thorndike Street.

And I thought I would try to tell you  
why we're here and what we're -- what would  
be helpful for us to hear from you. So we're  
sitting as a Special Permit granting body.  
And that is a quasi judicial function. That  
is to say we're not here to make new law,  
we're here to follow the instructions in the  
law that are already there.

So, the Petitioners have applied for  
four Special Permits. And the way the law  
works is it says in the use Zoning Ordinance  
there are criteria for granting that we need  
to consider before granting each of those  
permits. And I'm going to go through those

for you in a minute.

So we're trying to make findings. If we can make those findings, we are obligated to issue the Special Permit. So what we're trying to get from you is your opinions and information on the subjects that we have to make findings on. They may not be what's closest to your heart or what you really want to tell us, and the reason I'm doing this is because the last public hearing we had, about three-quarters of the testimony was completely off the point of what we needed to hear. So I'm hoping that with so many people here tonight, we can be disciplined and try to keep on the target that is our charge.

So the -- one permit is a project review Special Permit under Section 19.20. And there is a Section 8.22.2.a, alteration of conforming structure.

Section 5.28.2 conversion of a non-residential structure to residential use.

And then the general Special Permit criteria that we have to consider in Section 10.40. So I'll sort of give you the bullet points for each of those, those permits.

So under the urban design permit, a new project should be responsive to existing or anticipated pattern of development.

The development should be pedestrian and bicycle friendly with a positive relationship to surroundings.

The building and site design should mitigate adverse environmental impacts on neighbors.

The project should not overburden city infrastructure services including roads, water supply, sewer system.

The new construction should reinforce



and enhance complex urban aspects of Cambridge as it is developed historically.

Enhancement and expansion of open space amenities in the city should be incorporated into new development.

The 5.28.2 permits we have to find that the alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming use.

I'm going to just -- there's a question about how we treat a building that presently is immune from Zoning and do we treat it as a non-conforming building and apply this paragraph? We have our own opinions at this table, but what we've done is we've asked the City Solicitor to tell us what we should be -- how we should view that question, and that report has not yet come back to us. I know there are people in this audience who

very much want to discuss that legal point at some length and in some detail, and since we're not making that decision about what the law says to us, but we're taking the advice yet to be offered, I would ask that you really not go there at any length.

The other point is -- let's see, we also have to find that in the 8.22.2 that the building is not further in violation of dimensional requirements. That is, any changes don't make it more in violation.

On the 5.28 which is a conversion of a non-residential building to residential use, it's a little complicated here because they're only proposing to convert a portion of the building to residential use, but it seems like -- so we have to -- some of the language that's in the Ordinance assumes that the entire building is getting converted. So

we have to understand that. But we need to evaluate the impact on residential neighbors of the new housing use as it may affect privacy in order to ensure the maintenance of reasonable levels of privacy for abutters. That's a very particular requirement.

And then if there is reduction in the requirement of open space, and I'm not quite sure whether there is or not, because I didn't check it, but if there is, we have to evaluate the quality and viability of the proposed open spaces. And we should also evaluate the availability of common spaces within the building to compensate for loss of outdoor open space.

We also have to consider a -- the efforts that have been made to address concerns by abutters and neighbors to the project. And I'm sure.... and we also have

to consider the appropriateness of the proposed layout of the floor space within the building of multi-family use.

The last piece is a general Special Permit criteria that, that we have to find that we have to find that traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by the nature of the proposed use, and that no nuisance or hazard will be created to the detriment of the health, safety, and welfare of the occupant of the use by the citizens of the city.

That the proposed use will not impair the integrity of the district or adjoining

district or derogate from the intent and purpose of the Ordinance.

So those are all of the bits and pieces. Some of them are very broad, some are very specific. So that's what we're trying to determine whether the project presented to us satisfies those criteria.

We will not be voting on a decision tonight, but we hope to make progress in perhaps making some of those findings. We had a previous public hearing. We don't wish to go through that process again. So I can only ask for your indulgence that if you said something to us before, don't feel you have to say it again.

The other thing is that there's at least two organizations who have -- are very interested in this project, and I think what we'd like to do is have the speakers from

each of those organizations sort of speak at the same time rather than have them sort of scattered throughout. I think that might be a way to get all the specific organizations' items out on the table.

Now, the first thing we're going to do is we're going to listen to the Petitioner. They're going to tell us and give us answers to questions, present new data, and it's -- the new information that comes to us we're particularly interested in hearing responses to.

ATTORNEY JAMES RAFFERTY: So refreshing Mr. Teague shooting forward. I've seen so many versions of my backside on You Tube.

Good evening, Mr. Chairman, Members of the Board. For the record, James Rafferty. I'm appearing on behalf of the Applicant

Leggat McCall Properties.

The first portion of my presentation was to review with the Board the elements of our application, but given that thorough recitation by the Chair, I have X'd that out from my remarks. And we have had the benefit of some distance between the last public hearing, you'll recall that was on January 7th. So here we are several months later. Much has gone on outside the parameters of the Planning Board hearing room on this as you might expect, but the one thing that the distance does provide also is an opportunity to review the transcripts. And so we were able to pay close attention to the issues that were raised by board members, and tonight we've organized our presentation around issues that were expressed in different forms and in different ways by the

Board.

We have several presenters who, in an effort to be expeditious in our presentation, one of the areas that the Board expressed interest in, we're happy to report, that we have an aeolian authority present this evening. I see the architects know the meaning of that word but the lawyers look very befuddled.

HUGH RUSSELL: Aeolian authority?

ATTORNEY JAMES RAFFERTY: Aeolian.

Mr. Sieniewicz has something to do with wind I was told today.

One of the issues that the Board had asked us to look at, and which we had done a considerable amount of work, is around the wind. The existing conditions and what opportunities might exist in mitigating the wind. So tonight you'll hear from an



authority, Doctor Ray Sinclair, who some board members might be familiar with. But his study of wind is something that we have shared the results with the East Cambridge Planning Team. We've also had an opportunity to share some of the results with the working group. I should point out that the working group the Board might be familiar with, there's a letter from Councillor Toomey that identified it, but the working group is a group that was formed at the suggestion of Councillor Toomey. Leggat McCall was asked to participate and we willingly did so. There have been to date three meetings of the working group, two of which Leggat was invited to attend. The most recent meetings, it was seen by the group might be more productive if it was just the residents and other members. We're anticipating at least

one, if not further meetings, in the month of May. For that reason, among others, that we indicated in our cover letter that we did not anticipate nor would we seek a final determination on our application.

There is one other thing about our application that is of some significance and I want to bring to the Board's attention, and that is the likelihood that we will be in the near term filing an amendment to the application concerning the issue of parking. The current proposal for parking, as you may recall, is -- the applicant has sought a long-term lease from the City Council for 440 parking spaces in the First Street garage. At the moment I would say that that process is not moving forward at the City Council. Given the concerns that have been expressed, there seems to be a thinking that there's

going to be some further thought on this depending on the outcome of this proceeding. So you'll recall that the Special Permit provisions of Article 6 do allow for parking to occur on uses other than the ones containing the -- on lots other than the ones containing the principal use. If that lot is located within 300 feet of the locust, no Special Permit relief is required. If it's more than 300 feet, a Special Permit would be needed. We didn't apply for that because the First Street garage is only across the distance of Second Street.

We have found it necessary, not desirable, to enhance the opportunity for an alternative parking location should it become necessary. That location would be at the Galleria Mall. It slightly exceeds the 300-foot as-of-right limitation for parking.

So I think it's reasonable to anticipate that when we return to the Planning Board, there will be an added element to our application that we'll ask the Planning Board to address that.

I wouldn't say that including the request would suggest that the opportunity at the First Street garage is not something that we will pursue. But as a practical matter, I'm sure the Board can appreciate, the building needs to satisfy the parking requirements associated with the use of this size. There's going to be a limited opportunity for parking spaces in the building. You will recall that the building is proposed to contain 92 parking spaces. The 24 residential units will all park in the building. The balance of those parking spaces will be available to only a small

portion of the office uses. We have, we have worked closely with the City's traffic department around a range of issues associated with the garage, but ultimately given the disposition process and the City's Municipal Ordinance as well as the 30(b) bidding process, it is a very time consuming process and it has not frankly begun in earnest yet. The City has not initiated the appraisal process, and it's for that reason that an alternative is being explored.

The -- in our view the alternative is far less desirable than our proposal to lease the space in the garage. The city garage you'll recall included in our proposal for the municipal garage was a commitment to master lease the ground floor of that garage and create a retail food store. We think that would be a significant amenity for the

building, for the neighborhood. It was actually a suggestion that came about as a result of some early meetings we had with the East Cambridge planning Team as we discussed the retail opportunities within this building and then the discussion turned to broader opportunities.

So we, we remain optimistic and hopeful that the, that the wisdom of leasing those spaces to this use will be present at the necessary time of the City Council. But if that proves not to be the case, in order for the building to remain viable, we will, we will seek the Special Permit for an alternative parking location. The good news is that the -- the analysis study by our traffic engineers indicate that the principal approach to both of the garages on First Street, in the case of the mall, they have a

separate entrance on First Street. It's just a few -- a block or so down from the municipal garage. The municipal garage is accessed from Spring Street, but Spring Street is a one way running up from Cambridge Street. So without spending too much time talking about something that is not yet in the application, but in an attempt to inform of you where things stand, I wanted to share that with you.

Finally, we, we are going to continue our work with the working group, but what we've done tonight is identify some critical areas that we think the Board appropriately has inquired about in order to make the critical finding for the non- -- the change of this non-conforming structure. And of course that's the question of detrimental impact upon this structure. As you know,

we're changing the building to a -- the facade of the building is going to be significantly changed. There are certain impacts associated with that. So both our wind studies, our light studies, and even our changes to the landscape are a reflection of the criterion and findings associated with our application.

Having said that, Mr. Dickey, Vice President and partner at the Leggat McCall wanted to quickly run through a few items and then we'll have our consultants make their presentation.

Thank you.

ROB DICKEY: Good evening, Mr. Chairman and Members of the Board. For the record, my name is Rob Dickey, I'm the Executive Vice President of Leggat McCall Properties and Partners, and I'm joined by



several of my partners this evening.

As Jim mentioned, our objective tonight is ostensibly to review new items that you asked for and to review the prior plans and information that was submitted on the 7th and reviewed then. For orientation, which I think is helpful, the model is the same model you saw before. We do have some landscape changes which are not reflected in this plan. And you are facing as if you were sitting in Kendall Square looking at the building to the north, so that south facade is the facade facing you. And the in the case of the audience they're looking at the north side of the building, Kendall Square and Lechmere sort of the orientation.

And in terms of the plan that we have up on the screen, this is an expanded view of a plan we showed you last time. It does

incorporate a new landscape plan which our landscape consultant will introduce shortly.

But what's important about this is it shows the orientation of the property. This is north, this direction, Lechmere this way, Kendall Square this way. And to the east the entire parking facility. This is First Street, this is Second, and this is Third. And this shows you the orientation of the 10 to 12,000 square feet of retail that we hope to convert on the east end of the garage to a grocer, utilizing this area here, actually coming in here and out that way underneath as for short-term parking for that grocery operation. Otherwise Jim mentioned, just for the record, 440 spaces in the garage. It's actually 420 spaces that we're requesting.

I also wanted to update the Board just on our overall schedule and where things

stand with DCAM and the facility.

As you know, we were designated by DCAM in December 2012 and have been working diligently since then, 16 months in the planning and due diligence and design of this project. We are told by the state at this time that the, that the only remaining portion of the facility that's being used, which is the jail, is planning to be relocated May or June. And the intention would be for us to close on the facility and complete this transaction later this year, hopefully this summer.

So that's our, that's the current update. We will certainly provide the Board updates to follow should that change.

When Leggat McCall decided to participate in the bid process to acquire the building, we did so with the full knowledge

that this is a troubled building. So one of the things that we have done extensively is understand the asbestos abatement required to do any work in this facility, any work of any kind, to reoccupy and repurpose this facility. So at this time, we have done a complete analysis and evaluation. We have bid the project out to multiple subcontractors and, you know, when you take the highs and lows of those bid process, we have an approximate cost of forty -- I'm sorry, \$34 million to abate the facility. So I think that's a point of consideration. It's something we've talked with the working group as well about.

We're also keenly aware of the history of the building and recognize that it has loomed over its East Cambridge neighbors for nearly five decades with a design and

orientation that was unwelcoming and uninviting. We accepted this challenge and we continue to accept this challenge for several reasons. Chief among them is our strong belief in Cambridge as an ideal community to live and work. We developed the Haviland Candy Factory at One First Street from an active manufacturing facility to a residential community of 200 homes. So we are quite familiar with East Cambridge as a firm.

We were also aware of the planning efforts that will lead to the creation of the new Lechmere Station and Green Line extension west of Somerville and Medford and a new station to be built allowing for First Street to connect directly to Monsignor O'Brien Highway. We're hopeful that the timing of those improvements will coincide closely with

our redevelopment which we hope to deliver in 2016/2017.

Of course any discussions of the building begins with its height. It qualifies as one of the taller buildings in Cambridge and is admittedly out of scale with most of the structure around it. However, as we began to really study the building in earnest with David Manfredi, his design team and our entire consulting team, it was clear that not withstanding its height, the feature that really makes the building less unwelcoming is the fortress-like quality on the ground floor and its relationship to the adjoining streetscape. As you know from our presentation at the last hearing, we firmly believe that the most transformative moves it can be done to remedy this condition involves the work we are doing at the podium level.

You will hear some more about that from Mr. Manfredi in a moment, but I wanted to conclude by sharing with you our vision of how this building will operate, who will most likely be attracted to it, and why we believe it could be a tremendous asset to the East Cambridge neighborhood.

This building when completed will be one of the leading members of a new generation of office buildings in the City of Cambridge. If you stop and consider the many new commercial buildings that have come before this Board and in past decade, they have predominantly been life science buildings that contain a significant amount of lab space. This building will be different. We envision this building as ideal home for technology companies like Google, Microsoft, Apple, Yahoo, and many

smaller firms whose names are probably unknown as we are gathered here tonight.

Cambridge is the leader in the knowledge-based economy and that has earned Massachusetts an international reputation for innovation and technology. We are talking about companies that do technical research, programming, and software development. Those companies want to be near Kendall Square and all the intellectual capital that exists there. We do see this building, however, as providing a slightly different orientation for its occupants. We think of the possibility of energizing Cambridge Street with new retail and pedestrian activity. We see the new housing being constructed along First Street, and the opportunities that will be created with a ground floor grocery store in the now once vacant First Street garage



retail space. We see this building as setting a new bar for sustainability in its design and its operations. And for many of the companies that will be considering locating in this building, this is one of the fundamental elements of their mission and a significant part of their culture. We also see this building as becoming a leader in incentivizing non-automobile trips. Bicycle commuting continues to grow exponentially, and this building will contain unrivaled amenities for bicyclists, for on-site repair rooms to showers to locker facilities to an on-site Hubway facility. A transportation kiosk will be located in the central lobby that will promote and sell T passes, provide access to ZipCars and coordinate ride sharing or carpooling opportunities. While many of the individual tenants will undoubtedly have

similar programs of their own, we believe that we can create a building-wide culture around walking and bicycling to work that will engage all the occupants in this building that will allow for shared opportunities for efficiency and greater participation.

It's also important for the Board to know that we have executed a PTDM plan with the City at this time.

In addition to all that -- all of that, we see the ground floor of the building is not only containing and engaging street level retail, we also intend to create a multi-purpose space containing state-of-the-art multimedia capabilities that will serve an attractive venue for community meetings and neighborhood gatherings. We intend to work with existing network and

neighborhood organizations and agencies in East Cambridge that have proven so vital to its success as an inviting, engaging community. We look forward to continuing to work with all of you to live around the promise of what this building can become. We believe that we have the experience and capability to turn that vision into reality.

With that, I will turn it over to Laura Rome who is just going to provide a very brief clarification and update on the MEPA process.

Thank you.

HUGH RUSSELL: Could you spell your name, please?

LAURA ROME. Laura Rome, R-o-m-e.

I'm from Epsilon Associates. I'm a principal of Epsilon Associates an environmental consulting and engineering

firm. I have 20 years of experience with environmental regulation in the public and private sectors, including five years working with -- working in the MEPA office on the administration of the Massachusetts Environmental Policy Act.

Leggat McCall engaged Epsilon to prepare its MEPA documents, and our first step in that process was to meet with the MEPA office to determine the approach we would take to MEPA review. The key issue being whether we would prepare a basic environmental notification form and an environmental impact report or an expanded environmental notification form seeking a waiver of the requirements for para-environmental report. And based on our discussion with the MEPA and with their concurrence, although no commitment that this

would go -- that the waiver would be granted, we filed an expanded environmental notification form that covered the issues most likely to be required in an environmental impact report were one to have been required.

So those issues were traffic and air quality and greenhouse gas emissions and sustainability and historic resources. And in our expanded ENF we covered those to -- at the level that would ordinarily be found in an environmental impact report.

Based on the review of that document, the Secretary of Energy and Environmental Affairs issued a draft record of decision proposing to grant the waiver of the requirement to prepare an environmental impact report. That draft record and decision included several conditions for the

provision of some additional information, the key point being that he wanted more analysis of the decision described in the ENF to disconnect the building from the Oleus (phonetic) district steam system.

Several weeks after the issuance of the draft record of decision, the MEPA office issued a protocol that it requested that the team follow in preparing that analysis and we're doing that work now. And that information, when it's prepared, will be posted on the Leggat McCall website and made available to the public.

There were also a couple of points that I was asked to clarify this evening. One is to put a little more information around the notion of the waiver. The waiver is not meant to be a shortcut or an exemption from MEPA review. The studies that were provided

in the ENF were a complete studies that otherwise would have been provided in an environmental impact report and the state resources and the public review and just shortens that process but provides all of the analysis that would otherwise have been provided.

The other question that's come up is about the traffic studies that the project team has prepared, because we have two traffic studies that have been reviewed: One for the city, and a different one for the MEPA review. And some of the, the analysis is different and that's intentionally the case.

The MEPA review is based on data taken from the Institute of Transportation Engineers, that trip generation manual. And that's how under the MEPA review the analysis

begins with the calculation of how many trips the project will generate, and that's a calculation taken strictly from this manual that's not specific to Cambridge. It's data that's applied across the state. So, they're a very broad brush studies that bring a conservatively high number of trips to a project in an urban environment. The city uses a finer grained, more detailed census-based set of data to make adjustments to the trips generation numbers based on the number of trips if things will come by transit or on foot or bicycle or by carpool, and so it's based on a different set of numbers. And so these studies are not entirely comparable and they should show different, different impacts.

With that, I guess I'll ask if you have questions for me on the MEPA review? And if



not, I would turn this over to David Manfredi to speak about the project's design.

HUGH RUSSELL: Thank you.

DAVID MANFREDI: Good evening, Chairman Russell, members of the board. My name is David Manfredi from Elkus Manfredi Architects in Boston. Tonight we're going to be a little bit different than our presentations in the past. You asked us in January some very specific questions which had to do largely with environmental impacts, and so we brought a bigger, the bigger design consulting team to answer those questions with some specificity.

You asked questions about landscape, about the quality of landscape, and its relationship to public realm and usability by the public.

You asked me for some long view images

of the building from a number of sites around the city and even beyond the city.

And then you asked very specific questions about wind: What are the existing wind conditions? How can those conditions be mitigated? Is it better after than it was before?

And then, and a number of questions by a number of the board members about glass, glazing, glare, light transmission. And so we're gonna try to answer those questions as well.

With me tonight as Chris Jones from Carol R. Johnson Associates. I think you know Chris. He is responsible for a number of important open spaces in the City of Cambridge, including Lechmere, Canal, and One First Street with my firm.

Doctor Ray Sinclair, who you don't

know, or at least I don't think you know him, from RWDI in Guelph, Ontario. RWDI is an international engineering consulting firm with a specialty in building science. They look at how buildings perform and how buildings impact the environment around the world. They are -- Ray personally has worked on more than 40 building projects in and around Boston and Cambridge. He's done more than 10 different buildings with my firm, everything from glare analysis to some very extensive wind studies on tall, high rise buildings in Boston. Air and train unit from the Broad Institute and Pfizer and Millennium Pharmaceuticals.

We've also brought with us Michael Castelli. Mike is a principal at HDLC which is a New York based lighting design firm. Mike's here to -- and Mike has worked with us

on a number of projects as well and he's our lighting designer, but Mike has specific expertise in light transmission, excuse me, and in -- he has -- he's going to address the issues that you raised about the building as lantern and how we deal with that building in this context.

And then lastly Tim Foulkes is here from Cavanaugh Tocci that's a local firm that you probably all do know. Tim is a principal at Cavanaugh Tocci, principal engineer, and we will talk relatively briefly about the acoustic impacts.

I'm going to start with -- I'm going to start with those, those distant views of the project. And really what we did was we simply went around and looked at the places where we might see the building. And of course the building height doesn't really

change. The building massing doesn't really change. And so it's really the -- and from these long distances, what changes is the building envelope, and anything close what changes is how we meet the ground, how we connect to the surrounding landscape, how we use that ground floor. But these long views are from the Longfellow Bridge, from the Zakim Bridge, which looks like we did something very dangerous here to take this photograph, but I assure you we didn't. From the Gilmore Bridge, you could see the building there in the center in the context through North Point. This view from Kendall Square which is a view up Third Street, you can see the former Vertex building there on the right and then the building beyond in the center of the screen. And a view from Monroe Street across Binney, again looking north to

the -- to 40 Thorndike. And then a view from Cambridge and Third now looking south to the building.

So, again, we tried to get some long distance views and some closer end views.

Very, very quickly I just want to go back to what we think is really the most significant design benefits that we can accomplish here, and that really is about how the building meets the neighborhood, how it meets the ground, and how the reuse as retail and restaurant on the ground, some residential on Third can really be transformative. So I mean, you have seen versions of these drawings before. I will go through them quickly, but the view from Third and Spring where that kind of submerged courtyard access the sally port is the opportunity to create, we think, meaningful

new open space. Chris will talk a little bit more about that.

But what's really impactful here is taking away all the sense of barriers. Taking away all of the things that brought security to a courthouse but pushed people away from the building. We're trying to open the base of the building, we're pushing down existing slabs, making retail continuous among -- around almost all four sides, three and a half sides of the building, with access from the outside, taking the entire base and making it far more permeable.

This view from Third and Thorndike, again, the notion of connecting sidewalk and ground floor plane. So there can be multiple doors. There could be access into the building that we can create an active edge that engages pedestrians.

This view from Second and Thorndike -- and, again, it's really looking at all sides of the buildings. We do have access into parking and we do have loading docks on Second Street, but even then taking that into the architecture of base. And then pulling out -- demolishing some pieces, and you can see it here probably best, where we pull out some pieces and we create some scale on Thorndike, on Second, and around on Spring Street as well in order to break down the scale of that monolithic base into several pieces that are more appropriately scaled to the -- that surrounding context.

And then you asked a specific question about building materials, and I think the really, the real question was terra-cotta and why terra-cotta on the base of the building and how would we use the terra-cotta? And as



you know, I'm sure everyone knows, terra-cotta is an ancient material. It's an organic material. It's a clay-based material fired in a kiln. Used for years as an applied material. Now kind of reintroduced and reinvented as a rain screen material. The reason for terra-cotta on the base of the building is really two- or three-fold:

One, we wanted a material that was more residential, more domestic in scale. Like brick. Brick is modular. Masonry, as we would propose it, is modular and it has a more personal scale.

Second is color. It is a fired material. It comes from the earth. It comes from clay. And so every piece will be a little bit different than the other piece. And so it has the kind of diversity that masonry, masonry materials bring.

And then lastly color. The color of -- the neighborhood has color. It's not just brick, but there is a significant amount of red brick, but it's a, it is a neighborhood with color. Brick is an important part of the context. We belong more to the commercial and civic context of the neighborhood than we do to the clapboard or wood frame context, but that's why the terra-cotta, that's why our proposal with terra-cotta. And the ability to use different colors of terra-cotta. You use two or three of the different colors that you see in the material samples that are in front of you.

I'm now going to ask Chris Jones to provide our landscape update.

CHRIS JONES: Thank you.

Mr. Chairman, members of the board, for the

record, my name is Chris Jones with Carol R. Johnson Associates landscape architect on the project.

I'm gonna start by just sort of showing you the plan of where we were, and basically the feedback received from the previous submission was generally positive for three-quarters of the site; Third, Thorndike, and Second Street, with the bulk of the comments really hovering around the space at Spring Street, in particular the concept that the space that we were creating, the open space, was feeling a little bit maybe too much owned by the office and not enough by the community based on the way we had organized the elevational changes and grade and the area of hardscape. So that was one of the things we wanted to look at. And the other was to improve some of the connectivity

across site between Second and Third Street as well.

And lastly, to ensure that the open space across the street at the garage there's a small little green space that exists today that could be improved as part of the project. And so we've looked at those areas in more detail and made some alterations and I'll take you through that now.

Here you're seeing the updated plan as I mentioned, at Third, Thorndike, and Second, really no significant changes with the exception of altering some of the tree species to be marcescent trees that we had already proposed at the southern end of Third Street. And that was obviously with a goal of providing more wind mitigation because a marcescent tree holds its leaves for a longer period of the season, such as an oak tree,

and can break down some of the winds that are problematic in those areas.

And overall on the site you'll probably notice from a previous plan to this that there are significantly more trees overall, and that's also in part to address the wind mitigation issues. And I'll go into that in a little bit more detail when I talk about Spring Street.

From a standpoint of the materiality, David just mentioned the materials of the building. Our materiality is very similar to where we were on the previous submission. Looking at hardscape surface material that range from concrete sidewalks, to stone paving and concrete paving and the use of wood in areas adjacent to the retail on Third, which are driven by needs for accessibility to space below, but also

provide a lot of interesting character and support the contrast between the surface materials of the building and the ground plane. So those materials are very similar today and you'll see those on a later slide.

If I zoom in quickly here, you can see really the focus area being the Spring Street open space. And really in a nutshell what we did as a big gesture was almost flip the elevational condition. In the previous plan the stepping of the space occurred at the back of the sidewalk and the bulk of the open lawn space was elevated. In this iteration we took those steps and we pushed them back to the edge of the entrance to the office and levelled out the entire lawn space to be more at the level of the sidewalk grade allowing for a much greater improved accessibility and perception of that being a space more for the

community and less for the building itself.

Another interesting request that came as part of the process was a very simple request to improve the connectivity moving south on Second into the site at this location, because prior we had only made connections at the very corner locations. And it's amazing how one little request can really transform a plan and make it a much better solution than it was prior to that. So I was really pleased with that request and what became of the end result. It was the idea of now having the circulation feel much more like a connected movement through the site to bring you both to the entry to the lobby but also to the retail and to Third Street. And at the same time by opening up this corner, we were able to introduce these sort of seat wall height planter beds that

resolved some of the grade change with the ramping occurring in the back edge. And now we've sort of created this new sort of gathering seating space at the corner which seems much nicer use of the space than it was on the prior plan.

With that change we also looked at altering the form work at Third Street to pick up on the form work that was happening in Second and open that up a bit and make that also feel more inviting. We also added an overhead trellis structure to provide some shelter and some wind mitigation at the terrace face in this location supporting the retail as well as the community gathering and the seat wall that let's you sit at this corner as well.

And then as I mentioned, the lawn is really being framed or bookended on both



sides by a dense planting of trees that begin to sort of protect that open space and provide a comfortable environment for the user.

A couple of views that illustrate that. This is a view from Third. You're seeing the stepping of the lawn, a little curb height step condition and then the seat wall steps that take you up to the plaza level, the plantings, and some of the additional trees that provide that protection of the open space.

And then another view from Second looking in the opposite direction, the same condition. You're seeing the bookended planting of shrubs and understory material, the open lawn, and then the stepping up to the entrance to the lobby.

And then the last piece is looking at

how we developed the pocket part. And what we really did is it's a very small space, but it's still, you know, some of those small spaces could be really nice places. They just sort of pop off the sidewalk, the main thoroughfare, pop off and fit into a little pocket. We wanted to be considerate of the fact that we do have service on the Second Street side so we strategically placed some planting elements that as you sit in the space, they provide some visual buffer of those elements, but where there are gaps, provide a visual connection to the green space across the street.

And that happens in a couple of locations.

And from a standpoint of the vegetation, we're still looking at a mix of materials that provide seasonal interest. I

mentioned the use of marcescent trees, those are things like, again, English Oak or Pin Oak and there's a lot of varieties available today so we just don't have a monoculture or a species on the site to address the wind issues.

And lastly, I mentioned the materials. The idea of using wood would be very complementary to the terra-cotta and stone and concrete.

Additionally, we're also proposing for curbing, corten steel edging, and concrete edging to delineate certain types of circulation zones. Up lighting, stainless steel bike racks. Incorporating wood seating into the areas where we have planters adjacent to wood circulation and granite steps.

And with that I'll hand it over to Ray

Sinclair to start talking about wind studies.

RAY SINCLAIR: Good evening,  
Mr. Chairman and the Board, I'm pleased to be here. My name is Ray Sinclair. I'm with RWDI and I'll be talking about wind comfort studies and solar reflection studies on the facade of the building.

Just a brief introduction to build on what David Manfredi mentioned, the nature of RWDI's work looks at climate and comfort issues around buildings and we've been doing that for pretty much 40 some odd years now. And I've done dozens of projects within the Cambridge and Boston area.

So we'll start off looking at wind comfort topics, and the start point for that is to understand the wind climate at the site of 40 Thorndike. And so to do that what we did was gather the long-term metrological

data from Boston Logan Airport and map it to the site of 40 Thorndike using standard engineering methods. And shown in this diagram are four plots showing the directional distribution of the winds. And so if we take, for instance, an example, this is -- the fall winds where the yellow and red colors are wind speeds over 20 miles an hour, and represent maybe 25 to 30 percent of the frequency of winds, and you'll notice that there's a large tongue of more frequent winds coming from the west/northwest and winds from the southwest and less so from the east. And so that's for the season of fall.

There's slight variations at different times of the year. For instance, in the summer you can see down in the lower right that there's more southerly winds and whatnot.

So when we look at the site for 40 Thorndike, we can see that the winds would tend to come on the diagram, the photograph here, from left to right quite often from the west/northwest and also from the southwest. So from the lower left upward to the south face of the building. So that factors into the prediction of how often more stronger winds would occur at the site.

One of the impacts on the left-hand image here of wind hitting a building is explained here through this sort of hypothetical or sort of rendered image of a hypothetical building. We have wind coming in from the right-hand side hitting the building face, and wind in the upper third of the tower hits and goes over the tower or around the sides of the tower. And then wind down in the lower half of the tower tends to

either wrap around or come down to grade. And so one of the concerns is that, of course, that this wind would hit the building, come around, and cause accelerations which makes people feel uncomfortable when they're walking around the building. And so this is the issue that we study and look at which I'll explain how we did that, but before we do, we just talk about some of the ways to solve these problems. One of the ways is when wind hits the broad face of the building and comes down the face causing dust down at the bottom, we can intercept those winds with a canopy or a colonnade. And out at streets we can add trees which diffuses the strength of the wind. And so these are some typical examples of solutions to dealing with vocalized control of wind comfort.

Across the world there really is no universal agreement on criteria for wind comfort and wind design, however, there are certain cities that have specific criteria that are helpful, and the sort of relevant criteria that we apply in this project is the BRA criteria of Boston. And that criteria relates to two criteria, one is related to the hourly mean wind speeds which relate to comfort categories which I'll explain in a minute. And the other aspect of the criteria is that the gust wind speeds should not exceed 31 miles per hour more than one percent of the time. And one thing about high wind events that's true is that for better or for worse, when people walk around cities, they tend to remember the most windy conditions and it sticks in their mind, particularly if it's cold. And so one of the



things about the Boston/Cambridge area is of course you do get windy conditions and, you know, it's frequent that people would remember certain corners at certain times and those times are probably a problem in many areas of the city. So what we're trying to do in these studies is really look at practical ways to provide suitable wind comfort in an area that receives cool wind.

The way in which we do this using standard methods of wind engineering, and the method involves building the physical scale model. This is a 1 to 300 scale model of the existing 40 Thorndike project. Right here. And so we have a scale model and the surrounding buildings on a disc and this disc can be rotated to test for different wind directions. And you'll notice the fan in the background, we turn on this fan and develop a

turbulent profile of the wind coming to the site that replicates the conditions that are suitable for that scale model test. Up in the right-hand side here you'll see little black dots around the building and those are special sensors that we've made which measure the wind speeds at full scale at about a five foot height. And so we make measurements all over the model and process the data with respect to the long-term climate data for 40 Thorndike and produce some results which I'll show you shortly.

So we test the existing building and we test a proposed design which I'm showing here. So the red buildings, the proposed design. And you'll notice some canopies have been added, trees have been added, the trellis that was discussed by Chris, and so these features all built into the model. The

black dots are the sensors I talked about before that are measuring the wind speeds. And all of that analysis, that testing, that analysis is, you know, scaled to full scale conditions. And we follow the BRA wind criteria and we produce plots of the results. And what we're seeing here, I'll just blow this up, are colored dots where the sensors are located around the test. So blue values that you see are values that have been determined to be suitable for sitting most of the time. So you'll see that at some distance from the 40 Thorndike building. In close to the building there is an increase in wind activity, and that wind activity following the BRA criteria yields these yellow, these yellow and green dots which correspond to these wind speeds you see down in the left side here in the scale. So what

you're looking at are the wind results for the existing building and you'll notice there's a number of yellow dots. And of course these are the windier conditions that the neighborhood has noticed around the project site.

When we look at the proposed future case, we get similar information that's colored exactly the same way following exactly the same procedures, and what we've done is circled in yellow the areas that have improved. So the measurement areas that have improved are in yellow. The areas that have slightly seen increased wind activity are circled in purple or blue. And we see that there's improvement in some areas and slight increases in wind activity in other areas, but it's by in large sort of a similar count of improvements and slight increased wind

activity.

When we look at the other BRA criteria which has to do with wind gusts conditions, these black dots are showing the areas for the existing building condition where we have unacceptable gust, wind gust conditions. So those are the black dots that one percent of the time cause winds more than 31 miles an hour.

When we look at the proposed building configuration and retest the model for the same conditions, we see that some of the black dots have been eliminated, so these higher wind events have been eliminated. There's one persistent one right here and up in the right-hand corner there we also see in the north, northeast corner as well.

So, again, there's some improvements and some areas that have slight worsening

conditions, but very comparable.

So to draw overall conclusions then, we've successfully modelled both the existing and proposed configurations and looked at the effects of the -- beneficial effects of landscape features that were added around the streetscape to deal with some pedestrian wind comfort issues.

Point No. 3 is that, you know, there's probably more work to be done and certainly are to be expects to work with Leggat McCall and the design time in doing further improvements to the wind comfort criteria.

I'd like to turn briefly to the reflected light topic. Again, this is another topic in which there are no sort of formal criteria that are adopted by Cambridge or others. However, one of the key points about looking at this issue is that we're

trying to avoid sort of obvious problems that can occur on buildings that are introduced in neighborhoods. And I'm showing here three buildings: One in Las Vegas; one in London, England; and one in Dallas, Texas, that have been in the media these last few years. And these buildings share a common kind of theme that in these two buildings there's a concave shape which tends to gather light and focus it and that causes excessive concentrations of light in the neighborhood which has been a problem.

This building on the right is a convex shape in that it's an elliptical shape, but it doesn't cause intense reflections but repeated reflections that's a different kind of problem, but one we would want to avoid.

Down in the bottom of this slide we're noting that 40 Thorndike will have planar

surfaces so it won't have concave or convex shapes that would cause these problems that we see in other buildings. It's also scheduled to have low-reflectance glass which is also helpful for the project.

So RWDI has a proprietary software in which we build a 3-D computer model of the project and we track the light from the sun to each of these triangles on the facade of the building to the light reflecting components of the building and we look at where those reflections end up just above grade in the neighborhood.

We're looking at a statistical analysis for a typical year of how often glare instances would occur, their intensity, and their duration. The results are summarized in this slide in which we can see that the green patterns are sort of frequent, low



intensity reflections that occur on the south portion of the building, south of on Spring Street here. And there are other areas like points No. 1 and 2, for instance, on Thorndike where we would get very brief early morning reflectance. It's where the sun would be coming up from the east at a shallow angle reflectance off of this north face and causing a glint of sunlight down Thorndike. Our modelling doesn't account for the trees that would tend to intercept that, but what we're picking up on in points one and two are these early morning sort of glintz, for a driver coming down Thorndike, they would already be looking at the sun and so it would sort of be a little sort of additional image, if you will, of the sun as part of their viewing experience.

At different times of the day like

points three and six would receive light at the midmorning, midafternoon conditions, glancing off of the west and the east sides of the building at the different times, and so there are these short duration reflectances which are higher intensity but they don't last very long. And then the more frequent, less intense reflections that would occur just south of the building, these reflections tend to be rather steep angled reflectances that would tend not to cause, you know, deep penetrations but tend to show up as you see here in the example showing.

So the summary of what we found in the light reflection study is that the impact of reflected light from this building will generally be low and comparable to the experience of living and working in a typical urban environment. The most intense

reflections are the least frequent. And the most frequently occurring reflections are low intensity. There's no indication of any light focusing or reflections that have posed any significant concerns to pedestrians or drivers or property.

And I think that's the end of my presentation. Thank you very much.

HUGH RUSSELL: Thank you.

MICHAEL CASTELLI: Good evening, Chairman and Members of the Board. My name is Michael Castelli from HDLC Lighting Design in New York City. I'm a principal of the firm. The firm has been -- has had roots there the late 70s -- since the late 70s and I've been working at the firm for roughly 25 years. We are a firm that does a broad swath of project types from -- everything from celebrity residences to retail to corporate

work to base building work to municipal parks and that's relevant here because that sort of demonstrates our --

FROM THE AUDIENCE: Please speak into the mic.

MICHAEL CASTELLI: That annotates our work that has to do with more qualitative active issues of lighting every bit as much as quantitative. And because lighting is a sensory perception, it's really the qualitative issues that come into play very strongly.

So we've been asked here to analyze what -- two things about the building:

One thing is what kind of light levels might be experienced on the street side during the night if the building were active. And also we were asked to assess the lantern effect of the building; that is how does the

building appear at night to passersby.

There's two things: Incident light on the ground and the outward appearance of the building.

The first step that we undertook was to benchmark the existing light levels along the primary facade. These were measured at night, well into darkness at nine p.m. in the winter, and these numbers represent footcandles which is our unit of measurement of the quantity of incident light, that is light that is hitting the ground. It's not quite light that you see. The eye sees reflected light. And so these numbers are representative of the higher numbers than you'd actually perceive.

Again, this is a unit of quantitative measurement. And people react to light level differently based on their physiology,

whether they have good eyesight or bad eyesight or if they're sensitive to light, but what people have a more even par on in terms of perception of light is contrast which is, again, a qualitative assessment of light. That's important to know and we'll go into what changes in the light with the existing to the findings that we did in our model.

So, what we see here, if you look at the numbers quickly, is a fairly high contrast environment where our peak light levels are under the street poles in the, in excess of three footcandles to areas where the light meter wasn't even registering values, you know, under 0.1 footcandle.

The next step was to try to -- to model actually with a three-dimensional computer analysis of building the entire building,

populating every floor from the very top to the bottom of the podium with a lighting solution that would be -- what we would call a worst case scenario for how the building would be lit. It's a worst case scenario because we brought the light levels along the perimeter to the maximum or towards the high end of office lighting standards. We've used, we've modeled a direct lighting solution. Meaning that there's lighting in the ceiling that's lighting downwardly.

So this is a recessed picture that lights down. That light has the biggest opportunity to penetrate the glass and wind up towards the street. And we also modeled this based on 50 percent of the light being on at night. So with that, what we've seen in this representation is a series of, again, footcandle readings, light incident on the

street side, that average point -- 30.31 and a half footcandles from the building. The building is brand new, clean glass, sort of a worst case scenario again.

Qualitatively what's interesting about this is that the light is very uniform and very low contrast, and that's very low impact lighting in terms of adaptation of the eye, what -- how it changes, things on the hardscape. It's a very soft, hazy, low impact light.

If we look at what this does for the average -- when we add it to the existing light levels, this shows the -- in the light blue color, the cold new light levels and overlaid on the existing light levels. What we find here, actually, is that our average light level increased to about 60 percent of the initial light level, but however, the



contrast was reduced by over 40 percent. So that means the -- with the building on actually has become a softer environment to actually experience. It's not to look at some hard shadows and sort of evened it out, all within a 0.3 footcandle increase on average.

Now, since we've started this project, I've walked from my office to Penn Station every night and I've been taking along the light meter and I'm very tuned in to light. So we have -- I have realtime data, but also it's known that you -- it's really hard to perceive the difference between 0.1 and 0.4 footcandles. Even given that 60 percent increase in average light level, it's very difficult to perceive that. In fact, the human eye really starts to perceive differences when there's a three-to-one ratio

or 300 percent increase in light level, which is not the case here.

So, the conclusion here is that we've diminished the contrast, made it a softer, perceived as a safer environment, and not added a discernible quantity of light.

The other aspect of the building is how the building itself is perceived relative to the so-called lantern affects the lights on, interior space on whether it's a varied pattern or uniform pattern. And the, again, the model assumes that it's a worst case scenario. We assumed a light levels that were indicative of a corporate or financial or accounting type of tenant where I think the market, the target market for this building is the media, creative software research types which characteristically work under lower light levels, softer light

levels, for example. So in given the target demographic of the tenant, these numbers would be expected to be lower.

That would diminish the lantern effect if the lights were on late into the evening, but really what common sense sort of comes into play is that the diminished lantern effect of a building, you really just have to turn lights off. I mean, that's the simple statement there. And what the development team had asked me to do, actually, is research some advanced lighting control strategies that are, that surpass what is required by code in the name of their, you know, initiative towards environmental stewardship and sustainability which across their portfolio would reduce their carbon footprint, of course. But also in this instance, if you're shutting down the

building, it would also create a good neighbor gesture. So we're looking at and researching control methodologies that could turn lights off on a very fine increment and start to, for example, close down portions of a floor for the late night cleaning crew in terms of leaving the whole, instead of leaving the whole floor on, start to turn off the floor light system on a very granular effect which would cumulatively provide less, less lit windows. So that is really the -- that's where we are with the lantern effect of the building. And I'll turn it over to acoustics.

DAVID MANFREDI: We're almost done. So with this last slide is really simply address the overall impact of the building after it is completely renovated. And I'll just point to No. 1, the occupancy.

As Rob Dickey said at the beginning, this is not a building for wet labs and so the kind of strobic fans and the kind of air changes that you are all familiar with on lab buildings in East Cambridge, that's not our intended use here.

The specifics are the existing cooling tower and the existing generator that are on the roof of the building today will be removed. That all new equipment will be within an enclosed penthouse or within a penthouse screen. So there is, there will be no exposed equipment. We have the opportunity to surround every bit of equipment and absorb the sound emission from that equipment.

Some of the most offensive activity in -- when the building was at full use was existing fans in that areaway that access way

to the sally port which of course will be removed. And all of our proposed garage ventilation fans will be located within the building, not at the perimeter of the building. So basically this is going to be from an infrastructure point of view, a brand new building. It will all be new equipment. It will all be state-of-the-art equipment. Our sustainability goals are to achieve Gold Rated LEED Certification. So our equipment here will be new, it will be state-of-the-art. It will be the quietest equipment available. This is going to act like an office building not a lab building.

With that, I am going to ask you if you have any questions for me or any of my colleagues?

HUGH RUSSELL: I believe we do not.

Okay. Well, David, Tom has some

questions.

TOM SIENIEWICZ: Actually, they related to the study on the light. Just a quick question, the lighting engineer talked about or the lighting designer talked about only showing 50 percent of the lights on at night. There was a question about that as a model. Why not model it 100 percent? I mean, did you test that?

DAVID MANFREDI: I'll ask Mike if he actually did 100 percent. I think when we were simply establishing our criteria of what we would expect the lighting levels in the building to be after seven o'clock at night. But we certainly could test 100 percent.

TOM SIENIEWICZ: And the other question also relates to the lighting designer, the lantern effect in my imagination is somehow a view to the sky

rather than the reflected view on that or light off the ground. I wonder if there's any way you could shed light, shed light or illuminate us on what the effects might be of the building at night?

DAVID MANFREDI: I could ask Mike to talk about that as well. I hear this called is light spill. And we can mitigate or control light spill to a large degree by what kind of light fixtures are allowed on the perimeter of the building. If you say for the first five feet of ceiling that you're gonna only allow the tenants to install light fixtures that have cut offs, not dissimilar to what we do on parking garages with light standards, you can do that on the interior of the building. And almost, I'll ask Mike to make sure I'm not exaggerating, you can almost eliminate light spill out of the



envelope of the building with the proper light fixtures?

MICHAEL CASTELLI: You can be highly restrictive but possible.

DAVID MANFREDI: And, Mike, anything you want to add to that?

MICHAEL CASTELLI: Just to clarify --

JOHN HAWKINSON: Can you use the microphone?

DAVID MANFREDI: You have to come and use this.

MICHAEL CASTELLI: So just to clarify the question of light spill versus the lantern effect of the building, the way it was presented here was the light spill is what light is permeates the current and actually incident at grade. So that's what the numbers represented.

And the lantern effect is really light that you see. So if this light fixture was the building, the lantern effect is that hemispherical glowing object. The measured light level is what it's delivering to the floor. So that's sort of the analogy for that two pronged....

HUGH RUSSELL: Any further questions?

Ted?

H. THEODORE COHEN: I have some questions.

The height of this -- of the proposed building --

FROM THE AUDIENCE: We can't hear you.

STEVE KAISER: Stand up, please.

H. THEODORE COHEN: The height of the proposed building with this proposed

penthouse, does that make it taller than the existing courthouse?

DAVID MANFREDI: The roof of the building is exactly the same. The parapet at the perimeter is actually lower in the proposed. The elevator overrun which is what you see poking up, that small piece poking up at the top, is actually taller. It's about eight feet additional. It's the elevator overrun for modern high rise elevators. The perimeter of the building you're actually lower, because we're lower the parapets that exist. The roof is exactly where it is today.

H. THEODORE COHEN: But the penthouse structures, the white that I am seeing there --

DAVID MANFREDI: They are the same as what the existing penthouses are today.

H. THEODORE COHEN: They are the same except for the --

DAVID MANFREDI: Except for the part.

H. THEODORE COHEN: And now the design of the penthouse, I was looking for a picture of the existing courthouse, but I couldn't find it. But this is not -- since you're proposed tenants are not going to be biotech that need to have chimneys and chamber pots and things that are exposed to the air, is it possible to put some sort of screening around the entire penthouse so that it looks like a finished roof of some sort rather than seeing a potpourri of structures of different heights?

DAVID MANFREDI: It certainly would be. Here's the dilemma, and you can see it on the model, what we've done is we've

actually laid out this roof for a fully occupied building. And we've tried to make it as compact as we could and as sort of logical as we could. If you look at the plan, you can see it's almost symmetrical. We could take it and enclose all of that equipment in a single envelope that might feel more regular, but it would be bigger. And we're trying to avoid the bigger. And we're trying to avoid bigger especially to the perimeter. The whole point of bringing the parapet down is, you know, it will cast slightly less shadow. We don't want to cast any more shadow. But that's -- but the -- the true answer to your question is yeah, I mean you could make that a regular surround -- the envelope would be slightly bigger than it is today which we're trying to avoid that, that's all.

H. THEODORE COHEN: Right. Well, my concern is when you showed the long views of the building from the various locations, you've got this sleek glass tower going up, and then suddenly what most people will be seeing from the bridges or from a distance is going to be the penthouse and you've got, you know, a lot going on up there which I find kind of unappealing. I mean, of all the problems with the old courthouse it had a nice surround at the top. I mean, yes -- I mean this is actually one of the nicer views. I think if you can go a little -- well anyway.

DAVID MANFREDI: No, I appreciate what you're saying, and we clearly can design to solve that issue.

H. THEODORE COHEN: Okay.

I have some questions about the wind

study.

Does the -- I mean the building, the courthouse is existing. So you've got wind issues right now. Do the changes to the design change, you know, leaving aside the landscaping, do the actual changes to this design and this facade change how the wind reacts from the existing building?

RAY SINCLAIR: It does adjust it slightly and hence that's why some mitigation was introduced down at street level.

H. THEODORE COHEN: Do the facade materials impact on that?

RAY SINCLAIR: Not so much although there was a change to the roughness of the building, if you will, with the, if you compare the smooth facade of the new building to the existing down at podium level. But I think the bigger they're -- there are sort of

other changes that do increase some wind activity which was mitigated with the exterior vegetation.

H. THEODORE COHEN: And those changes are what, actually in the design of the building?

RAY SINCLAIR: Sorry, which changes? You mean architecturally to the building?

H. THEODORE COHEN: Yes.

RAY SINCLAIR: So one of the examples -- maybe if I can find an image. On the podium, this sort of second floor kind of culminate effect tends to, I would think, bleed some of the wind sort of through the building, if you will, rather than on the new facade where it tends to be planar. And so that's a small change. It's likely not in itself a huge factor, but each one of these things introduces a small effect. And these



things just sort of add to the complexity of the wind problem.

H. THEODORE COHEN: So if I understand you, the change from the concrete and the tower to glass doesn't have much effect on the wind?

RAY SINCLAIR: No. With respect to the tower itself, the facade treatment wouldn't affect the wind. Other changes, though, are noted here in this example is this cornus here at the top of podium has been removed in the existing. So elements like that, again, just add to the wind activity down at street level. And these are some of the factors that the design team and Leggat McCall are interested in exploring further and further wind tunnel testing in the future.

H. THEODORE COHEN: Okay.

I have a couple of questions about the lighting and the reflections. In terms of reflections I understood that --

RAY SINCLAIR: That's me again.

H. THEODORE COHEN: That's you again. I'm sorry. Okay.

Was there any reflection issue with the existing tower given its primarily concrete facade?

RAY SINCLAIR: No. I mean, we -- we'd analyzed the proposed building so we did not do a comparative. This is the one model that we looked at and it was the proposed configuration. So we haven't done a delta comparison between the existing and proposed.

H. THEODORE COHEN: Is it logical? It seems common sense that the concrete would reflect less than the glass would reflect.

RAY SINCLAIR: Yeah, significantly

less.

H. THEODORE COHEN: And a related question with regard to the lantern effect of the lighting. Does the difference in the facade material of the glass versus the concrete have any impact on -- if the existing courthouse were 50 percent lit at night as in your proposal, would there be a difference in how we perceive the lantern effect from the proposed building with the glass facade?

MICHAEL CASTELLI: Well, on the aggregate the lantern effect has much to do with the amount of transmissive material than the transmission factor of that material. So more glass, more potential for a glowing object.

H. THEODORE COHEN: And did you do any studies of the existing building? I mean

which it is now vacant.

MICHAEL CASTELLI: In terms of the lantern effect?

H. THEODORE COHEN: Yes.

MICHAEL CASTELLI: No.

H. THEODORE COHEN: I have no further questions now.

HUGH RUSSELL: Okay, if we have no more questions, I will put a question to my colleagues. We've been sitting here for an hour and 45 minutes, is this the time we should take a break? There's 20 people who want to speak.

So we will reconvene in ten minutes or five minutes of nine.

(A short recess was taken.)

HUGH RUSSELL: If you would resume your seats, we would like to proceed with the meeting. For the those who heard me, would

you please get to your seats so we can resume the meeting.

The way in which we conduct these hearings is we'll call people's names based on the list and when we call your name, would you please come to the podium, would you spell your name so the record is good, and if you would limit your remarks to three minutes, you would be in conformance with what we're trying to do. If that happens we'll be out of here by ten. And this Board will not have had a chance to discuss the matter at all.

So, if you can make your remarks briefer or just rise to say I'm supporting what somebody else said, that would be helpful to us. Our job is to discuss this. And when we don't have time to discuss it, it's difficult.

First person is Barbara Broussard.

BARBARA BROUSSARD: Broussard,  
B-r-o-u-s-s-a-r-d. I'm President of the East  
Cambridge Planning Team and I've come tonight  
to say that until we gather all of the  
information after finishing with the working  
group that was instituted by Councillor  
Toomey, we'll be bringing it to the whole of  
the East Cambridge Planning Board and then  
we'll be submitting a letter to the Planning  
Board.

Thank you.

HUGH RUSSELL: Thank you, Barbara.  
Okay, next person is W. Strazzullo.  
And after Mr. Strazzullo, Nina You.

WILLIAM STRAZZULLO: My name is  
William Strazzullo. I'm a disabled veteran  
from the Korean War. I was born in 1931. Up  
until 1952 I lived in the North End of the

Boston. When I got out of the service, I wound up getting a job here in East Cambridge because a lot of people from the North End worked there. My comments here are about Leggat and McCall. I believe that their plan is they're are a hop, skip, and jump company. They hop in and purchase a property, they skip around and get all the approvals and permits and maximize their investment and get all the appreciations allowed by the IRS and then park the proceeds under Section 10.31 for the next project.

And they jump out of this investment, sell it to another HSJ group and then the merry-go-round starts all over again.

Where are the benefits for East Cambridge in the plan? In English, nothing, a big zero. Leggat and McCall tells the same old story; more propoganda about jobs and

economic group of the community. The only difference is the year 2014. All the economic growth was due by the 7,000 plus residents who were born, work, live, and die over the years. Not some HSJ group. The Planning Board has an obligation if not a mandate to the living and the dead to correct this blunder that the state of Massachusetts allowed and placed this gravestone. Now they want to embellish this mistake and make this blunder look like a mausoleum. The Board will have Leggat McCall here with their thunder of big money, trash and shine our glow, disturb the peace and tranquility of this community with another horrendous style building. We deserve better than that. Remove that building. Send it back to the Lego box. If this Board approves this plan, the Board will help build a gallows and hang



all the good people of East Cambridge.

In regards to the parking -- the subject is parking spaces for 40 Thorndike. The City of Cambridge allows this development to go forward and ignores the input by good people of East Cambridge. At this meeting tonight, on April 29, 2014, the city would create a parking disarming funding the neighborhood with unwanted automobiles. The problem will become a nightmare. According to the Leggat McCall, using the numbers on table 2-1 projected generation traffic 2,226 daily trips a day, Leggat McCall wants to brainwash the people on the daily trips. The big picture is 2,226 trips, 300 days a year, is 661,400 trips a day. That's the equivalent to a small army.

Thank you.

HUGH RUSSELL: Your address, please.

WILLIAM STRAZZULLO: 74 Otis Street.

S-t-r-a-z-z-u-l-l-o.

HUGH RUSSELL: Nina You.

NINA YOU: Thank you. My name is  
Nina, N-i-n-a You, Y-o-u. My address is 101  
Third Street and I'd like to have my lawyer  
Mark Bobrowski speak on my behalf.

Thank you.

HUGH RUSSELL: Mr. Bobrowski, is  
this the beginning of the neighborhood  
association of East Cambridge presentation or  
is this separate?

NINA YOU: No, separate.

ATTORNEY MARK BOBROWSKI: No,  
separate.

NINA YOU: I'm sorry, I'm an  
abutter.

HUGH RUSSELL: Okay.

ATTORNEY MARK BOBROWSKI: Good

evening, Mr. Chairman and board members. My name is Mark Bobrowski, B-o-b-r-o-w-s-k-i. I represent the James Green Condo Association at 101 Third Street.

At the beginning of the meeting, Mr. Chairman, you said that the principal goal tonight was to hear about the practicalities of the project. I'm here to talk about the legality of it. I understand an opinion has been sought from the City Solicitor, but I want to raise some doubt about jurisdiction to hear the non-conforming structure Special Permit knowing that the Solicitor's opinion will come back to you I want to arm you with some questions to ask her when she gives you the report so that you're capable of asking I think some very pertinent ones. Mr. Healy gave you a memo dated April 22nd on behalf Leggat McCall. I

gave you an earlier memo on April 9th on behalf of the my client.

I'm here tonight to respond principally of Mr. Healy's is memo of April 22nd. In it he said, and I quote: That the project is fully protected under Chapter 40-A, Section 6, Paragraph 1 and Section 8 of the Cambridge Zoning Ordinance.

In my earlier memo I said that there's a strong argument that there are at least some doubts here. And for me that's uncharacteristically temperate. What I'd like to point out is that the facts of the case that Mr. Healy relies principally upon, which is Durkan versus the Board of Appeals in Falmouth, is a thin read at best. If you take the headlines from Durkan, it looks pretty good. The post office building in that case was or was not immune from federal

-- as a federal building was immune from local zoning. The headline would go on: Once decommissioned it becomes non-conforming in fact.

But when you tear apart of the facts of the case, and I've done that. I've given you this evening a packet that contains the appeals court briefs in the Durkan case, all three of them, and the remanded decision of the Board of Appeals after the case was concluded at the Appeals Court, and it shows in fact that the headline that Mr. Healy has relied upon here is just not supported by the facts of the case. That building was non-conforming because in 1959 when it was built, the district in which it was located allowed government administration buildings as of right. It was not allowed given the Building Permit because it was immune. It

was given a Building Permit because it conformed. In 1966 when the Zoning changed in Falmouth to residential, that building became a lawful pre-existing non-conforming structure. Those were the facts that went to the Appeals Court.

The Appeals Court remanded it back for a clarification of the 1959 action. I've given you the clarification in the 1986 ZBA decision, and it clearly shows that the building was never immune and it was always non-conforming in the traditional way. It was lawful when built. Zoning changed, it became non-conforming at that point in time.

So, I've given copies of my memorandum to the Board this evening. I've also sent them to the City Council. I've sent them to Solicitor Glowa. I think that hopefully it will make a difference in the way that they

view this and advise you.

At the end of the day what I'm left with is the words of Justice Katz in the Mendez case, which you may or may not be familiar with. In that Barnstable case the applicant said: I have a Variance. My use was started under a Variance. I want to use Section 6, Section 8 in Cambridge, to modify it as a non-conforming structure. And Judge Katz was quite eloquent. He said, where the use was commenced under a Variance, which is to be issued sparingly, to allow it now to expand under Section 6, would serve as a launching pad for the non-conformity. And that was ruled not permissible. A use authorized by a Variance is not a non-conforming use or a structure. What's different about a use authorized by immunity under the supremacy clause, that's to be

issued sparingly. Once it's decommissioned there's no case that I know of that says it constitutes a non-conforming use of structure. I'm not saying it isn't, but I'm not saying it's fully protected either, and I think you should beware relying upon the Durkan case to reach that conclusion as you go forward. So I hope to weigh in again once the Solicitor renders an opinion, but certainly if you don't have jurisdiction to hear this, it's going to be first and foremost in any appeal.

Thank you, Mr. Chairman, Members.

HUGH RUSSELL: Thank you.

Next on the list is M. Hawley. Now, is M. Hawley part of the neighborhood?

Okay, so what I'd like to do is have all of you people from all of your group speak in order even though they're not on the



list in order.

MICHAEL HAWLEY: That would be wonderful. May I ask one question? Many in the group have worked on a nice concise visual presentation but it needs to be plugged into a projector. Is that allowed? Possible?

HUGH RUSSELL: Sure.

How many people in your group?

MICHAEL HAWLEY: Three or four? Well, there are many in the group but just a couple will give the presentation.

HUGH RUSSELL: Okay, so we're talking about 12 minutes of time.

MICHAEL HAWLEY: I think so. In fact, while I set it up, maybe somebody else otherwise would like to say a few words and take advantage of the time.

HUGH RUSSELL: Some part of your

group?

MICHAEL HAWLEY: Well, I was thinking you would pluck somebody from the list who is not in the group.

HUGH RUSSELL: Okay.

There's somebody's name that I can't read. It looks like it's Sasucom (phonetic). And there was questioning if they were going to speak. Did you figure out who you are?

ATTORNEY MARIE SACCOCCIO: It's possibly Saccoccio?

HUGH RUSSELL: Saccoccio, yes.

ATTORNEY MARIE SACCOCCIO: Good evening. My name is Marie Elana Saccoccio. I'm an attorney and I'm an abutter.

THE STENOGRAPHER: Can you spell your name, please?

ATTORNEY MARIE SACCOCCIO:

S-a-c-c-o-c-c-i-o. First name Marie. Second

name Elana. I'm a direct abutter.

My family has been in East Cambridge and paid property taxes to the City of Cambridge for over a century. I directly face the courthouse today. We have floor to ceiling windows that are 12 feet high, so three in the front. So there's no way to avoid that. I'm here also with other abutters who also have families who have paid property taxes to the City of Cambridge for over a century. None of us were included in Tim Toomey's working group. We're all abutters. We're definitely Cambridge residents, so I just want to clarify that. And we have signed on to join in with the condo association that has retained the services of attorney Bobrowski. So we join in with them in opposition to the present Special Permit.

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

ATTORNEY MARIE SACCOCCIO: 55 Otis Street in Cambridge. And some others who are here. Al Pacheco, 68 Spring Street.

Lucille Dupont, 56 Spring Street.

Thomas Read (phonetic), represented by his daughter, 58 Spring Street.

Marilyn Page (phonetic), sick, not here, 62 Otis Street.

Anthony LaPage (phonetic), 62 Otis Street.

Bill Dines (phonetic) here, 69 Otis Street. We're a stone's throw and everyone has had their family pay taxes to the city and being -- owning property in East Cambridge for over a century.

HUGH RUSSELL: Thank you.

Mr. Hawley, are you ready?

MICHAEL HAWLEY: Yeah, yes, we are. I'll just go handheld if that's okay since I need to push a button.

HUGH RUSSELL: Go ahead and give your name and address for the --

MICHAEL HAWLEY: Yes, I will. Michael Hawley, H-a-w-l-e-y, 101 Third Street. We're direct abutters and we're part of the James Green Condominium Association as part as well the neighborhood association of East Cambridge. And as was mentioned before, Mr. Bobrowski is representing the condominium association as well as a bunch of abutters.

We happen to live in the historic church that's diagonally across the street built in 1827. James Green was the first pastor of that church and the first Mayor of Cambridge. Here's the situation.

And I want to give you in three minutes

a very brief 200-year history that level set, because it really is quite fascinating and I knew none of this until this issue flared up.

For about 150 years a founding gift established East Cambridge in a very felicitous way, but there were about 50 years dominated by the Sullivan building fiasco, not my word, which prompts us to wonder what next?

So very quickly, Andrew Craigie was George Washington's hypothecary general. He retired after the war. That's the only known portrait of him. Settled in Cambridge, noticed that it took eight miles to ride a horse to Harvard Square. And he reasoned that if he could just build a bridge and cut a straight path which became Cambridge Street, he'd do it in four miles. So he built the bridge, he charged a toll, he made

a lot money, became unpopular. That's actually the West Boston Bridge, not the Cambridge Bridge. This is this is the Craigie Bridge, the bridge that goes passed the Museum of Science. And incidentally last year we spent \$48 million fixing one little piece of it. We don't charge a toll anymore, but it's interesting for that 48 million you could probably get rid of the Sullivan Tower if you wanted to.

He founded the Lechmere Point Corporation to grid the streets, sell the lands. And this is a map from roughly 1830. It shows some interesting things. Obviously there's no First Street. There's very little of Second Street. And let me give you a zoom in here, because this is where things get interesting. This is simply not the case of the government buying a piece of land,

building a small town facility and then selling it when it's no longer needed. It begins with a very unique founding gift. Heather in our group has dug up the original 1813 conveyance. It's quite clear. The words in red are taken literally out of the founding gift. This was a gift to the inhabitants, to the people, of the vicinity. Not to the city. Not to the state. Not to the county but to the people to promote this kind of public use. It had to be in conformity, their words, with best building practices. And this was a gift made forever and for no other purpose whatsoever than these public goods. And they insisted the buildings had to be a best quality brick and stone. Inferior buildings had to be pulled down. And so in short, Craigie and Company gave the land, they gave the money, \$24,000,



they organized a supervisory quality control committee, and they hired the best architect they could find Charles Bulfinch. American's first Native-born. Designed the State House in Boston. It was a gift, a gift to people for a public use forever. It's hard not to be struck by that when you read the old chicken scratch handwriting.

This is the original Bulfinch courthouse. That's Bulfinch when he still had hair. Quaint post cards. Bulfinch incidentally redesigned the Capitol building, putting up a dome that exactly same dimension as the Pantheon Dome in Rome when it burned down, including the Oculus if that matters.

So this is the courthouse that Bulfinch designed circa 1790. And I want to show you what we've lost. That's facing from the front door of our building, the church,

looking where the Sullivan Tower would be. This could be our Liberty Hotel. That's the sheriff's house. That's -- this is the jailhouse, rather. The sheriff's house is to the left. It's built of brick and Quincy granite. We had a lot of trouble finding these pictures by the way.

This is the interior courtyard. Charming facade, beautiful fenestration. Nice place for prisoners to get exercise. A little greenhouse, ivy. All of it was mowed down.

This is the view with your back to the Sullivan Tower of the property that Graham Guns (phonetic) managed to save.

And now I wanted to tell you how this became that, and I'll again be as quick as I can, and I do appreciate your indulgence since I know this is technically outside of

our scope.

1965 it was decided we needed more courts and more space. This was the plan. That pedestrians plaza there is actually Cambridge Street. There's an enormous parking facility and a tower that's lower. It's only 18 floors high, not the 22 that was eventually built. But this puts it a little bit more into perspective.

The plan was to bulldoze all four blocks, divert the straight artery of Cambridge Street, and create what you just saw. This thing ran off the rails in a way that boggles the mind. It started at about \$16 million. We were told in 1965 that within three years we'd have a whole new complex, an 18-story tower, blah, blah, blah. Well, a few years later, seven years later it still wasn't built. It had gone up to 50

million. A few years later it was 90 million and the sheriff said the jails is a zoo and a fiasco, that it never should have been built. The drumbeat of these things went on.

Incidentally, the builders ran out of money, that's why the parking garage is not never built. That's the only reason any of the historic properties were saved. And even then employees had no place to park.

So I'm gonna whiz through this stuff very quickly. It's amazing to go back and read the drumbeat of news. Just astounding. There were Grand Jury probes before this thing was even finished. No greater monument to a bungling system of the government. Totally inadequate. A new deli would have a better opening day (inaudible). A house of horrors and a carnival of blunders. The building actually opened on April Fool's day.

They got a big laugh out of that. The jail facilities did not even meet county fire requirements for jails. Now when you're government immune, you don't have to abide by the fire code. But there are codes for prisons and they screwed those up, too. So this is almost to the end of my bit and then I'll hand it off to Bethany for legal. This is a cost of this mistake. It destroyed irreplaceable 19th century properties. There was a six-fold at least cost overrun in the rough assembly of the building, but there was an interest tax burden that socked tax payers for 30 years. There was compounding costs of repairs and failures. Eventually we paid to build the garage, too, because there wasn't one. That's the municipal garage that people are tussling over.

In 2006 Mitt Romney did a study with

DCAM. They found it was going to cost \$130 million to renovate. So they began tentatively the plans to renovate. The very next year they did another study, and whoops it came it at \$394 million to renovate. So at that point they punted and tried to give it away. But I'm getting slightly ahead.

I mentioned there were investigations by every conceivable agency you can think of: The Supreme Judicial Court, the Grand Jury, the State Senate, six (inaudible) of testimony, the State Police, the Bar Association, the tax payers groups, the legislature groups. It's an unbelievable morass of corruption. And when the state finally attempted to give the building to the city, the headline in The Globe was: It's Truly Better Imploded. It's hard to overestimate the impact of a mistake on this

scale, but I think if we can just take our heads out of the sand slightly and remember that this isn't just about permitting the project that's before us, it's about building a neighborhood and it's hard to build a neighborhood, it's takes commitment and nurturing, and yet you can kill it with one bad development.

My conclusion looking at all of this is that the Sullivan Building was a colossal mistake and we can either really try to take steps to fix it or we can just punt and pass it along to the next generation, but I don't think they're going to be very proud of what we put in motion unlike the pride people had taken in what Craigie and Company put in motion.

So, in conclusion, I think we can do better. There are a huge range of possible

uses of this Sullivan Courthouse site. Look, you can take down that building and put the White House and the Parthenon there and they conform to local Zoning. But under the DCAM process with the economic constraints that they've pushed upon us this is the only proposal that can realistically be considered.

And part of the reason I've harped on this, and again, thank you for your indulgence, is that we've been told repeatedly and the city has urged that there be a substantial reduction in impact and height and volume, and I don't know why we're still raking over impact studies designed for a roughly 300-foot building for a planning process that doesn't even know whether it's going to be 100 percent of the height, 50 percent, a third, or what. So, at the end I



really think we can do better and I think it's incumbent on us to find a way.

Bethany, are you -- these slides may not be relevant to you.

BETHANY STEVENS: Hi. My name is Bethany Stevens. I live at 100 Spring Street. I've lived for about 20 years now with my husband and my daughter Callie who is eight now. So we're about a block and a half from the Cambridge courthouse.

We didn't, I -- Michael did a fabulous job with his presentation. I'm not planning to have much to speak here because we are in the process of hopefully having a developer come back with a substantially, as Michael was saying, the City Council had passed the resolution for a substantially reduce the height, traffic, and environmental impact of the proposal. I'm a member of the

Neighborhood Association of East Cambridge, NEAC. We've gotten together because we oppose the current proposal under SP288. We understand that the Planning Board is supposed to normally grant Special Permits unless doing so would be against the public detriment, including one of the considerations if the building construction is inconsistent with the urban design objectives. I think everybody agrees that this building should have never been built and it was a mistake to have built it in the first place. And so the question is what do we do with it now? And there is concerns about whether it's something that could be considered a non-conforming, that it's just something you look at under Section 8 and whether it's more substantially or substantially more detrimental or whether

it's something that can even be granted a Special Permit. And I think the City Council has urged the Planning Board not to vote on this permit at this time until that issue has been resolved.

But just quickly addressing some of the issues that if it were to be within your jurisdiction, I think that the Planning Board -- we strongly urge the Planning Board deny a permit, it has absolutely the legal authority to do so. Based on both the general application of the Special Permit. Even forgetting that it's a non-conforming use, I'm looking under Section 8, but just looking under I think it's under Section 10, the general granting permitting authority. Nobody would put a 2500 employee office building, the tallest office building in Cambridge, in the middle of our neighborhood.

It just doesn't make sense. It doesn't make any kind of planning sense. But then on top of that we do have something that is a non-conforming structure where it's 300 feet in an 80-foot Zoning District. And so based on that, looking at the impacts on the neighborhood, looking at how it was as a courthouse, the usage intensity of the courthouse that ran 8:30 to 5:30, Monday through Friday. That was not on nights, that was not on weekends. So now we're looking at an office building that will be occupied and active with a lot more people in it at a lot more times. On top of that it's going to be bringing in -- or because of that it's going to be bringing in more traffic and more parking considerations, more light. All of the studies that they talked to you about that I would suggest are substantially more

detrimental than the existing courthouse. And I would just say that the Zoning Ordinance does have language that says that the Planning Board shall take into account the general purpose and intent of the Ordinance. And when looking at the purposes of the Zoning Laws is to provide -- to ensure that there's not traffic and congestion, undo population, density in a particular area. And but for the fact that this building currently exists, no one with ever put a building like this here. And so I would just hope that in looking at changing this to an office building, the tallest office building, and I just wanted to pointed out, too, a lot of focus was on the podium. The podium is great. Everybody loves the podium. And all these pictures that have the podium that don't show you the tower, that's a beautiful

building. But when you then add a tower on it and all the people and all the traffic and all the congestion that it's going to add to it, we feel that it would be substantially more detrimental to the neighborhood and would harm the neighborhood more than it would help it.

So I don't think we're in a place now to really talk too much more, and I second what Michael Hawley was saying in terms of it's hard to understand why we're looking at some of these impacts where we're looking to hear from the developer about what substantial differences they're going to be making to the project to address some of these concerns.

Thank you.

HUGH RUSSELL: Thank you.

SETH TELLER: Good evening.

Mr. Chairman, Board Members. My name is Seth teller. I live at 281 Hurley Street. I've resided there for 20 years and worked at MIT in Kendall Square for that period as well. Mike took us through 200 years of history, and I just wanted to do a very brief recap of the last two years and why we're here tonight.

We started in the community in 2012 hearing from various developers who had been given nearly selected by DCAM, and we took a vote and the East Cambridge Planning Team on the three finalist. The developer you have before you tonight got something like three votes out of more than 100. They were overwhelmingly rejected by the community. We complained loudly to the DCAM, to the state, and we had a personal visit from the commissioner of DCAM, Carole Cornelison and

she told us to our faces that we had no role in the selection of the developer. She told us she didn't care what we thought.

Well, so then we turned to the developer and we spent the last 16 months asking the developer to mitigate the height and bulk of the building. And they haven't reduced the height of that 300-foot building by one inch in 16 months.

So then we went to the City Council, and the City Council, to their credit, heard us. They told us that they weren't able to declare that the building couldn't be built, but they could pass a resolution urging that its height and bulk could be reduced and they did so. Thank you to the City Council and the members who are here tonight.

And that brings us here to you, the Planning Board, and to the matter that you



have before you, which is the Special Permit application. And in support of that application, the proponents have put forth a number of studies. You have been subjected to a blizzard of data tonight, and I just wanted to comment very briefly on the studies that you've been presented with.

Let's start with traffic. We live in East Cambridge. We live with this traffic condition daily on business days on Third Street. Those are moving cars. Well, they're not moving at the moment but they want to be moving.

MICHAEL HAWLEY: It's a half mile traffic jam.

SETH TELLER: This traffic condition is graded F already. And what the -- so putting aside the details of the traffic, let's just ask a common sense question: If

you've already got the situation in the morning and the evening and you bring in 2,000 new commuters, half of which, three-quarters of whom are driving, I can't assign a grade lower than F in any of my classes. But if I could give it a Z, I would. I mean, that's just -- it doesn't pass the common sense question. And, of course, there's the questions of parking. We don't have to talk any more about the parking right now.

Let's move on to wind. One of your members asked the question as to whether the difference in material between concrete, which is slightly rough at the exterior, and glass would make a difference to the wind velocity. And I think the answer was no, it wouldn't make a difference. But what Mr. Sinclair didn't mention was that the

current surface of the building is deeply scalloped. If you, I don't know, Mike, can you call up a picture of the current building? There are these deep crevices in the building where the windows punch in from the concrete facade by a meter or two. And common sense tells you that if you run air across the surface that's deeply scalloped and then replace that surface by one that's one of smooth glass, that the velocity will increase substantially. Now, I'm not a wind scientist and I have not replicated those simulations. But what I can tell you is that on a 300 to 1 scale which is the wind tunnel that he showed, those one to two meter changes in the scalloping wouldn't show up in his simulation. And those probes that he put on the ground wouldn't show the effects. But in the real world, they're going to make a

huge difference. And we're already looking at 30, 40 mile an hour gusts at street level, they're going to be worse when the scalloping goes away and it's replaced by something smooth. So just again, please ask the common sense question there.

Now, let's move on to lighting. You know, Mr. Castelli was very careful to say something. He said, quote: We modeled from the very top of the building to the bottom of the podium. He said, I quote: We modeled from the very top of the building to the bottom of the podium.

Now in his letter to the developers, which we have a copy of, he -- I called it out there in that sentence, fragment two right there, he wrote something different. He wrote: All tenants that (inaudible) floors above the podium were modeled to have

complete lighting systems installed.

So in his letter, which produced -- which described the study which produced the numbers that he showed you, he modeled above the podium. But he just said to you tonight that he modeled the whole building. Now, I went -- I actually have a PhD in computer science and my PhD was partly about lighting simulations. So I replicated his findings, and I just want to show you the difference. If you take his findings, there's that blue wedge there which shows you all the light arriving at a point on the sidewalk from the floors above the podium. If you advance that, Mike.

If you include the podium, you get a much greater amount of light arriving at the sidewalk or more importantly at the windows of the abutters. And it works out to about

double. So the actual amount of light arriving is about double. Why just those four floors make a difference, such a big difference? Well, one is that they're, they're closer. And secondly, they're more directly addressing the area so the light should -- from inside is coming straight out as opposed to down at an angle. Well, that's one piece. That's one way the numbers you were given tonight are misleading.

Now consider what's actually inside those offices. They've modeled ceiling light fixtures like these. But think about any modern office, what do you see when you walk into any modern office? You see a bunch of busy bees with giant monitors which have been engineered to be super bright for those workers. And in my lab, my students have two or three of these big monitors on their desk.

Each of them -- each of them draws about 50 watts so it's safe to say that if you have several hundred people working right near the windows in this building at night and you know they're going to work late because they're all doing startups and working in their labs late at night, it's gonna be another factor of 1.5 or 2. Okay.

And then finally let's look -- Mike, you just had a picture of the old building up there. Look at the old building. The old building had tiny little windows. It's hard to see because its kind of dim, sorry. And not many of them. So the total facade covered by glass there is 20 percent.

MICHAEL HAWLEY: And that's what it looks like at night.

SETH TELLER: But with the new building it's going to be 100 percent glass.

They say 50 percent of the lights are going to be on. Who knows, 50 percent, 80 percent, 100 percent. But again common sense tells you that the difference between that thing which is dark at night, even when it was an active use because it was a courthouse and it closed at five p.m., the difference between that thing at night and the new proposed thing at night is gonna be enormous.

And if you could just go back to the diagram, Mike? They gave you numbers and footcandles. I don't know who here knows what a footcandle is. But a footcandle turns out to be 100 full moons' worth of light. So the bottom line is that everybody living near this thing is gonna look out their window at ten, eleven o'clock when they want to go to sleep and they're going to see something shining with a light of 100 full moons. You



know some, maybe one full moon -- I mean, full moons are beautiful and they're great and we love having full moons once a month and maybe they keep some of us up. Okay? That's life. But does anyone want 100 full moons shining into their window?

So I ask you, Members, to apply a common sense test. And I notice that one of you used the phrases common sense in your question, and I just want to quote one more official that we appealed to who was the deputy director of MEPA who came to visit us at Councillor Toomey's working group, and we asked him after all the reams of data that they had been subjected to showing -- purporting to show that all of these thousands of people and cars, idling traffic and so forth, would have no detrimental effect of the neighborhood, did it pass the

common sense test? And his response to me was, and I quote: There is no common sense test to be applied by MEPA. That's just not a test that they apply.

So I'm asking you, we're asking you, we're appealing to you, hell, I'll get down on my knees and I'll beg you, please apply a common sense question to this proposal. This is insanity to put -- it was wrong to do it 50 years ago and it's wrong to do it now. And the -- Mike mentioned that we would be passing this on to the next generation if perpetuated. I would say it's worse than that. People talk about once in a lifetime opportunities to fix mistakes. This is a once in forever opportunity to fix a mistake. Why? Because once this thing passes from public use to private use, all the arguments we're making now about the legitimacy of

approving a proposal, a development proposal of this kind, will no longer be usable. You know, in 50 years when this building is decrepit and wants to be -- somebody else wants to come along and build another 300-foot gigantic thing, nobody will be able to raise these kinds of arguments because there it's going to be a private to private transfer. We're in a singular junction in time now in the history of this neighborhood where we're going from public to private and we're asking you to hold this project to the most stringent possible examination and to deny the proponent's application.

Thank you very much.

HUGH RUSSELL: Okay, thank you.

So we're going to move along on the list.

Brian Whisnant, do you wish to speak?

RONKA WHISNANT: It's Ronka Whisnant. The pen broke.

Hi. My name is Ronka (phonetic) Whisnant, W-h-i-s-n-a-n-t. I live at 61 Otis Street. I'm an abutter. I'm an architect. And I believe the developer has put together a high quality team and they have done a great job, and no matter how hard they've tried, they cannot fix this. They all tried to mitigate the lighting, the wind, the whatever. I live about here, and our house is a Beacon Hill style townhouse that's about four or five stories high, which is about this high. So we are here. And this building looms enormous. So I'm not going to keep anybody much longer. It's just I support everything everybody has spoken in opposition. I do believe that we need a full

environmental impact report, not just some kind of a waiver or pretend report that nobody gets to see.

So another thing, I am coordinator of the community garden and I walk from my house this way everyday in the summer and the wind is horrendous. So that's it.

HUGH RUSSELL: Thank you.

Is it Betty Sue Saccoccio.

BETTY LEE SACCOCCIO: It's Betty Lee Saccoccio.

HUGH RUSSELL: Sure.

BETTY LEE SACCOCCIO: And My name is Betty Lee Saccoccio. I live at 55 Otis Street in Cambridge. I am an abutter. I do agree with what people have said before I came to the podium right here. So I won't take people's time other than to ask you all to please deny the permit on many, many

levels.

Thank you.

HUGH RUSSELL: Thank you. Could you spell your name, please.

BETTY LEE SACCOCCIO:

S-a-c-c-o-c-c-i-o.

HUGH RUSSELL: Does Rhoda Fantasia wish to speak?

RHODA FANTASIA: Mr. Russell, Members of the Planning Board, I'm Rhoda Fantasia, F-a-n-t-a-s-i-a, 93 Third Street. I'm an abutter. I've worked with the Neighborhood Association of East Cambridge, I've worked with the East Cambridge Planning Team, and I'm presently working with the Tim Toomey, Councillor Tim Toomey's working group. However, tonight I'm speaking as strictly as an abutter and as a concerned 20-year resident of East Cambridge.

Since we are together before you on January 7th, we've met many times with friends and neighbors to discuss the future of the Sullivan Courthouse. Many folks have put forth suggestions for creative alternatives to a 22-story glass office building. Tonight looking at the developer's proposal and listening to the various studies presented, I find that the design for 40 Thorndike Street as put forth by Leggat McCall will in fact be more detrimental than what is currently in effect something that you referred to earlier as one of the criteria for ruling on the Special Permit application.

This is a fragile neighborhood. There are traffic queues as you've seen. With 2,000 more employees, this situation with traffic will be intolerable. However, the

core issue for me continues to be the insistence on the developer to utilize the full height and bulk of the building. After two years and four months of intensive meeting and talking, we have yet to see any interest or willingness to substantially reduce the height, something the City Council asked for in a recent Council order.

For now, Planning Board, you still have an application for Special Permits before you. And I am still asking you to deny the issuance of these permits.

Thank you for your time.

HUGH RUSSELL: Thank you.

Jan Devereaux, do you wish to speak?

Okay, Abretzio Gentilli (phonetic)?

Okay. Allen Greene.

Allen GREENE: Hi, my name is Allen Greene, that's spelled Greene. I live at 82



Fifth Street in East Cambridge.

I'm here today to basically say I'm against the proposal that's given here, and I hope that you will vote to not permit it. In talking -- seeing the presentation tonight, and I've seen it many times before, I think that one, the wind study that's given here is essentially shows that nothing really is gonna change. And the main problem is the volume, the massive volume that's there and the air displacement that that causes. All I can say that for the trees that are supposed to be there to mitigate those, I really feel sorry for the trees that are going to be there. So, that's one thing.

My main concern, and again getting back to your issue here is, you know, is this project better or going to improve things than what's already there? And I have to say

no. And apart from the traffic which has already been touched upon, I will return to the issue of lighting at night which Seth eloquently discussed earlier. But I, again, my main concern is this lighting at night. And the study, the talk that was given here was all concentrating on incidental light reading rather than reflected light reading. And I'm not concerned about the incidental light reading. I'm not going to be walking by that building too much unless I'm coming back from the subway, which I do often at night. I'm not going to be standing right next to it, but I am going to look at that thing glaring at me and the light, the reflective light coming into my retina, affects my psychology. I live a few blocks away from it, okay, and this idea of this, you know, this is -- this is incidental light

here on the sidewalk, but that would be let's say the torch as litten (sic) up at night. There was never one picture of how they anticipated the picture -- the building to look at night. I would like to see that. I would like to see a reflective light study rather than this incidental on the sidewalk kind of study right there in front. But anyway, this goes into the eye. The people who are going to be living up against it, the abutters, are going to be, you know, we're all pretty far from this building right now, but they're going to be, like, right there up against it and there's no way for them to ignore that light presence. I believe light presence is used as a torture device for prisoners for people that we are basically holding in Guantanamo or places like that. And I think what you're going to be doing if

you allow this, is you're going to turn East Cambridge residents into the prisoners this time. So please deny this permit.

Thank you.

HUGH RUSSELL: Next speaker is Allen Greene. Sorry, Allen.

Steve Kaiser.

STEVE KAISER: Yes, my name is Steve Kaiser, K-a-i-s-e-r, 191 Hamilton Street. I'd like to address the question that the City Council order has made so important is does this courthouse qualify as a pre-existing non-conforming structure? And I was looking through the Goodwin Proctor letter of April 22nd, they do not discuss the definition of a non-conforming structure at all in that letter. I was very puzzled. So I made an effort here, a two-page letter which I'll also summarize for you to try to

get some of the crucial issues in helping to make that understanding.

Chapter 42A does not provide an explicit definition for non-conforming. The effective definition is in Article 2 of the City Zoning Ordinance. (Reading) A non-conforming structure is defined as any structure which meets two conditions.

First, it must be inconsistent with the dimensional requirements of Article 5.

And, second, must be in existence -- this is a crucial section and very difficult language, in existence and lawful at the same time the applicable provisions of this or prior Zoning Ordinances become effective.

And I had to struggle with that language, I think we all will. But my conclusions at the moment are the building having been built approximately 1970 is an

inconsistency with the Zoning in terms of FAR. It was created by the construction of the building and not by the passage of new Zoning after construction was complete. Thus the courthouse does not qualify as non-conforming for FAR 4.0 because it is not pre-existing and never did qualify.

Now, the request I have for this Board is the developer and his attorneys are responsible for the burden of proof for showing that there is non-conformance here. They have really not done so. And I think the Board should request that that proof be demonstrated and provided to you. And they should explicitly deal with the definitions and the substance of the statute.

Additional request for you, is you look into legal issues beyond Chapter 40A. And I had mentioned a number of times before this

Board, the concern for Article 7 of the Declaration of Rights of the State Constitution, which defines the purpose of government that's serving the common good. And what I would like to see is a statement of how the current courthouse and its proposed modifications serve the common good. This is the right of the public and it is it is in our Constitution. And yet I look at that building and I think it's probably the most unloved building in Cambridge. Find me an architect who thinks it's a good building. It is ugly and out of scale. We had testimony in the developer's presentation that the building massing does not change and admittedly it's out of scale. I think the building represents a threat to the integrity of Zoning. There are no transitions in any direction. I know that Jim Rafferty has a

fair amount of experience in just thinking about Article 7, and I would urge that he take a crack at writing out the letter to you on this substance of Article 7.

Finally, a quick summary of the MEPA situation, we had a presentation tonight on that. I worked for the MEPA office for eight years, and I can comment on the draft waiver. In my cursory observation of that there are at least 10 problems of inconsistency with the MEPA regulations. It is extraordinary how incomplete that draft waiver is. The most important one is the claim that there's no advantage in getting an EIR. Hence the waiver is justified. There is an advantage because the MEPA regulations allow, in some cases, require consideration of alternatives and so far we have not had consideration of alternatives.



H. THEODORE COHEN: Mr. Kaiser, if you could wrap up your remarks, please.

STEVE KAISER: Yes, I will try to wrap up very quickly.

And so, I will simply conclude here that there are many difficulties here and I think we need to take the time for the hearings, proper hearings, and full discussion of all the issues. I hope there will be at least one further hearing particularly after the statement of the finding from the City Solicitor.

So thank you, Mr. Chairman.

HUGH RUSSELL: Thank you.

There are somebody who is identified as N., first two letters are S-T, and the address is 75 Cambridge Parkway and they weren't sure they were going to speak.

UNIDENTIFIED AUDIENCE MEMBER: And

I'm not, but thank you.

HUGH RUSSELL: Thank you.

Marilyn Wellons.

MARILYN WELLONS: Thank you, Mr. Chairman. My name is Marilyn Wellons, W-e-l-l-o-n-s. I live at 651 Green Street which is not in East Cambridge. I'm here and I will speak I think the two of the criterion for the granting of a Special Permit that deals with health, safety, and welfare. Others have covered other aspects and I'll repeat a lot I'm afraid. Specifically noise and light pollution are health hazards. The City of Cambridge regulations of both are inadequate, especially given the development that's been taking place in the last, say, 10 or 15 years. And specifically, I'm speaking from experience with a lab conversion in the building behind my neighborhood, and I have

spoken a lot about that so I'll just give you the highlights.

The building behind us is a wet lab. It is not a dry lab. The developer has -- tonight has told you that there won't be wet labs in this building. I can tell you that the kind of lab or office work that a developer has described is called a dry lab. It uses a lot of computers. They have to be kept cool. The HVAC system for them is very noisy. I would point out that if you walk on Green Street passed this building and the Y, you will find the HVAC systems are very noisy, and this is a health hazard that the City of Cambridge fails adequately to regulate.

Noise pollution is not good for you. And similarly light pollution is also inadequately regulated by the City of

Cambridge. The light task force has been grappling with these problems, but I cannot say that I'm very encouraged by the progress that's been made. For example, at the last meeting when I suggested mandated automatic blackout shades for buildings like this and the one behind us, a lighting consultant who was a member of the public pointed out that this could cost quite a lot of money. And I have to point out that that kind of expense is called an externality. It's a cost that's borne by people who have to live with it who are not enjoying the benefits of a revenue stream from the problem. So I can echo what other people have said. I have a lot to say and I have to try to focus because it's late.

On traffic I'd like to point out that the traffic studies I've seen, and I did weigh through the MEPA study, they fail to

take into the account the City of Somerville's plan to ground McGrath Highway further upstream. As you've seen the intersection, what is it Third and Cambridge Street and McGrath -- anyway, certainly Land Boulevard and McGrath Highway is a failing intersection. No one can tell you that the, that the findings that the developer has advanced are either adequate or reasonable as a description of what is likely to happen if this permit is granted. On -- let's see, I would also say the MEPA review, I mean, you heard a brief summary of the MEPA waiver, contingent waiver. I would say that MEPA has asked for much, much more information and it will take the developers a long time I assume and a lot of money to ante that up.

Let's see. Light, noise, I could go on quite a bit, but I'll --

H. THEODORE COHEN: Ms. Wellons, if you could wrap up your comments?

MARILYN WELLONS: I would ask if you all knowing the history of this building want to continue as a Board and as part of the city government and the sorry history of this structure, do you want to continue this kind of thing? It is contrary to the public welfare, and I really hope that you think hard about this because it's important.

Thank you.

HUGH RUSSELL: Thank you.

Next name is M. Strazzullo.

MARK STRAZZULLO: My name is Mark Strazzullo, S-t-r-a-z-z --

UNIDENTIFIED AUDIENCE MEMBER: Can you use the mic?

MARK STRAZZULLO:

S-t-r-a-z-z-u-l-l-o. 74 Otis Street in

Cambridge.

My primary concern is that, you know, I understand all these issues and I know they're all very important, so I'm not disagreeing with any of that. But my primary concern is the --

HUGH RUSSELL: Excuse me, can you move a little closer to the mic?

MARK STRAZZULLO: My primary concern is the long-term impact of noise pollution that potentially can come from certain design features on the building. This outdoor deck on the fourth floor, we don't know what kind of social activity ultimately they're going to have out there. If they have a corporate functions, for example, whatever, you know, it's going to be used as soon as an outdoor deck for the first time ever whereas the prisoners and stuff never used it for that

purpose. So you're using things for a different function. And ultimately that's an experiment. And then you have 24 apartments, residential use that have never been there before. And I mean I hate to say it, if you use your imagination, you can figure that perhaps in the summertime with the windows open, you might overhear a lot of things you just don't want to with regards to people arguing and maybe someone's got a dog or whatever, you know, it could be a nuisance scenario.

And then ultimately you go to the street level and you're gonna put whatever they're gonna put there, I don't know, coffee shops, stores, or whatever, and you have some outdoor seating. So now I mean I think you're sort of getting impacted on sort of a tri-level experience because you don't know



what's coming off the deck of the fourth floor. You don't know really what's coming out of those windows when they're open. You know what I'm saying? And you don't really know what you're going to be forced to have to listen to on the street level. And it's easy to figure that the reason I'm saying this is the building has a long and ridiculous and unacceptable history of noise pollution just because of the prisoners themselves. And we've been really beat up with that. I think anyone that is this close enough to the building should really think about over the years, because we've been there a long time, and many times we tried to take it up with the sheriff's department then they, you know, put a little spin control on it for five minutes but not much was done. I've brought it up to the noise control

people, and they said that -- it was hands off situation because of the fact that the state owned and operated it and it was a Massachusetts equation if you know what I mean. And so in the end they -- yeah, they basically got the permission slip to stomp people with all those people yelling and screaming, and I just think there's a massive build up of that over the years. And now you're saying well, we're going to put a deck in, apartments, and street level use for whatever, outdoor seating. So if you use your imagination, you're going to see that ultimately what I'm saying is you're getting rid of one source of noise pollution only to be trading for two or three brand new types of noise pollution that have never been there before. So do we really need that or want that? No. And, again, if you're close

enough to the building to enjoy the audio concert that we have over the years, I mean, if anyone can really identify with that, I mean I don't want to bring on more unnecessary noise pollution because the building has had a history of it being perfectly unacceptable.

So that's basically it and I hope there will be Zoning related considerations, whatever, with regards to the environmental impact long term. Even after the construction trucks are gone, you're gonna have other noise that you're going to be dealing with for years because of the design features on this building that go way beyond the construction trucks and the guys with the jackhammers. I hope you'll take that into serious consideration and talk to anyone who has lived there for a long time and see what

they've had to go through with the noise pollution consideration.

I think that's about it and I hope you take that seriously.

Thank you very much.

HUGH RUSSELL: Thank you.

Bethany Stevens.

BETHANY STEVENS: I already spoke. Thank you.

HUGH RUSSELL: Okay.

David Arons.

DAVID DE SWAAN ARONS: Thank you. My name is David De Swaan Arons. And if you're still with me, I live at 102 Thorndike Street. I'm a father of a young daughter, raising a family there. I've invested all my savings and gut renovating my building and raising my family there in a pleasant, upcoming neighborhood. I'm strongly opposed

to the plans and I hope you will deny the Special Permit. However, I do want to stress that I'm strongly in favor of development. And the plans proposed to date, as other people have mentioned, the podium looks lovely. I will add that some of the studies including the wind study show that nothing is really going to change with the current plans and, therefore, I ask if the wind studies show that it's uncomfortable at best to sit at street level, why are there people on the picture drinking cappuccinos. I don't see it happening.

I'm a kite boarder. I love to play with the wind on the ocean, but I can tell you that those parasols that you have there, they will be flying around. So please see the pictures in that context. Let's look at what's ahead of us here. We have a once in a

lifetime choice, and the Planning Board has an instrumental role that can serve us as neighbors, as residents of East Cambridge and I strongly believe that it will serve us. I have faith in that.

Some of the things that have come up have all been related to the existing structure with the full height and bulk and it shows the fait accompli, it's sort of a given that the building will stay is the same attitude that we all have to deal with. And I can speak as a resident of East Cambridge, I have seen already that it's ripping apart of the neighborhood in pro and con. There are people that are scared that if we don't say yes to these wonderful plans, I say wonderful somewhat sarcastically, that we will be left with a disastrous situation. I believe that a lot can change to those plans.

Today we had an interesting question, can't we have the items on the roof be surrounded by wrapping? Well, did you hear the developer say oh, yes, well, maybe if we don't want to increase the envelope, we'll lower it by a floor and that way we won't increase the envelope and we will achieve what you asked for. But that's not the attitude of this pro or for-profit developer. I commend the developer. They have a responsibility, they're fulfilling it. But we, too, have a responsibility. We have to look to the future and we have to take a step back. We all know that this will have a severe detrimental impact to our neighborhood. How can I possibly look at my seven-year-old and explain to her that, yes, it's a disaster, but we followed all the procedural steps together. So it's okay.

The common sense comment that's been made a lot this evening, and I will leave you with this thought, a quote from Oscar Wilde: The thing about common sense is that it's uncommon. And I hope we can address that.

Thank you.

HUGH RUSSELL: Thank you.

I think it's Donald Sheehan?

(No Response.)

HUGH RUSSELL: Sean Nealy?

(No Response.)

HUGH RUSSELL: Jay Wasserman.

JAY WASSERMAN: Good evening. Jay Wasserman, 34 Second Street. I live a block up. I'll be quick. I just have two light comments.

One, at the original meeting. There's a discussion (inaudible) ongoing about construction. As a direct abutter to the one



first construction which was done by Leggat McCall and JMA which will be the same players here if this goes through, it was beyond worse. I know I sent a letter in. Pretty much every thing that could go wrong with the construction towards the direct abutter went wrong. And I -- you discussed it you could try and put as much help the neighborhood fight if this becomes an issue. I am very hopeful. I've already seen Leggat McCall confer with some things that I fought very hard with the original construction that they refused to do. So I'm hoping this won't be true. But I request that goes into the planning so that if it does become an issue, every ammunition the neighborhood has to fight this is good.

The second quick point I'd like to make is about my idea I had previously about a

review of the traffic and parking two years post the project. I know it's unusual. I think there's already supposed to be a review on these projects which often doesn't happen, but I think in this case, given how much is changing in the neighborhood, you know, even they say the traffic's going to increase a little, there is so much going on. There's the T coming in, there's a lot of projecting coming in everywhere. We need to revisit this. We need to revisit it to see what we can do about it instead of let's put something in place, cross our fingers, and go away. I could say everything from the best thing that's happened to me towards traffic and parking is fighting about getting reduced rates in the garage a block away. This is thinking out of the box. These type of things need to happen. There's also a lot

we're seeing in Kendall Square where they built too much parking and the developers want to do something about it, but it's too hard to go back to the planning. So this is another reason to bring us back to the table a few years after the building is fully occupied to try and readdress these. And hopefully it will be a short meeting, everything will work, probably not, but it will be a reason to get to the table and see if -- to see what went well, what went wrong, and how do we address it instead of waiting until the next development in 10 or 20 years.

Thank you.

HUGH RUSSELL: Thank you.

David Teller.

DAVID TELLER: Hello. David Teller, 457 Mount Auburn Street in Cambridge. I don't live in this area right now but I have

in the past, and that building's always been a monstrosity. This is the time to do something about it. You know, this is an opportunity to make this neighborhood a lot better and I hope you guys take it.

Thank you.

HUGH RUSSELL: Thank you. Jonathan King.

JONATHAN KING: Good evening, Mr. Chairman, Members of the Planning Board, members of the audience. My name is Jonathan King. I reside at 40 Essex Street in Central Square. I serve as Co-Chair of the Cambridge Residents Alliance and I'm speaking here on behalf of our network of over 600 Cambridge households most of which are outside of East Cambridge. In opposing the granting Special Permit requested I want to address three of the explicit criteria that the Chairman named

at the beginning of the meeting.

We think the current request for No. 288, one, fails to mitigate adverse impacts.

Two, it does overburden city infrastructure.

And, three, it will be more detrimental than existing non-conforming uses.

Now, the present current proposals will bring several thousand new employees into East Cambridge. As they admit, this will result in thousands of additional order trips to and out of Cambridge. Though the impacts will be felt mostly in East Cambridge, the fact of the matter is that several hundred of these commuters will be passing through Central Square or will be passing down Prospect Street having to get over the BU Bridge, going up Broadway. These areas of the city are already heavily congested.

They're already failing our existing community. And this congestion, it's not just unpleasant, it undermines local businesses and economic development. It reduces the quality of life for residents and it increases safety and health hazards particularly for the young and elderly. I live across the street from the senior housing on Essex Street, and they're terrified about having to cross Prospect Street and Central Square and the same with parents with young, young kids.

Now there's no prospect and no proposal to widen the streets, local streets in Cambridge. If anything, their caring capacity is going to be reduced by the pressure for increased bike lanes. Several hundred more trips a day is going to be the tipping point, right? The discussion

absolutely makes no mention of 30,000 additional car trips coming in from the Kendall Square buildup, 5,000 additional car trips coming in from the proposed thousands of additional residents in Central Square. The situation is going to be untenable and it's going to impact on the whole city and that's needs to be taken into account. Nothing in the proposals or for any solutions, parking is not mitigating transportation and traffic, right? It's a separate issue. You saw the movies of Third Street. And the proposal does not qualify for a Special Permit. It doesn't meet the criteria. The Planning Board should reject it.

Now, looking at a little larger picture, last night, I don't think any members of the Planning Board were there, but members of the audience were there. The City

Council took a historic step forward and passed an order establishing a master planning process for the City of Cambridge. The first reporting out of that master plan process would be at the end of July. Certainly this project cannot be given approval to go forward now that the city is finally launching a master plan process with the proposal that's going to impact life everywhere in the city. So I would reject it on the narrowest grounds, and I would reject it on the broader grounds. The Planning Board is supposed to follow the guidelines set by the City Council.

Thank you very much.

HUGH RUSSELL: Thank you.

The next person I can read a first name, it looks like I-h-a-n, but I can't read the rest of it.



ILAN LEVY: Ilan Levy, 114 Spring Street in East Cambridge. I-l-a-n L-e-v-y.

I just want to say one thing for the first thing, is that I don't think that I saw in the pictures of the building far away that they were taken from my backyard and I see the building quite well. And I think that in the evening on the summer nights when I have a barbecue with some friends, it's going to loom large and the lantern is going to be there, is going to be one that I'm not going to be able to turn off and it's going to be a big nuisance. I also want to raise the issue of privacy which hasn't been raised, which I think is an important one. Having people on that tower being able to look in all the backyards of East Cambridge is pretty uncomfortable. I would like also to point out that it was, it was mentioned by one of

the gentlemen that there's always, it's amazing how a small comment can make such a very big difference in the outcome of a project, and I think that the small comment that we're making here is that the top part of the building should be non-existent, and that the bottom part should exist and that's what should happen. And it's a small difference for, it's a small comment but it's a big, big difference. We wouldn't be talking about all the issues that we are talking about tonight.

So I urge you, as all my neighbors have done, to deny the permit. I don't have to repeat all of the issues you've heard them and they are substantial and they're going to impact us negatively and, therefore, again, I urge you to deny that permit and to listen to the neighbors and to your neighbors, to the

people who live in the city with you and to do the moral thing, deny I the permit.

Thank you.

HUGH RUSSELL: Thank you.

The next person is Heather Hoffman.

HEATHER HOFFMAN: Hi, my name is Heather Hoffman. I live at 213 Hurley Street and I don't know if we can get one of the neighborhood maps up, but I'd like to show you where I live. There was an aerial photograph that showed Seth's house and you could see my house, and I'm way closer.

In the meantime let me tell you right before I left here, I went into my daughter's room to say good night to her and I was -- because I didn't figure I was going to get back at a decent hour. And I noticed how that building fills her entire bedroom window. And it, and it's in my bedroom

window and it's in my staircase that I go up and down. That building just fills everything north facing in my house. And it's hideous. And I've said that in many ways I don't particularly care what anybody does to this building that isn't tearing it down, because no matter what they do, it's gonna be cosmetic. It's not going to make it better enough to make it worth keeping that humongous thing in my neighborhood.

Now I want to talk a bit about the wind because that's the thing that has affected me in some ways. I didn't see any indication in the wind study that actual wind measurements had been made on-site. Were they? If they weren't, why should I trust anything about this wind study? I get to experience the actual wind on-site every time I go by the building which is most days several times a

day.

And I also didn't notice any measurements on -- next to the building on the Third Street side. In my experience that is absolutely the worst. That's where I have been knocked off my feet twice just walking by that building in the wintertime from the wind. I mean, I'm small but I'm not that small. And yet, I was -- gusts of wind off that building knocked me, knocked me down and -- why -- the -- what I heard the consultant say was that the proposed architectural changes to the building would make the wind worse. He said removing the cornus would make the wind worse. And all I could think was thanks a ton, because that's what I need is just more wind. One of the very useful things that you saw with the NAAC's presentation was the flag across the

street. That flag is in ribbons all the time. Why? Because of the constant wind there. The -- and that traffic, trust me, that that was not anomalous. It looks like that every single business day. And what you didn't see was the traffic jam that is in the same direction as the car that was driving. So let me see if I can find my house for you.

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

HUGH RUSSELL: Okay, thank you.

HEATHER HOFFMAN: This is my house. My daughter's bedroom, my bedroom, and my staircase.

HUGH RUSSELL: Okay, thank you very much, Heather.

HEATHER HOFFMAN: I just want to say that this building dominates our neighborhood in a way that no building should and I hope

that you will keep that in mind.

And I also have a question to ask you:  
Are they really reusing this building?  
They're getting rid of approximately all of  
it except for the frame and the floor  
decking. Are they actually reusing this  
building? Is what they are proposing to give  
us pre-existing or is it simply a new  
building and reusing the frame?

Thanks.

HUGH RUSSELL: Rhonda Masse.

RHONDA MASSE: Rhonda Masse  
(phonetic), 211 Charles Street, East  
Cambridge.

I don't have much to say. It's all  
been said much more eloquently than I can. I  
did have three minor points maybe.

I'd like to see a wind study that shows  
what the wind would be like with five floors

removed. I'd also like to see a wind study with maybe seven to ten floors removed. The building is a monstrosity. I well remember when it was built and the opposition of the community. I'd like to see us not necessarily get rid of it but minimize it, not just transform it.

Parking. Every developer who comes to the East Cambridge Planning Team tells us not to worry about parking because everyone is riding bicycles these days. And if that's true, why are there more cars on the street and there are more cars parked on the street?

Just the third thing I have to say is on the co-urbanized website my husband was looking at it last week and he said, why does it say that no one has proposed removing the top floors? And I looked at it and it did say that there was never a proposal made. I



don't know if you mean you never made that proposal, but I don't think that I was in a parallel universe when HYM came to the planning team and showed us their proposal with five floors off the top.

Thank you.

HUGH RUSSELL: Thank you.

Charles Marquardt.

CHARLES MARQUARDT: Thank you.

Charlie Marquardt, 10 Rogers Street.

I'm here to take a slightly different tact. I agree with David, that development is a much better thing. Leaving it empty is not good. But I keep hearing people talking about detriment of what it will do. I look at detriment as to what it will do if we don't do something? One of my big goals is this is a good impetus to help revitalize all the First Street corridor.

As you recall, Mr. Chair, we've had Equity Office in a couple times to talk about what they're going to do to rent out their empty space. That remains empty to this day. Part of the problem is we have an empty city spot right across the street which is an eyesore since the fire almost a decade ago now. Here we have an opportunity to fix a lot of those ills and work with the building, that despite the fact that it's not a pretty building, it's still a building. It's going to bring jobs into the city. It's going to keep people from commuting all over the city. I've been reading an awful lot since I went to the Climate Congress a couple years ago, and building horizontally does not work. That's where you get sprawl. Building vertically is where you can get some real impacts. Here we have a really big vertical

building. You all know I'm for big buildings. So let's not throw it to the wayside and hope that if we say no to these guys tomorrow night, next week, next month, that someone else will come up with another plan. We need to say let's keep working at this until we get a plan that works. Not no. Let's keep moving forward.

Thank you.

HUGH RUSSELL: Thank you.

Mark Rogers.

MARK ROGERS: Good evening. Mark Rogers, 390 Cambridge Street. My family's been vested in this neighborhood for over 100 years and what I see here is some potential nuisances but also a greater good to our community. Those of you in the neighborhood if you walk up and down Cambridge Street, you'll see the same vacancy that I see; a

dozen or so nail salons, too many barber shops. And those are all well honest trades but some diversity would be nice. I see an opportunity like this to bring in some new blood to the neighborhood. Also as a board member of the East Cambridge Business Association, I think these are the same folks that will patronize our businesses and revitalize this neighborhood.

I thank you for your time.

HUGH RUSSELL: Thank you.

Chris Matthews.

(No Response.)

HUGH RUSSELL: Charles Teague.

CHARLES TEAGUE: Hi. Charles Teague, 23 Edmunds Street. I'm on the city manager's task for lighting and I wish we had Doctor Teller on it. And to reinforce what the other people have been saying on lighting

is I want you to go back to one of the many, many Teague petition presentations and remember where I brought in Doctor Solid from Harvard who went over the public health implications of intrusive light. And at the end, I don't know whether you remember, she had three maps which overlaid and it was an intrusive light in America, the map of America, obesity which overlaid on it, and diabetes. And so, there are serious -- this is serious stuff. And I go back to one of the criteria you said right at the start, to mitigate adversity environmental impacts. So the very, very least, you need to impose conditions. And I was a little appalled at the landscape designer saying we'll have up lighting and he showed you a picture of it showing an up light. And now we all know Pam Winters has up lights in her yard, but this

should be not allowed. We put that in your conditions.

And the second is we talked about automatic shades. Now, we all know that that's an unenforceable, but you can at least make them install it. Because if you're up there in the middle of the night, you're going to look out the window.

And so, you know, in the task force we actually talked about this very subject for much, much smaller buildings and considered it very, very difficult problem. And here with this design you're just amplifying the problem and it's just, it's just something that should not being done. But also in the presentation they explicitly said this is not allowed. It's not gonna be in a nasty lab. And they explicitly said Google and other tenants.

Now, I'll give you personal testimony as a software developer many years is software is 24/7, 363. And I say 363 because everyday from Thanksgiving to February except for Christmas and New Year's. And when I did video games at One Aberdeen Street, we all worked 30 hour days. So I tell you with the tenant proposal this will be, even if you have automatic shades, you're gonna be lighting up the sky. You're gonna be lighting up the neighborhoods. So you -- but you are obligated to at least put in these conditions.

Thank you.

HUGH RUSSELL: Thank you.

Graham Gun.

GRAHAM Gun: Good evening. My name is Graham Gun. I live at 5 Lowell Street. And I wanted to talk about the block in front

of the entrance to the courthouse that's between Second and Third Street, Thorndike, and Otis. In the 70s I became very concerned about these buildings being torn down. As been stated earlier this evening there was a plan to tear all the buildings down in that block. We worked with the county commissioner for three years and we were able to reach an agreement finally.

HUGH RUSSELL: Excuse me, can you just leave it.

MICHAEL HAWLEY: I'm trying to set it for Graham.

GRAHAM GUN: We ended up working with the community. We were able to tear down three buildings to create the park, the community areas, the -- one of the courtyards along Second Street, and create the park which we take care of today. At that time



East Cambridge was quite rundown and everything is improved in East Cambridge except for the courthouse tower. To me it's not a question of the architecture, it's a question of the mass of the building. I was amused at the talk about the footcandles. The problem for us is we don't have footcandles. We don't have the sun. Almost the entire year, and I wish you put up that picture, we don't see the sun during the office hours. And I've had my office there for 30 years and this is what you see. I mean, this is just -- it's the massing. It's not the architecture. It's horrendous. No one would permit this in a civilized society today to build a building like this in the heart of a neighborhood. So why are we perpetuating it? It doesn't make sense to me.

Thank you.

HUGH RUSSELL: Thank you.

Does anyone else have something more to add? Yes.

PEGGY BARNES LENART: Thank you.

I'll try and be brief. It's late.

My name is Peggy Barnes Lenart and I live at 115 Fayerweather Street.

HUGH RUSSELL: Spell your name, please.

PEGGY BARNES LENART: Oh, yes. It's two names. Last names B-a-r-n-e-s L-e-n-a-r-t. I'm here in opposition to granting the Special Permit for all of the reasons that have been so eloquently expressed already this evening. I did wish to reiterate what Jonathan said earlier, that it's very timely moment to -- with the City Council's recent approval for the

comprehensive plan for the city. And I think that waiting to include this in that makes a lot of sense. I was asking and would like to request that the Planning Board ask two questions of the developers:

The first is regarding lighting. And I am wondering did their study model only floors above the podium as in their letter or as -- did it model the entire building as in their presentation this evening?

The second is regarding wind. If you could ask them did they take any actual data from the site for the study or was it all from simulation?

And then lastly, just a comment of the thousands of people who would be commuting to this building, hundreds hopefully, at least hundreds, will be Cambridge residents, and some of them will probably be commuting by

car who will probably choose to use on street parking as they have the privilege to do that rather than paying for the garage parking, and I think this will have further impact burdening the local residents' parking options, limited options in that neighborhood.

So, thank you very much.

HUGH RUSSELL: Thank you.

Dennis.

COUNCILLOR DENNIS CARLONE: Hi. I'm Dennis Carlone, C-a-r-l-o-n-e. I work at 222 Third Street, three blocks away and I live at 9 Washington Avenue.

I'm not going to repeat what a lot of neighbors and near neighbors have said tonight. They've spoken very eloquently and quite moving. When we put the policy order through the City Council, we basically

repeated what the public mandate was, which is to consider everything, not just leasing space. Just like you consider everything. And as Steve Kaiser and others said, in the end it comes down to what is the public good? Does the benefit in taxes outweigh the impact on neighbors? There's no question that the architectural landscape team have done what they can to this building, but I think Graham Gun nailed it when he said: When you block sun to a whole city block, you have to question the building that you're looking at. Does this building continuing another 50 years hurt the integrity of the district? Where else in the city is there a half million square feet of office within a residential neighborhood?

The garage next-door which now might be deferred looking at the Galleria, legally as

I recall, you can only lease out half of the garage to non-public use. Already a portion of the garage lease space is committed to adjoining buildings. That was the whole strategy for building the garage when the East Cambridge riverfront plan was done. So no matter what, unless the state changes the law, which they might in this case, there will need to be parking elsewhere anyway.

The street character will automatically change. It's not a residential street. Obviously it will be more of an office street, the lighting character. Anybody who lives near an office building knows that. But in the end it comes down to public good. And I see no reason why the Council, at least I would propose that the Council ask for a full MEPA report if for no other reason than to look at alternatives.

What we're doing, we the Council, you the board, is making Cambridge better, holistically better. And it's a complex enterprise. And this is probably the most complex because of location of the building. It isn't just aesthetics; it is mass, it is wind, it is shadow, which wasn't really discussed tonight because we discussed it last time. Having lived in the neighborhood back in the 70s, I remember the shadow very well because I lived close to this building. It doesn't happen in many other places. There's only a couple of places in Cambridge when a building near that height impacts abutting residential properties. Here is the opportunity that every urban design architect looks for change; the end of life of one building, the beginning of another. It is not the same building.

Thank you.

HUGH RUSSELL: Thank you.

Does anyone else wish to be heard?

Yes, sir.

PATRICK MAGEE: Good evening.

Patrick Magee, M-a-g-e-e. I'm the President of the East Cambridge Business Association. Just quickly, thank you for your time. I know it's late. I would like to reiterate our position that we're supporting this development. I think it's easy to look at the conditions of it now and the impacts of the neighborhood as opposed to 2007 when it closed. And if you look at the detrimental impacts of the business community in the area, which I think is a vital impact of why East Cambridge is what it is, there's been a lot of negative impacts from the closing of the office space, of the courthouse, and only



have it used as a jail. So I would like you guys to consider that if you would.

Thank you much.

HUGH RUSSELL: Thank you.

Does anyone else wish to speak?

SHELLY NEAL: Hello. My name is Shelly Neal. I'm executive director of the multicultural arts center in East Cambridge. We're directly across from the old Middlesex County courthouse, and in fact the space that we occupy was the original Middlesex County courthouse.

I wrote a supportive letter in favor of Leggat McCall's project as many people in this room probably know. I sat through many meetings over the years when this topic was discussed, and the point the fact there were two round proposals, and the second one, which is the one that awarded the development

of the building to Leggat McCall, I had actually been in favor of the HYM proposal for the very reasons that I keep hearing articulated tonight, which is if we could just have like a little section of it taken down, that would have a, pardon the expression, ripple effect on things like wind and things like lighting. I don't know how much of it overcome the hideous architecture but it would have an impact. And I know that the room was half the size that it was when I first got here, but I'm just curious can I see a show of hands that would tell me if the building was reduced in size, whether it's two stories, six stories, seven stories, would that satisfy most of the people in this room? Is that a yes with your hands up? Oh. Barbara, thank you.

So apparently there's other issues.

And so I've been making notes about those other issues. The parts that are confusing to me is that I live in Jamaica Plain. I've been the executive director of the multi-cultural arts center for 15 years and sometimes I feel like I live here. I'm here more than I'm in Jamaica Plain. I've been watching another process take place in JP which involves the Casey overpass. I don't know if people are familiar with that or not, but it's basically a bridge system that takes people along Franklin Park out of Jamaica Plain going toward Blue Hill Avenue and it's an exit strategy for a lot of folks getting to the Cape in the summertime. This debate like the debate that went on in East Cambridge about the development of Middlesex County courthouse went on for a really, really, really long time. And I went to

meetings about that as well. And the part that's kind of like confusing and kind of scary to me about those proposals is that after much discussion and a lot of members of the community being heard in Jamaica Plain and, again, a lot of people that are in this room now, I've sat in meetings with you and heard the comments that you've made, although it seems like when this proposal was going on, the main comments that I was hearing from people was about parking and now there's a like whole multiplicity of issues being discussed. The part's that scariest to me about this is the decision was made to go forward and to take down the Casey overpass in Jamaica Plain. Now, I live a stone's throw from Forest Hill Station and across from the Arboretum, so the direct living impact of this decision is going to be

monumental for me and mine on the street that I live on. The dust, the noise, the jackhammers, etcetera. So it's going to be an interesting thing, if this project goes forward, which I hope it does for a lot of reasons, both the working all day long in Cambridge, East Cambridge, listening to jackhammers and trucks coming in to remove the asbestos with the price tag of about \$30 million. And then I get to go home at night and listen to the jackhammers as they take down the Casey overpass. So I don't have like this existential somehow removed, I'm on a different plateau picture. I'm living and working under construction and under development or about to be. And so what makes me nervous is if we stop gap this now, we go, okay, there's so many issues with this that we can't go forward, then what's

bothersome to me in terms of this proposal is that we still have asbestos riddled, which no one has mentioned tonight, at least while I was here. Asbestos that's going to cost \$30 million out of this building. And I don't know, asbestos is kind of scary to me. I don't know about anyone else in the room, but I want to make sure it gets out of here carefully.

FROM THE AUDIENCE: It's contained right now.

SHELLY NEAL: Okay, it's contained right now. I can't imagine a building of this height and this breadth with all of this asbestos. But that's just step one. And Leggat McCall has stepped up and said, we'll take responsibility for that asbestos removal and clean-up. So that would be stop (inaudible). And we do a lot of the, as you

know, the Boontown festival outside --

H. THEODORE COHEN: If you could wrap up your comments?

SHELLY NEAL: I will very quickly. I am reading it contemporaneous. I had notes but things that people have said --

HUGH RUSSELL: Could you wrap up your remarks, though, please.

SHELLY NEAL: Okay, I will. The park is there, etcetera, and there's a lot going on and there will be a noise factor. But I wish that there was a way to go forward to take under advisement some of the things that people are talking about, particularly the height issue, but to make this happen because seven years of abandoned building, pretrial detainees screaming out of the top floors all summer long, the traffic, etcetera. By the way, the traffic --

HUGH RUSSELL: Excuse me, would you please --

SHELLY NEAL: I know, it's time to go.

H. THEODORE COHEN: Please wrap up your comments.

SHELLY NEAL: I think I just did. Thank you very much for your time.

HUGH RUSSELL: Thank you.

Does anyone else wish to speak?

(No Response.)

HUGH RUSSELL: Okay, I see no one.

My colleagues are very tired and overwhelmed by this three and half hours and I feel that myself I want address the issue that Liza is about to put before us.

LIZA PADEN: So I just want to make sure that before we adjourn for this evening that the extension request from Leggat McCall



for the issuance of the decision to June 20th is voted on by the Board.

HUGH RUSSELL: Is there a motion to accept the request?

STEVEN COHEN: So moved.

HUGH RUSSELL: Second.

H. THEODORE COHEN: Raising hand?

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

(Raising hands.)

HUGH RUSSELL: Anything anyone on the Board wants to say before we adjourn?

(No Response.)

HUGH RUSSELL: Okay. We are adjourned.

(Whereupon, at 10:40 p.m., the Planning Board Adjourned.)

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