

PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, November 18, 2014

7:00 p.m.

in

Second Floor Meeting Room

344 Broadway

Cambridge, Massachusetts

Hugh Russell, Chair

H. Theodore Cohen, Vice Chair

Pamela Winters, Member

Tom Sieniewicz, Member

Ahmed Nur, Associate Member

Brian Murphy, Assistant City Manager for
Community Development

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HUGH RUSSELL: Good evening. This is a meeting of the Cambridge Planning Board. The first item on our agenda is a discussion of Volpe Zoning. Maybe I should just -- Brian's going to pre-introduce it saying that we've been studying the Kendall Square area for a few years now and the Volpe site is one of the larger sites that has a lot of development potential in that area, and recently this year we started be able to have a real dialogue with the Volpe people and so that's resulted in the Zoning.

BRIAN MURPHY: Thank you, Hugh. You may remember we came to you in September along with folks at Volpe to give you a preview of what was happening, and this is our chance to give a report back to the Board

and an update on the process going forward. And in the first piece I would note is that I think it's telling that you've got a presentation tonight that's being done jointly by Community Development Department and GSA and DOT. The three of us working together, which really has been how this process has gone so far. I have to say that it's been a terrific collaborative process as we try to explore what's going to help getting new Volpe and what's going to unlock some of the most important real estate really in the country when you think about it from an economic development standpoint. I mean this is the epicenter of the knowledge economy and that Volpe site's potential is incredibly significant.

So this is a site that is just vitally important to Cambridge and Kendall Square.

This is something that we have looked at for many, many years. I think when initially Volpe came into being, it was very helpful as part of urban renewal, but we've been successful and now it's time for the next phase. And what's special about this process going forward, and it's a little bit different than some other processes that we've seen, is that the Volpe is going to be staying. Volpe has been an important part of the Cambridge knowledge economy as well as an important neighbor. And we've seen that really in the last several years, whether it's movie nights and I think unfortunately my suggestion of transportation disaster movies was rejected.

But it's a chance really to engage with the community and open up Volpe. If you get a tour of Volpe, it's remarkable in the

cutting edge innovation that's taking place there in really a dreadful space just from an operational standpoint. So the potential for a new Volpe that, you know, can work as part of the knowledge economy and state of the art is important I think to all of us as you think about the work they do and the implications, you know, for Cambridge and for the nation.

It has been a collaborative process and I really do want to emphasize this. Iram and I went to the industry day that Volpe had and it was extensive. There is a lot of interest in this site which is terrific because it's what it's going to take to unlock this.

And one of the things that was clear as you looked at the questions that came up and the developer's response to the, to the initial offering or suggestion of an offering

was that it would be helpful to have more certainty around the Zoning, and that's really why we're here tonight. It -- because it's become clear that getting the Zoning to line up with the K2 Zoning will be helpful in providing greater certainty and unlock the value in this transaction. Because as you know, as the folks from GSA and DOT will tell you, this transaction only works when the other development unlocks value that allows them to build a new Volpe. This is not going to be done with the expenditure from the Federal Government. But what's also exciting from our standpoint, it gives us and it gives the Board and the community a chance to really do some tremendous place making. When you think about what the potential is to take open air parking lots that are an eyesore in Kendall Square and turn them into, you know,

really exciting connections to the community. And I think if I had to give one sort of overall term that I would urge us to think about in doing this is flexibility. When we came out with the K2 recommendations, I think we anticipated this. And we have the sentence that says some flexibility on the part of all concerned will help ensure the goal of vibrant and mixed use development can be achieved while recognizing the important role the Volpe Center in the Cambridge community. So our plan is now to -- I'm going to turn it over to folks from DOT and GSA and they will give you an update on the process. Iram will go over, you know, some of the pieces talking about what we've looked at through this, through K2 and through the ECPT and CBT analysis of the site. And our goal will be to engage in a discussion with

the Board since we anticipate returning to the Board with Zoning language based on K2 in early January with the goal of a Planning Board petition forwarded to the City Council in January or February.

So I would like to turn it over to the Bobs. Bob Johns first and they'll sort of take it from here.

BOB JOHNS: Good evening. I'm Bob Johns. I'm director of the Volpe Center, associate administrator. We are pleased to be here again. I'll echo Brian's words about the collaboration. We really have had a great partnership with the city, and Brian and Iram being at our auditorium Saturday morning in September with our industry day where we had about 30 companies come and take a tour, that really made an impact as well as having GSA. So that's a three-way

partnership that's been extremely valuable. So I'm going to introduce and remind you again a little about what we're trying to do and then I'll turn it over to Bob Zarnetski of GSA who will update you on the activities that have happened since we are here last.

So the Volpe Center, again, is a research arm of the U.S. DOT. We're part of the Office of the Assistant Secretary for research and technology. That purpose statement "Man's transportation advanced for the public good," we have about 570 federal employees, another 500 or so on-site contractors. We're pretty unique in that we -- our work is fee for service for all the mobile administrations of DOT and as well as other parts of the Federal Government and some state and local government. We, just a few pictures up there to highlight some of

the things I mentioned last time. Working on air traffic control systems for FAA, railroad safety for FRA, fuel economy, the new corporate average fuel standards for NITSA, connected vehicles, automated vehicles for intelligent transportation systems and tracking of ships worldwide for maritime administration and the Navy. We have many more things going on, but what we need is a better research facility. And what we have engaged here with GSA is an initiative to exchange the value of our excess property for a new facility. We have about 14 acres, and we think a new facility would probably take three to four acres so there's ten acres there that is a very valuable partner -- property in Kendall Square as you know.

So our goals are to acquire a state-of-the-art facility for research and

innovation. Not only is our facility aging but as Brian said, it's really not constructed for some of the research labs that we have. We want to certainly get a good return for the American tax payer, and we want to work with GSA to really take advantage of the creativity of the private sector development community to unlock the value of our remaining property. The result would be a new facility of about 390,000 gross square feet, parking underground. Facility would not only accommodate offices and conference rooms and normal office space but also our labs. And we're talking about some public access space before people go through into our federal security systems where we can show some of the innovations and transportation that we've been doing.

So that's just the goals that we are

trying to achieve as a DOT. We have a partnership with GSA, and I'm going to turn it over to Bob Zarnetski, the regional administrator here for GSA and give us an update on the site.

BOB ZARNETSKI: So I am Bob Zarnetski, regional administrator for regional and general services of administration here in New England. And I'd like to put some faces on GSA and Volpe have got a number of folks in the room.

Could folks from GSA and Volpe raise your hand.

(Show of hands.)

We don't stand up here alone. We have folks who are passionately engaged in this project and committed to its success.

So this is a pretty simple idea. We don't want to go to Congress and ask for

money because we know there's no money, right? This is an expensive proposition, building a state-of-the-art research facility. We also know that the value that's locked up in those 14 acres is quite substantial. So all we're doing here is trying to figure out how to unlock the value of the property that we no longer need or that, you know, has been underutilized in the past. If we can figure out how to carve those ten acres off, we should be able to realize enough value to get the state-of-the-art facility that Volpe needs. That's it. That's the structure of the deal. Simple, right? But the devil is in the details.

But what we're hoping is that the facility that we own and operate continues just as the Federal Government has always

been at Volpe will still be the sovereign United States Government with a facility that we built, that we're responsible for. The rest of the property, though, will be turned over to a developer and will be subjected to the Zoning that you guys put in place. We are completely open to whatever it is that generates the greatest value for the taxpayers and make sure that we get the facility that we're looking for. And we're here to make sure that you all know that we're friendly, not in any way hostile to ideas or suggestions on how that might be done.

We've outlined the structure of this deal I think several times tonight. I will say that we are not very far down the road, but we are substantially down this path already. We did go out in August with a

request for information. And that generated a number of responses for or responses from people in the developing community. Frankly we were very happy with the responses that we got back. We got a lot of very substantive suggestions, a lot of ideas on what might be done, what could be done with the property. We are reviewing those right now. The next step in the process will be for us to begin looking at a contracting device we call a request for qualifications and a request for proposals after that. The qualifications will basically help us pair it down to a number of developers who actually have the wherewith all to do a project of this size and then a request for proposals is the way that we will select from among the various bidders proposals.

We're still looking at last time we

were here, I think we had mentioned a 16 to 18 month contracting time horizon. We're still in that time frame. We're right on track in terms of where we thought we would be, and right now there's nothing in the horizon that threatens disruption. There's nothing that we see that is going to interfere in the interest of the community, the development community is there, the noise we hear from folks in Washington is all good and positive. There's nothing here that would give us any reason to believe that we cannot succeed and so we're hoping that we'll be able to say to the city of Cambridge, there are ten acres that are no longer under federal jurisdiction, the jurisdiction of a developer and this body. We hope to be able to do that fairly soon, that 16- to 18-month period being the beginning of that process,

but I think we're on track.

IRAM FAROOQ: These were also your slides.

BOB JOHNS: Just if you needed them.

IRAM FAROOQ: Great. So, thank you. Iram Farooq, Community Development. I just want to -- you've all seen this image before but I just want to always use this as a touchstone as our starting point that the goal of the Kendall Square plan which sets the stage for the recommendations and the Zoning proposals that we'll be talking about is just governed by how to create a great place in Kendall Square, how to continue to support the innovation economy, make sure that it's an environmentally sustainable area, and that it's a place that, that is a positive force in Cambridge that we can all be proud of.

And so here's just again going back to the Kendall Square recommendations from the K2 report, this just shows what's happening right now below the blue line as a non-zoning components. Above the blue line are the Zoning recommendations. You see here's Volpe. Now we've made that bold because that's real. The bold stuff is what's in progress right now. The light blue is what's happened. The dark blue, non-bold stuff is what is yet to come before you.

Before I leave this slide, the one thing I do want to point out is the Kendall Square equal district which was one of the sustainability recommendations of the K2 plan, that has been established and I wanted to mention that Volpe is one of the partners as part of that ecodistrict process and that aims to create, to think about Kendall Square

in a holistic district-wide level and how the, how non building by building interventions can actually help us advance the environmental agenda on the greenhouse gas reduction side, district energy systems, and also thinking about I would say public space and so forth.

So in terms of now coming to the Zoning recommendations Bob mentioned that what Volpe is envisioning is that there will be ten acres roughly that will be transferred to a private developer. So while Volpe is not entirely subject -- well, not subject at all to city zoning, but the developer who takes over those ten acres would be. So these, the intention here is to set the stage for that development. We do at the same time hope that depending on how the Volpe deal eventually gets structured, that the planning

principles that are laid out in the Kendall Square plan could still be in play for the entire site, including the site that -- the section that is, that Volpe sits upon and that it could be a positive part of how that block feels.

So, one of the elements it is just making sure that we have active, lively pedestrian environments, and ground floor retail is one of the key elements of that. So the Zoning recommends that there be incentives and requirements for ground floor retail. It would be required along Broadway and Third Street. Broadway is -- that's the most relevant component for this project. I mean for this parcel. And also there would be GFA exemptions to -- for the retail space if it falls within certain size criteria. And certainly the one refrain that we've

heard throughout is that a grocery store or a pharmacy is needed in Kendall Square. That's something that we say to every single developer, and hopefully one of them will be able to make that, make that happen. But this parcel would certainly be one of the potentials because it's very much in the heart of Kendall Square.

In terms of housing for the entire district we've created housing requirements, minimum amount of housing requirements. For this particular parcel there is 40 percent within the Zoning right now and is intended to continue. There is a new middle income housing requirement that gets proposed for tall buildings that exceed the district, the commercial height limit of 250. That's the new proposal would be 250 for commercial and up to 300 feet for residential. And so

buildings that, that tap into the 300 feet would be required to include a middle income housing component. Oh, sorry, and then there's a phasing requirement also for when the housing occurs so that it doesn't get left for the very end and that it happens consistently with the commercial development.

This was something -- Brian mentioned the East Cambridge Planning Team CBT plan which was something that the neighborhood group worked on while we were doing the K2 study, and this theme of having a mix of uses on the parcel and having them move in tandem was one of the key things there as well.

We had a recommendation for startup space because just like residents get priced out, so do small businesses, and so we had a recommendation for five percent of non-residential GFA to be devoted to startup

space. And part of that -- 50 percent of that would be exempt from counted as GFA. Once again kind of the requirement and incentive combination.

These I'm going to skip over because these are pretty precise, and then when we come back with Zoning in January, Jeff will walk you through all of those details.

We also had a community investment fund of \$10 per square foot. You'll recall that this is something that got adopted in the MIT Zoning. So for that the three key areas that were thought to be priority were enhancements to the public space, particularly in terms of programming. Transit improvements. So this would be not -- things that could happen in addition to the Red Line that would happen on a -- that the city could do or the developers, non-profits. So for instance

there is the EZ Ride, Charles River TMA amenity right now, you can think about expanding the reach of that or having greater frequency as the area transforms to more -- has more residents and transforms to more of a mixed use area. It might be really useful to have something like the EZ Ride run on weekends which it doesn't do right now. So things like that.

And then finally workforce training which was a really big theme here and really only gets called out in a big way in this particular element. And the idea was that Kendall Square has so much high value development, and in companies -- and it's surrounded by residential neighborhoods that include public housing and there's -- it's really important to be able to make that connection between with kids as well as

adults in the residential neighborhoods that surround Kendall Square and help them see Kendall as a place where they might at some point be able to work and participate in economic enhancement.

On the sustainability side, this again was adopted in the MIT Zoning is a requirement for LEED Gold which increases our current LEED Silver standard. You know, GSA is really committed to strong sustainability standards and so we think that this these should be -- will probably be get addressed even in the new Volpe facility. That's just me speaking, not Volpe.

And then.

BOB ZARNETSKI: Notice my head is nodding.

IRAM FAROOQ: And then we're lucky in Kendall Square to actually have a district

steam system that's run by Delia, and so there's a recommendation that all new development should evaluate the feasibility of connecting to the steam system.

And then finally encouragement for (inaudible) on-site for a parcel on this size something might be really feasible. And again, this is a district where that is already something that is happening, the ecodistrict is a great connection to help support that.

Transportation, again, the only thing I'll call out here is enhanced TDM requirements. We already talked about some of these elements. And then the second piece is parking ratios. So we are actually proposing, creating maximum parking limits. And then also for non-residential uses have a minimum that gets defined by analysis so that

it's -- we're not requiring an artificial minimum where it's not needed because the site is right on top of transit.

Focusing then on the Volpe block itself, here's Broadway. This is Binney. This is Sixth Street Connector and Third Street. And so the FAR is 3.0 right now, and the recommendation is that we increase to 4.0. The housing requirement as I mentioned, would remain. There's 42 percent open space requirement that we are suggesting would remain, including a requirement for a public park. So here's where the flexibility piece comes in. So Kendall Square process really calls this out because the current Zoning asks for a seven-and-a-half acre park that's in the northwest corner of the site which is right here. That recommendation came about through the ECaPs process that predated the

Alexandria rezoning and development. So at that time this area was supposed to be residential, and the whole goal was to create a transition from the residential edge north of Binney to the, to the south of Binney treatment and also create a park that would be really accessible to the East Cambridge -- if you actually look here, here's the location generally of that park. Here's East Cambridge Area 4. So it was thought that this would be closest to Wellington/Harrington and Area 4 in that corner. But as we -- in the intervening time Alexandria, this area has been rezoned by Alexandria. There are commercial buildings that are being built there right now. So the context has changed. Plus this two-acre park has been given to the city through that Alexandria process on Rogers Street. And

actually if you look at the imagery, this park is less than four acres as drawn. So it's really very hard to accommodate the seven-and-a-half acre park on that site, because if you have a ten-acre site and you have a seven-and-a-half acre park, it's hard to think that somebody could build a building for Volpe. So that's the conundrum to deal with, and so we're suggesting loosening that requirement, retaining a requirement for public park, but creating greater flexibility. The other element there is that there's now residential development right on this block. That's Third Square right there. There's Watermark, the two Watermark buildings across Third Street. So in some ways this edge is now more commercial and the Third Street edge is more residential. So it's worth thinking about what really makes

sense for the new community and the new residents in the area as well as the existing neighborhoods. So there were a series of plans -- actually, I'm just going to advance here. This is about the mix of uses. Here's the K2 plan, the CBT plan. And you can see that both are talking about mix of uses. But I'm going to advance to this. So here's just looking again at that -- this is the CBT plan. And here's the K2 plan. So I just want to throw all of those up together. Something like this might make sense where it cuts through, you know, people really want to connect through the site. So you might have open space that cuts through -- that bisects the site, that creates edges within the block but also creates a public connection through it. There might be some value to thinking of things that maybe surround the, I don't know,

add to the Third Street pedestrian walkway. There might also be value to something that's not shown here that might go around. So I'm showing you all of this, but these are actually -- these are the kinds of things that are being thought of right now by the East Cambridge Kendall open space competition entrance. So this is a competition that, you know, we talked about how to create an open space and that's work in Kendall Square, that was a big priority both for the K2 study as well as for the East Cambridge Planning Team CBT study. So we decided to do this competition. It's underway right now. It's in its final stage, and here are the four finalists. We're doing technical advisory work right now, and the final proposals are due next year. So I think those are actually the highlights here, but maybe the only other

thing that -- we talked about heights. But this -- the one thing worth calling out is right now in the current Zoning. The Zoning, there are height bans that start from 65 feet and go up to the 250 feet that has been proposed here, but they're very, a very fine grain. And once again the goal there was to create the transition from the residential neighborhood, which is not really a valid issue anymore. So the proposal is to have 120 feet at the edge of Binney Street going up to the -- and having the bulk of the parcel be allowed to go up to 250, but then you'd have heights modified based on the amount of GFA that's available, and presumably some of that on this site you might see more a variation than elsewhere because the site will be smaller once you carve out the Volpe section. But there is

also -- the other thing worth calling out is that the heights are low surrounding -- continue to be -- the recommendation continues to be for low heights surrounding the third square residential development so that there is a transitional edge.

So sorry I bounced around, but that's it. I just hit my 30 minutes for our presentation, Hugh, so I'm going to stop now.

HUGH RUSSELL: So I have a couple of questions and they're sort of process questions. So how do we, and I embrace everybody in this room, how do we figure out which three or four acres serves the DOT best? Presumably it's not the acreage that the present buildings are sitting on because you need to get the new building up before you can take down the old building.

BOB ZARNETSKI: I guess the short

answer is that it's a process that's going to involve a conversation between DOT, GSA, and those who have suggestions on how the site might be developed. It really is a Federal Government requirement and we're gonna have to decide what that requirement is. It's really gonna end up being based on what we think we can get from a developer and where the facility is gonna best meet the needs of DOT going into the future. It's a planning process that we have to go through.

HUGH RUSSELL: And then I guess my second question is around open space because the math is clear that if you devote 42 percent of the site to open space and you devote about 36 percent to the DOT needs, you don't have much left over and you're probably going to build some streets in that, inside the superblock. So it's -- the question I

think is more directed now to, Iram, is how does the city identify what are the open space priorities for that? Because it seems that we would start and identify that and we bring that to the table and talk to everybody.

IRAM FAROOQ: Right. So we are actually hoping that we will have some great ideas that build upon what we have from Goody Clancy and CBT as a result of this Connect Kendall Square competition. And that's supposed to be not so much actually designing the space, but coming up with ideas for how to make a complete Kendall Square network. So those will be things that we'll bring to the table, especially when the -- by the time the developer is on board, we will have had time to digest that information as well as then process what might be -- what else is

happening around it.

HUGH RUSSELL: Don't you have to figure that out in the next eight weeks?

IRAM FAROOQ: Well, it depends if you want to pin down a specific proposal. I mean, in most districts we don't say that there should be -- here's your open space requirement and then this amount -- oh, I'm sorry, sorry, let me back up.

You were asking about the 42 percent?

HUGH RUSSELL: Right.

IRAM FAROOQ: So we're in conversations with DOT about whether that number is a big problem and tell me if I'm saying something wrong, but we're not hearing that that's a huge problem. I mean it's a -- it's a question mark if, I mean -- the large park requirement for seven and a half acres is clearly a problem. The 42 might be

achievable if we build in enough flexibility to make sure that what's on the Volpe parcel could count towards that 42 percent. If there's some flexibility for a certain percentage of that maybe to be dealt with in certain non-traditional ways. Plus this is the open space requirement, the Zoning open space, which is not the same as a park. So the street network would also count towards that open space number. So I think if you factor all of that in, you get pretty close to the 42, but certainly we could do a little bit more analysis and see what that might play out to on a site.

BOB ZARNETSKI: I would just add to that. We're in Cambridge, but we also want to be part of Cambridge. I mean, this is not the U.S. government saying hey, our three acres, our four acres are still going to be

subject to, you know, federal jurisdiction and we don't want to talk to you about your open space requirements. We don't want to talk to you about your sustainability requirements. Quite the opposite. We do want to have those conversations. We do want to be a part of what the community is building around us. We want to be part of a neighborhood that DOT employees want to go to everyday. We want a part of a better East Cambridge. However that works, you know, obviously we have first and foremost in mind giving the facilities that the Federal Government needs, but to the extent that we can contribute to open space, to the extent that we can contribute to sustainability goals, to the extent we can contribute to the character of the neighborhood that you all want to see, we're happy to do it.

HUGH RUSSELL: Tom.

TOM SIENIEWICZ: I guess my question goes to what I see as maybe scheduling conundrum. Brian referenced a good idea to keep us on pace to try to get Zoning to City Council within January if not early February. I just want to understand, okay, it would be really great if we could have this competition. And in form shaping of the Zoning, how does that dovetail in terms of the schedule?

BRIAN MURPHY: So in terms of the schedule for the Connect Kendall Square, still calling it by its old name, you've got submissions that are due January 27th, public exhibitions of the presentations from January 30th to February 13th, and then jury session and team presentations in the middle of February and announcement of the selected

framework plan March 3rd. So it doesn't dovetail completely. But I guess the other piece that I would say is, and, again, we're going to sort of come up with some general sense of this, you know, I was just asking Jeff is, I think the highest open space then any other district PUD that we have is roughly 20 percent. So we're clearly working with some flexibility here in terms of providing enough open space to still make a great place which is really, you know, nothing gets hung up on the numbers, more thinking of what is this really about? This is about place making. My hope and expectation with the language in January we will have sufficient flexibility to allow us to make that great place, to have a number that a percentage that works. And I think as we've -- and Stuart maybe you can jump in and

and add to, this we've been talking to the teams around Connect Kendall Square. We've sort of said to them think about these, you know, these challenges and these parameters as you're looking at coming up with this. So think, you know, don't get as hung up as trying to max out the percentages here, but think about it what is it that's going to make this space work in terms of what you're going to do.

STUART DASH: That's right.

HUGH RUSSELL: Let me throw out a conceptual idea. If you took 42 percent and you subtracted the area of the Alexandria field, which I wonder what that number would look like?

BRIAN MURPHY: Two-and-a-half acres roughly. Is that -- is it two-and-a-half?

STUART DASH: Two. I mean, actually

the Rogers Street is two.

IRAM FAROOQ: Rogers Street is two.

HUGH RUSSELL: Because that was done in response to this need that was identified. That might help you. And I think given, given what we're trying -- all the goals are trying to accomplish here we've got to come up with the right balance.

IRAM FAROOQ: We think also, if I could just add one other thing, that like in terms of not feeling like we cannot move forward without this, I think this really will inform the development proposal when somebody comes for a PUD proposal, that's when you really want to know these elements, like, what are priorities, what are some principles that were good and resonated with all of us. The Zoning can be much more broad.

BRIAN MURPHY: Yes. And I think the other piece that we talked about is as part of the process that the GSA would be looking at going forward, you know, we've talked about some way to ensure that whoever is interested in going through the RFQ process has some kind of a check-in with the city to make sure that they understand what's going on. There probably will be a reference to the connect Kendall Square process. So really into the K2 Zoning is to require whoever is bidding and looking at this has a sense and expectation of what the city wants to do. That was a part of why Iram and I felt it important for us to go to the industry day to make clear that yes, part of your charge is to build a new Volpe, but an important part of your charge is also to build a remaining site out in conformance

with the Cambridge goals and plans for this area.

HUGH RUSSELL: Ahmed.

AHMED NUR: I just had, I guess a little clarification with regard to better site. I heard several times private developer would be -- will be rewarded I suppose to a single -- could it not be a plural developers for ten acres? Does it have to be one? Is there a restrictions with regarding to the usual players in Cambridge such as MIT, Boston Properties, could they be a foreigner, foreign developers coming in here? And we're talking about 250 elevation for commercial and 300 for a resident. What are -- are these a requirement because I can't remember K2-C2?

HUGH RUSSELL: It's K2-C2.

AHMED NUR: Right. So does it have

to be either/or? Or what's the percentage of commercial required I suppose to residential? Because we definitely need residential.

HUGH RUSSELL: That's what will end up in the Zoning proposal. And right now it's kind of a like Iram said, it's 40 percent housing. I don't know whether in doing the calculation do you count Third Square as part of that housing or does the -- I mean, you're not going to say -- there's no point in telling the DOT they've got to have 40 percent of their building housing because A, that doesn't make any sense for a basic reason. And, you know, so it's going to be on the ten acres. And so the question is how much of that ten acres is housing? That's a crucial question. I don't think we have an opinion except there should be a good strong mix of that.

BOB ZARNETSKI: So on the question of the developer versus developers, I -- it's actually a very good question. And it's one that we haven't wrestled with a whole lot, because the way that we've had to deal sort of sketched in our minds is that we will be exchanging a parcel, or a chunk of land, for the development services that will be the new Volpe Center.

AHMED NUR: I see.

BOB ZARNETSKI: It is conceivable that somebody could take a piece of land in exchange for the services that produce the new center and then do something completely different in terms of how they structure the development of the remaining land. It's also conceivable that we can get some sort of multipart proposal so that you have two developers who come in and say, you know,

team A is going to build your building. Team A and B together are going to do the rest of the build out. Our focus has really been on the development of the federal portion of the project. And frankly, I'm going to check myself there and say the federal project, because it's not a portion of the project from our perspective. That's our goal. The goal is to get the federal facility constructed, and then what happens after that on the remainder is really subject to your jurisdiction and not something that we will be involved in at that point.

BRIAN MURPHY: Actually, I'm sorry, I've got one transportation issue. Which is that there's a white Camry blocking a car in the lot. If it is you, please move your car.

AHMED NUR: I have a microphone here. A white Camry, you will be towed.

HUGH RUSSELL: I have a question for the -- this is a GSA question, and one of the goals that Iram reminded us was that there would be ground floor retail along Third Street and Broadway and is it possible to incorporate that kind of space in your building?

BOB ZARNETSKI: GSA has done retail space in federal buildings, whether that would work here given the DOT's requirements, given the level of security, given all of that, I can't tell you.

HUGH RUSSELL: Right. But it's not precluded and is precedent.

BOB ZARNETSKI: We have done retail in federal facilities.

HUGH RUSSELL: I remember my dream is that you're out on the corner of Third and Broadway so that we have this, the major

institutions of the country facing each other across Kendall Square, you know? And you represent the Federal Government, but there's the innovation center, there's Microsoft which is bigger than the government probably, and there's MIT. And the idea that all of these people are looking across the square at each other, I think is a wonderful image of what is happening really throughout it, because of course the Federal Government pays for a lot of the research that MIT does. They're very much involved in all of this that's going on, and, you know, MIT people are in the private sector. There's a -- it's a mixture, but they have that symbol I think would be nice.

BOB ZARNETSKI: I'm not sure a Chuck E. Cheese fits in there.

AHMED NUR: Hugh, I just wanted --

one more question. I just wanted to finish my idea.

So is it determined that the federal project, as you call it, the existing structure will be definitely demoed and constructed again?

BOB ZARNETSKI: It isn't determined. We haven't gotten proposals yet. It's a coin flip at this point.

AHMED NUR: It's up in the air. Yes, I just wanted to make sure.

BOB ZARNETSKI: A developer is going to have to come in and say hey, I've looked at that building and in its current condition it has to go. Or, boy, I've looked at that building and the bones are good. We just don't know.

AHMED NUR: Thank you.

HUGH RUSSELL: Right, but it's

probably unlikely it will remain the transportation center just because of the sequence requirements. They've got to stay in business or else everything's going to fall apart.

AHMED NUR: So I get that. It's -- and a concrete structural building.

HUGH RUSSELL: Yes. And I think it's not, the floor plate isn't enormous. It might well be suitable for conversion into some other use. Who knows. You know, I don't suppose -- is Charlie Sullivan going to want to preserve it?

TOM SIENIEWICZ: More than 50 years.

BRIAN MURPHY: Maybe a jail and a courthouse.

H. THEODORE COHEN: Or another governmental entity on your corner.

PAMELA WINTERS: I think maybe this

is a question for Iram. Iram, who is going to be jurying the finalists in the design competition? And how is that process going to work?

STUART DASH: The jury was chosen through the process by our design competition coordinator and they are a nationally known jurors of people with expertise in open space. So we've -- someone who has expertise for instance in the financing of the high line, someone who has expertise in the parks of Olmstead from Western Mass., someone who is from North Carolina, expertise in play. And so different qualities of expertise from there and from all over the place. And the alternate jurors actually are -- Roger Boothe is actually on there.

PAMELA WINTERS: That's great. That sounds really good.

And I just have one other question. How did, and I don't know who this goes to, but how did you come up with five percent for saving space for startups? Iram? How did you come up with the five percent number?

IRAM FAROOQ: That was a tough one because there's no -- we thought about all kinds of things, like, could we think about historically what percentage of office space in Kendall used to be devoted to startups, but we just didn't have the data. I mean, that would have been a really great thing to say oh, we based it on this. But really we based it a little bit on thinking about we are asking a lot of -- while there is a lot on the table and there's a lot of value in Kendall Square, we are also asking more than we ask anywhere else in the city. So we have the open space requirements, we're talking

about middle income housing, we're talking about greater open space requirement, and did I say that already? Higher LEED standards than elsewhere. The ten dollar a square foot payment. So it was kind of what seems to be a reasonable amount to ask for.

Now I will see that in the MIT discussions, Council was able to increase that number to -- do you remember?

BRIAN MURPHY: I think it was 10 -- 10 to 20 if I remember correctly.

IRAM FAROOQ: To 10 percent. So they were able to double that. Now that was MIT and this is kind of the --

PAMELA WINTERS: Right, it's different.

IRAM FAROOQ: They're a business -- yes. So just, it's not scientific entirely, but....

PAMELA WINTERS: I'm just a big fan of startups and, you know, they don't have enough money to get the larger spaces and, you know, just to get that address is really important for them. Yeah. And this is the perfect place.

IRAM FAROOQ: Sure.

H. THEODORE COHEN: And I guess this is for GSA. Perhaps I misheard when you made the presentation the last time, at that time I thought I understood that nothing was off the table as far as you were concerned and the developer could come along and say well, we're going to relocate Volpe to someplace off the site. Is that now off the table?

BOB ZARNETSKI: It isn't off the table, but boy it's near the edge.

H. THEODORE COHEN: I know he doesn't want you to go. And maybe a lot of

people don't want you to -- I just wanted to know maybe this is something that we're talking about 14 acres and not 10.

BOB ZARNETSKI : As the conversation has evolved over the course of the last couple of months, it really has gone to the edge of the table and it's teetering.

H. THEODORE COHEN: Thank you.

HUGH RUSSELL: So have we done our task from the point of view --

BRIAN MURPHY: Yes, I think that's very helpful and, you know, we've got some more work that we'll be working on over the next few weeks to come up with something, and our hope and expectation is that we'll be back to you in early January with some language as I say then to continue to move this forward as we go ahead. So the goal will be that as developers are going through

the RFQ process, they will have a sense of what the playing field will look like so that when it comes time to go to an RFP, they will know what the expectations. And I think this is a truly exciting project. I mean, you know, when you just go back in time and think of how many times we have tried to sort of convince people to look at this going back to the days of Tip O'Neill, it's remarkable to be at this point right now where you can look at this and say that this is more probable than not to happen in the next couple of years, which is really tremendous and was one of the important takeaways and goals that we had within K2. So we'll be back.

HUGH RUSSELL: Okay.

So do you want to stay standing for the next item on our agenda.

BRIAN MURPHY: Sounds good. So and

I just want to again say thank you to folks from GSA and DOT and, again, it's been a great partnership that we fully expect it to continue.

So, in terms of other business.

November 25th we will have 79 J.F.K. Street which is the continuation of the Kennedy School of Government hearing. That's at seven o'clock. And then 75 New Street which is again a continuation of a hearing. That's scheduled for eight p.m. So I think those are the two items that are listed for the 25th. And I'm going to take a guess that will be ample to fill your evening.

December 1st there is a City Council roundtable at the Planning Board.

December 2nd, right now we've got scheduled a public hearing scheduled on 88 Ames Street, which is the Boston Properties

housing.

December 16th we will have -- we expect to have public hearing on the Whitehead Institute proposal. And, December 16th we expect to have the Whitehead Institute in for public hearing.

Other dates to sort of keep in mind coming up January 12th is another City Council roundtable. And February 3rd and 10th are Town Gown reports at the Senior Center.

So there will be more filled in but those are sort of the things that are known for now.

HUGH RUSSELL: Okay, thank you.

Next item on our agenda is adoption of any meeting transcripts.

LIZA PADEN: We don't have any at the moment. I expect to have a flood of them

soon.

HUGH RUSSELL: Okay. And then we are we're on to the Board of Zoning Appeal cases.

LIZA PADEN: The first case is with Dan Winny is here to discuss the Ipsen sign variance request. And this is for 650 Kendall Street, and this is part of the Cambridge Research Park which was a Planning Board PUD about 16 years ago. So Dan has some materials to show you about that sign. I think I sent materials to you ahead of time as well.

HUGH RUSSELL: Okay. I just want to explain to the public what's going on here.

The sign variances are considered by the Board of Zoning Appeal and they hold a public hearing and they make decisions about them. The state law calls for us to advise

the Zoning Board if we choose to do so. And in general we do not choose to advise the Zoning Board on cases, but there are some -- the way we look at it is, is there an overall planning concern that the Zoning Board should know about in making their decision? That's one reason we might make a comment.

Now, the second reason would be that the Zoning Board has asked us over the years to look at two kinds of cases and do design review on them. And one of them is signs. And the other is selling signs. And so when a sign comes to us, we always ask the petitioner the same question: Show us what the conforming sign is and tell us why that is not feasible. Why is there -- what is the special thing, not about your building or about your owner or the ego of your owner, but the special thing about the layout of the

street or something like that or maybe it's the historic building that has certain constraints. What is it that makes it impossible to conform with the Ordinance? And that's how we -- that's the lens that we look at these things through. So, Dan.

DAN WINNY: Well, thank you. I'll try to go through this quickly and then we can come back and dwell on any points of detail that might be interesting to you.

So, of this first image is the general area of Kendall Square part of East Cambridge. This is where the sign is located. It's within this green line which defines the ten-acre, seven-building Cambridge Research Park project. Sign's located towards the back of the project. It's about 500 feet from Third Street which is here. It's about a quarter of a mile from

Charles River. The sign does not overlook the Charles River, it faces west. And it does not overlook the East Cambridge neighborhood up here. That I think defines the general context. Kendall Square property down here. Life Science Square, Alexandria up there.

AHMED NUR: If you were on the Red Line headed to Boston you would be able to see the sign on the left-hand side?

DAN WINNY: No. It faces the opposite direction.

AHMED NUR: Okay.

DAN WINNY: I can point that out to you here if you like. The sign is on this face of the this building and it faces out here. So if you're coming across the bridge --

AHMED NUR: Yep.

DAN WINNY: -- you wouldn't see it at all.

AHMED NUR: Right.

DAN WINNY: This is a drawing that shows the entrance elevation of 650 Kendall Street. Where it's front door is down here. This is the proposed sign on a canopy in front of the penthouse. The conforming sign location would be down here within 20 feet of the ground. That is an old glass facade behind which recently the art sign cafe and restaurant just opened. The building looks out over the north plaza of the project which is a pedestrian area which has the skating rink in the winter and the concerts in the summer. So this just to give a general impression of the facade of the building, although like most elevations you don't quite see it that way.

This third board has a diagram down here which is an aerial photograph showing the site, the seven building project, Cambridge Research Park and some of the surrounding area. I think you may have copies of it that might be easier to see from a distance. But the point of this image is to show that the heights of the buildings that surround the proposed sign location are higher than the sign. This includes two buildings which have the Zoning entitlements that aren't yet built, one of which is the Alexandria building between Linskey Way and Binney Street which is this one here, which is about 30 feet taller than the building the sign is on plus penthouse. And the other one is the performing arts center, which has yet to be built as part of the Cambridge Research Park project.

So the purpose of this diagram is to show Third Street here, the two approach streets which come down towards 650, one of which is Linsky Way, which is a public street, the other is Athenaeum which is a private way in that location. And to show that the heights of the buildings surrounding this proposed sign effectively mean that you cannot see the sign except from the two approached streets, Linsky Way and Athenaeum Street.

The two upper photographs show the views down those two approach streets looking towards the sign. You can see on the left side, this is looking down Athenaeum Street in the single block that goes from Third Street to where the sign is, and you can see the sign up above the canopy here. It also shows the fact that because of what's in the

north plaza outside the front door of the building; namely, a pavilion which is about 18 feet high and some trees, it's very difficult to see a conforming sign at the lower elevation that it would be at as you come down the street. The photo on the right is trying to convey a similar point, that's on Linskey Way on a single block of Linskey Way that extends from Third Street down to the north plaza and the building where the sign is. And it shows that the Michael van Valkenburgh landscape feature, which is a big mound with trees on top of it, prevents you from actually seeing any sign that is within the compliant height for signs. So the thinking of how to locate the sign is that if it's up not on the main glass facade of the building, which is all glass, and about half of it is double wall is one of the buildings

LEED Gold features, the signs mounted on top of a projecting canopy and in front of the penthouse. And the thinking here is that rather than having a compliant sign down low which can't be seen from either of the approach streets, and which would have an impact on the public activities in the plaza, but wouldn't really help people find the building, maybe it's better to have the sign up high because it's in a position where you actually can see it from both of the approach streets for that one block, but it also happens to be in a position where you can't see that sign from anywhere else because all of the surrounding buildings are higher than the building it's mounted on. So while the sign, yes, is high up, everything that surrounds it that will be built and is already entitled under Zoning is higher. So

the proposition is that rather than putting a lower compliant sign that would impact the activities in the plaza, but not actually be visible to anyone on the two approach streets, maybe it's better to put the sign higher up where you can see it from the approach streets. One of the purposes of this drawing is to show how when you're down in the plaza, the sign actually is tucked behind the canopy that juts out so you don't see the sign when you're in the plaza. You only see it when you're approaching down that one block of Linskey and that one block of after Athenaeum Street.

Sorry.

Here you can also see the pavilion that's in front of the lower portion of 650 Kendall Street. And that's used for concerts in the summer and as part of a skating

operation in the winter.

The next board shows the existing address sign which is on top of the front entrance into the building and consists of stainless steel letters with a slanted face that are supported on little rods that hang from the canopy up above. So just to show the proposed design of the Ipsen sign up above the canopy is a similar, a similar design, a similar concept of individual letters with a sloping front face and supported on stainless steel rods.

HUGH RUSSELL: Is the sign illuminated?

DAN WINNY: I beg your pardon?

HUGH RUSSELL: Is the proposal to have the sign illuminated?

DAN WINNY: Yes, internally illuminated lighted letters and logo.

So, this rendering shows some of the construction details. This is a section through the projecting canopy up in front of the penthouse wall and shows the sign sitting on the canopy and set back from its edge.

This is an elevation of the same thing. So that the variance issues are, first of all, the height of the sign.

Secondly, 60 square feet is normally the limit for a wall sign calculated separately for logos and lettered area. The logo is 47 square feet. The lettering portion is 103 square feet so that requires a variance.

And thirdly, the height of internally illuminated letters normally limited to 30 inches. In this case they're 49 inches as shown.

And finally, this is just a section

through the plaza and the building that shows how the sight line cuts off the sign when you're actually in the plaza. So while Ipsen understands that signage is a controversial issue, I think they'd like to point out that this isn't a sign that looks out over the river. It isn't a sign that looks out over the East Cambridge neighborhood. It isn't a sign that looks out over large parts of the city. It is intended, though, to give people approaching the building a view of the sign from this one block of the two approach streets between Third Street and the plaza in a way that doesn't impact the public activities in the plaza below. And that while it is higher up and while it is a general concern that lit signs are much too visible across the city, I think it's really helpful to look at the reality of the

buildings that are built and entitled around it to show the fact that you really can't see this sign except from the two approach streets.

So I think I'll stop there.

HUGH RUSSELL: Okay, thank you.

H. THEODORE COHEN: You want me to start?

HUGH RUSSELL: Anyone can start who wants. I'm prepared to start myself. I'm glad to defer.

H. THEODORE COHEN: All right, I'll start.

While I don't disagree that you can't see the sign except from a couple of locations, I spent a large part of today walking around the area. And the reality is that virtually no one will see this sign except if they're right in front of it. So

from my point of view it's really not a way fairing sign because nobody who's coming out of the subway or driving around, if they don't know where they're going, they're never going to find this building.

All of the other buildings in the area you could make the same argument for about visibility. They're all chockablock against each other. There are some buildings that have signs. It's happened. But I think if this sign were granted, every other building in the area is going to have the right to say we should have a similar sign because we're just as equally invisible as anything else.

My position on branding buildings has been evolving. I think in this Kendall Square area, while there are a couple signs, most of them are related to the hotels and it's a different issue, but they're way up

high and the public going there. I think anybody that's going to Ipsen will know where this building is and will find it. Most likely they're taking a cab there anyway. I just don't see it as anything but in this case an ego boost for the owner. And I can understand that, but I think it's not something that should be supported especially, you know, it needs so many variances in addition to the height, you know, the logo's big, the lettering's big, the letters for internal illumination are big. It just seems, it's not right all around. But everything else you say is correct, that, you know, it's not visible from the river, it's not really visible from a lot of areas, I just think that it's not a good idea.

HUGH RUSSELL: Ahmed.

AHMED NUR: I second the vice chair. I think that also Siri would know now that everyone has got an iPhone 5, she'll say your destination is on the right. Go get parking. And I also agree that once we start illuminating signs in these high-rise that this place is going to look like Las Vegas. So I'm against it.

HUGH RUSSELL: Is there anyone who wants to argue in favor of it?

TOM SIENIEWICZ: You know, I guess I would say given that the construction as you described it, Dan, with the double wall and the glass, there must be some other solution to the way in which you can brand the building within the conforming height. I know the restaurant's there, but is there some way you can have decals or some translucent thing on the glass. There are a

lot of ways in which signage could be affixed to the building so that you could satisfy the ego of the tenant and he's necessarily proud or they're necessarily proud of being here, fine, do it within the conforming height.

The way finding argument, I agree with my fellow board members, is less important these days and the precedent I think is really dangerous, and the volume of correspondence on this was unbelievable that Liza shared with the Board today by e-mail. Unanimously opposing it it's how I would characterize that question.

HUGH RUSSELL: So I would propose that we would send a recommendation to the Zoning Board that would incorporate the comments that are made by three of our colleagues which are shared by all of us.

LIZA PADEN: Okay.

DAN WINNY: Thank you.

Could I, I know you're busy, could I ask one question that might help us going forward? Two things:

One is the question of branding comes up a lot. And a lot of companies are wondering, you know, what is this thing about branding? The Zoning Ordinance itself doesn't discriminate between corporate and (inaudible) or any other kind of sign. In fact they deal directly with those kinds of signs. So if people go the impression that corporate signs or logos are somehow bad or banned or something, that's not borne out of the Ordinance, although I completely understand that in considering a Variance any and all issues can be taken into account, but -- so, if there was to be an alternative proposal, perhaps along the lines of what you

suggested, Tom, which was on a different place in the building but perhaps not within 20 feet of the ground because of everything that's going on on the ground floor, you know, Genzyme building has a sign on the glass that's not at the top but it's lower down. I mean does the Board feel that those kind of solutions might be appropriate?

TOM SIENIEWICZ: Can I address the issue of branding? I'm a free speaker here. I don't make what people want to put on their signs as long as it's within the realms of decency, I have no comment about it if it's a brand or words or whatever. So I don't take -- I want to be absolutely clear, I don't have an opinion whether it's brands or not. I think, I think where you're going with this as a compromise, Dan, because to make some sense to me might address the

concerns that have been raised here tonight but that's something maybe you can take to the Zoning Board to work out.

AHMED NUR: And I'd like to say that we're here to recommend as the Chairman has described the beginning of his conversation, that to the Zoning that we're not recommending this particular proposal. Had you come back with something else, we would evaluate it and take a look at it and see, you know, how much of the Variance are you asking and where is it located, and so on and so forth. Our recommendation will always just go to the Zoning with the particular proposal.

DAN WINNY: Understand. Yeah.

PAMELA WINTERS: Can I just say one thing?

And, Dan, you mentioned the Genzyme

building. I think, I think we need to look at the individual buildings. I know that the Genzyme sign is a little higher. I don't know how that came about. And was that the question you were asking, sort of a Genzyme did it how come we can't? Is that your --

DAN WINNY: Not exactly because things do evolve. I think what I was trying to get a feel for is does the Board feel that any sign that contains corporate names or logos that is non-compliant and perhaps higher than 20 feet, even if not way at the top of the building, is that sort of out of bounds because somehow branding and logos are a different matter? Which I don't see looking at Zoning. The intent of the Zoning is not to make a distinction between corporate names and logos and any other kind of sign. As a matter of fact, if you're in a

commercial area, it's hard to see what signage is left if you don't have company names and logos. So I just want to --

HUGH RUSSELL: I'd like to address that because I think -- I look at this rather differently than you do. It's not what name is on a sign, it's the relationship of the sign to the building. So if you've got this building here and up in the air there's something, that's the kind of a logo. A branding, it says this building is the Lucky Strike building or the Burger King building or the Microsoft or the Genzyme building. Now our Ordinance simply doesn't allow those signs. The Ordinance says we want signs in the city to be way finding signs, down where people are on the ways, the public ways, so they can see when they're getting nearby what's there. They can be informed about

what kinds of businesses are there, and they can come back at a later time. They can, you know, like the 650 Kendall, I can see it, yes, they're indeed at 650 Kendall when their GPS tells them they are. It took me 20 minutes to find a building once. My GPS had it absolutely right. I simply didn't believe it, that there was in fact a developer's office inside the basement of this apartment building. And so, you know, because they had no sign. It was so, so discrete and it was not in Cambridge. So it's the kind of sign that's relationship to the building. There's also the kind of a banner sign which is, we used for cultural institutions that says, hey, there's something of public interest going on here and so the city, you know, encourages people to seek variances for such signs and they're at museums now.

So my feeling is, you know, you have to really make a strong case that you can't etch some letters within that 20 feet if, you know, it's got to be 22 because that's the way it is. And if the letter, you know, it looks a little better if it's 32 inches rather than 30 and, you know, that kind of -- those things I can deal with within the spirit of the Ordinance because any, any single number of the Ordinance to some extent is arbitrary. It's trying to set up a standard that we know is reasonable in these places. So anyway, personally I like the idea of very discrete branding signs up on tops of buildings, but that's not what the general public likes and that's not what's in the Ordinance. So that's what we have to play with.

DAN WINNY: Thank you, that's

helpful.

HUGH RUSSELL: Okay.

LIZA PADEN: And I have to say, Dan, you can still work the boards with everybody else on PowerPoint.

DAN WINNY: I'm a dinosaur.

LIZA PADEN: If electricity goes out, you keep going with the meetings.

HUGH RUSSELL: Are there any other BZA cases that you want to look at?

LIZA PADEN: There were a number of cases that the board members wanted to see. I might be able to answer questions quickly.

134 Magazine Street, Inspectional Services has made a determination that the bees are livestock and the Harvard Hillel which is a children's school, uses the bees and the honey, and it's not, there's only one hive, as part of their lessons in the school.

And so you had a question about that, Tom, I didn't know if you had something you wanted me to answer.

TOM SIENIEWICZ: No, I did ask that the bees be brought forward and I was curious about the narrow reading of this.

LIZA PADEN: It was based on a complaint from an abutter.

TOM SIENIEWICZ: Oh, I see. Well, there must be a way to keep bees, to keep everybody safe. I don't know, there seems to be --

LIZA PADEN: There's actually a history of bees in Cambridgeport. There's been beehives on Florence Street for about 30 years and I never heard that he had any complaints. So I don't know what -- I think this is something that may be able to be worked out between the two neighbors and

maybe the Board of Zoning Appeal can do that through this.

TOM SIENIEWICZ: Well, they're expert at that kind of negotiation. I just wanted to be a voice for saying how important they are to the ecosystems around here and to encourage the two parties to come together to see whether there is in fact, might be a way to responsively coexist. I certainly am sympathetic to the abutter, but there's an extraordinary value of both ecologically and educationally here and I just wanted to go on record as expressing that opinion and that advice to the Zoning Board.

PAMELA WINTERS: And I concur with Tom. I just wanted to do that.

LIZA PADEN: Yes.

STUART DASH: And just so you know that there's a deeper mental committee

working in the city for making regulations for urban agriculture which works at looking at bees and trying to establish regulations that would be consistent across the city.

HUGH RUSSELL: That's cool.

PAMELA WINTERS: Maybe we could do turkeys, too.

LIZA PADEN: So, moving on --

BRIAN MURPHY: Only for another week.

LIZA PADEN: -- there was a question about 324 Harvard Street. So I brought the plans in. The case on Harvard Street is an existing development. And you will see that there's two houses in the front of the lot and then four townhouses in the rear of the lot. I'm sorry, who asked for Harvard Street?

So the back corner is where the

addition is being put in because the --

HUGH RUSSELL: Okay, that answers my question.

LIZA PADEN: That answers your question.

And moving on we have --

HUGH RUSSELL: Broader planning appeal. That's the question for the abutters to address.

LIZA PADEN: Right.

And then the next one was 59 Market Street. So 59 Market Street is a case of parking in the front yard set back.

PAMELA WINTERS: I had a question about that one.

LIZA PADEN: Right. So on Market Street the houses are rather close together. They don't even have, I think the 50-foot frontage.

PAMELA WINTERS: Okay.

LIZA PADEN: And one of the other pieces to this is that the tree will be removed to put the parking space in. And another point is that when I tried to download a Google view photo for you, there's a huge van parked in front of the house. So....

FROM THE AUDIENCE: Brian will make an announcement.

LIZA PADEN: Didn't have time to get that done. So it is in the front yard setback.

HUGH RUSSELL: So I think it's time to send our usual letter which says we don't favor parking in the front yard setback unless it's become a kind of -- unless it's a characteristic of that particular block of that street. We favor keeping the street

tree -- is this a street tree or a private tree?

LIZA PADEN: No, it's a private tree.

HUGH RUSSELL: We like trees. And that we note that if you put a curb cut in, then you take away a street parking place so all you're doing is basically privatizing that parking place and that doesn't seem to make enormous sense. But there are, there are other -- might be circumstances --

LIZA PADEN: Right.

HUGH RUSSELL: I remember a case when I was on the Zoning Board a woman that worked as a nurse. She was on the nightshift and she was unable to find parking when she came home at night and it was, you know, that was like an intervening thing. And we on the Zoning Board thought we should support that

vital public service of nursing by making sure she could park.

LIZA PADEN: The last case that somebody had a question on is listed as Alewife Brook Parkway, but actually shows up in my files as Matignon Road. But this is the Sage School of Boston, and this is up at the border with Somerville if people remember. Okay? The -- off of Matignon Road. So the complication for this sign application is that they are looking to have a freestanding sign that conforms with the freestanding Zoning regulations on the parkway, set back on half the front yard setback, those requirements. But because it's all one parcel, all of the -- they're only allowed one sign per building, and all of their buildings are interconnected so they're considered to be one building. They

also would like to have a sign that's at their front door that's a freestanding sign. So a lot of the complications that they have for this school, to identify the school, and direct people to the school it has to do with the fact that they would have more than one freestanding sign and it's only one building. Otherwise all of the signs conform for the regulations. There's no internal illumination, they're not too tall. They're not too big.

HUGH RUSSELL: And they're on different streets?

LIZA PADEN: One is on Matignon and one is on Alewife Brook Parkway.

TOM SIENIEWICZ: Well, it's up to the Zoning Board to determine hardship. But it clearly, to me looking at those diagrams, Liza, this would be a pretty good case for

that. It's extraordinary and peculiar particular condition of both building and site which is anticipated by the Zoning. So given that the school is also making conforming signs, you know, it seems like this is something that if I was on the Zoning Board, I'm not, I would make a good case for hardship here.

LIZA PADEN: And these signs are replacing previously approved signs. So because they're getting new signs.

H. THEODORE COHEN: Are there two there now?

LIZA PADEN: Yes.

HUGH RUSSELL: So the general principle behind the single sign per lot per building is that we don't want somebody to put a whole bunch of signs up in front of their building because it's tacky. And also

they keep obscuring each other and that -- so the basic planning principle for this rule is now violated by this proposal.

H. THEODORE COHEN: Yes. And my recollection of the area is that the signs would be significant distance from each other.

LIZA PADEN: Oh, yes.

H. THEODORE COHEN: And somebody who is going in on Alewife is not going in on Matignon Road or whatever the street is?

LIZA PADEN: Alewife Brook Parkway and Matignon Road, yes.

H. THEODORE COHEN: Matignon Road, yes.

HUGH RUSSELL: The first one would be on Alewife Brook Parkway and then turn on Matignon and then that, you know, a block down Matignon would be logical.

LIZA PADEN: Okay?

HUGH RUSSELL: Okay.

LIZA PADEN: The next general, the next quick order of business is that Mr. McKinnon is here requesting an extension for the East Street residential. The preliminary determination is drafted and we're ready to submit it. And we do need an extension of time for the final development plan review. There is -- we're proposing -- we, Community Development, are proposing to put together a North Point night at the Planning Board on January 20th which would allow us to talk about the two developments in North Point along with the MBTA discussion about the Lechmere train T-station. So we were asking for an extension which Mr. McKinnon has graciously given to us until the end of January.

PAMELA WINTERS: Is that okay?

HUGH RUSSELL: Is there any objection to that?

So we have a motion to grant the extension.

PAMELA WINTERS: So moved.

HUGH RUSSELL: Second.

H. THEODORE COHEN: Second.

HUGH RUSSELL: Ted.

All those in favor?

(Show of hands.)

HUGH RUSSELL: Five members voting in favor.

LIZA PADEN: Thank you, Rich.

HUGH RUSSELL: And as I understand it, with a change of membership of the Board because the new January thing is being advertised separately is not an issue about --

LIZA PADEN: No, because it's a new hearing.

HUGH RUSSELL: It's a new hearing, okay.

Okay, next item on our agenda is the Teague Zoning Petition to remove a Zoning Ordinance. And I'm guessing Mr. Teague will want to present it himself.

CHARLES TEAGUE: I'm hoping Liza can turn the projector back on.

PAMELA WINTERS: I wanted to mention that Jeff Roberts' memo is extremely helpful in going through this today.

JEFF ROBERTS: Thank you.

HUGH RUSSELL: So what's new?

And also we have a distinguished guest, a City Solicitor is here to also -- to talk to us about this.

CHARLES TEAGUE: Jeff, could you

take a peek at this?

So we've -- it's Charles Teague, 23
Edmunds Street.

JOHN HAWKINSON: Is that on,
Charlie?

CHARLES TEAGUE: No. Thank you.

Charles Teague, 23 Edmunds Street
presenting the Teague Petition Zoning
Amendment, and it's basically because we have
a lot of confusion. I think we should start
fixes some things in the Zoning Ordinance and
we should start fixing them now. And we
found that confusion leads to anger and then
what happens is you get these long filibuster
meetings and you get more hearings and it
just goes down the line. I for one want the
Planning Board process to be not only
extremely clear, but I'd like it to be a lot
shorter.

So on -- those are my ambitions. So my general principles here is the municipal law should comply with the state law. The law should be understandable by the public especially to those new. And I in a sense, I want to show it in the hearings, but I quote John Hawkinson, Most citizens who interact with the Planning Board will not be and should not be regulars. The Chair may be required to provide guidance to the public repeatedly. Like you just did on the sign business.

But that's going to slow things down. So I really wanted to see things in writing and that are very clear.

So part one is the Zoning Amendment expire 90 days from, and the state law is the City Council hearing, and in municipal law it's the Planning Board hearing. We've had

two City Solicitors' letters from 29 July, 2013, and that didn't get fixed. So CDD has agreed this is a good fix and it's in alliance with state law and it changes only two words. So that's part one.

Part two is what -- there's been much discussion on granting Special Permits, and the changes from Special Permits will normally be granted to Special Permit to may be granted. And I have quotes here, some excerpts from the statute and the state statute, and they use the word may. So I have a quote from Ms. Connolly on the Planning Board, that If the Special Permit meets criteria, it gets the Special Permit. If the project meets criteria.

If that's not how we're supposed to be deciding these cases, I need to hear that from the appointing authority from the City

Council. So that's what was set in motion. We had the Ordinance Committee hearing last week. Councillor Mazen had two orders; one was to CDD was to -- I don't really understand what he was asking here. But something about guiding the Planning Board, and in particular screw-up fashion. He gets to the point in the next part in red which is the Law Department to clarify the discretion of the Planning Board as it relates to Special Permits. And then the rest is once again sort of vague.

So really Maine magistrate law, which is a good thing, the Special Permit has -- the proponent has the advantage because that's the way Zoning works, and they own the land. But the way it is here right now it appears that the municipal log is given an additional advantage and I'm wondering if

this colors the system. Does this prejudice the system. Because as Hugh often cited as he will normally, CDD has classified this as a standard but really what we want to know is this Council policy? That was like Ms. Connolly was asking. Let's hear from the Law Department, from the city, from the city management, and let's here from the Council. And it's before the Council.

Now on the very same day as that process hearing in the Planning Board we have Councillor Carlone's blog post, and it really highlights the discrepancy and understanding and perhaps some wishful thinking on one side than the other. And so on the Planning Board in the courthouse decision he quotes, The criterion is not that you have to do everything on the list. The criterion is that you do the best you can. We find that

they meet the criteria, than we're obligated to grant the Special Permit. And Carlone disagrees saying the Board is never obligated to grant a Special Permit relief just because an applicant/developer satisfies a checklist. So there's confusion. I say ask the Law Department. I e-mailed in a list of several questions to ask the Law Department and I'm hoping that you'll forward that over. CDD was also in Jeff's memo says, you know, here's the planning section, but other than that let's ask the Law Department and I concur. And I in fact hired my own expert who comes out with sort of some interesting opinions. And the first interesting one is he gives the reference with the site with a quote, The mere fact that the standards set forth are complied with, does not compel the granting of the Special Permit. So that's on

one hand.

On the other hand, he goes: A Special Permit granting authority has the full range of discretion and that -- in rendering the decision. So that's to grant or deny and may consider these wide ranging interests of the city and its residents. However, the Board does not have unfettered discretion to do as it pleases. It's limited by the concept of arbitrary capriciousness. And he goes on and looks at what was brought up multiple times, and a citation of the public interest in 10.43, integrity of the districts. And in 19.30, on the balance the objectives of the city being served. These are far too broad and too ambiguous. They give the Board enormous sweeping power, and -- which is not held out by the state.

So his recommendation is that there's

more amendments needed, more comprehensive re-codifications. In other words, our Zoning Law is confusing. That's the trouble that we're having. It's the way our particular Ordinance is read. And so that's his advice is go in and fix some more things. We could take the time -- we could do it through this vehicle or through some other, because I don't think it really changes the way anything really works.

All right, and the last is part three, the Master Plan. All permits, including, but not limited to, Building Permits, Special Permits, and Variances shall comply with the Master Plan for the City of Cambridge specified in the M.G.L. Chapter 41, 81(d). This is not adopting 81(d) but it's following a plan of that format where you have the nine sections and the first one is the growth

policy section. All right.

And why? This is the really important question, why? And in the discussion in October 28th Steve Cohen says in the discussion like this, I focus on what I can do better. And so I take the Concord/Alewife plan and say case study. Plan was completed. The Zoning Law was amended to integrate the plan into our Zoning Ordinance, and the development is happening now. So where do we stand? Can we do better? And so how? And so let's look at what was done right.

Eighteen references in the Zoning Ordinance to the Concord/Alewife plan. And you can see I'm not breaking any new ground here for Variances being -- considering the Master Plan, it's right here. I'm not quite sure what the development consultation would do, but we've come all the way down and we

see one of the -- the point is to -- one of the big things in preserving the rights of way and it references the plan within the plan. The priority infrastructure plan. And then in here it goes -- you have to go look at the master plan for the specific area and then you go back to, as I say, to the Cambridge growth policy document which is part one of the Section 81(d) format. So this is, this is just another random section referencing the plan. And this is very interesting. It says: Conformance with the plan is key criteria for granting its Special Permits. And then it comes down here: The Special Permits process will serve as the primary tool for carrying out the infrastructure. And it refers to the priority infrastructure plan and the additional infrastructure plan in preserving

the rights of way. And so where do we stand?

They started with a 2004 baseline of what was built out in plan for a 20-year build out. We're halfway there. 2.8 million square feet total plan for 2024, 20 years. We've built three and a half million square feet already. Some estimates are 1.3 million coming soon. So we're halfway there and we've got 125 percent build out of the plan. So let's look at the goals and let's look at the infrastructure.

And someone else, Doug Brown made this set of goals. I just highlighted the goals related to putting in the streets, the rights of way. And so the smaller block sizes, the improved pedestrian links, improving the street.

Here is the priority plan. We have the bridge, you've heard so much about, which

isn't there. We have a connection over here on the right to make, to connect terminal road across Wheeler, and now you complete a street grid over here. And so these are the priorities, but we haven't done anything.

Going up to the higher level view, what they -- what was a motivating force was connecting all the way from the Highlands, all the way through, coming across, go to the Trader Joe's and CVS, over to Whole Foods, all the way over to Danehy Park. This was a big connection that they were trying for. And then it was shown as the green space connection. So we have the Alewife Reservation, Blair Pond, Rafferty Park, golf course, Danehy Park, Russell Field, and you have these big, this big connection. And of course these are straight lines so that humans can walk on them instead of, so you

don't need a car, right?

So all of this infrastructure was going to be built. And so this isn't here, this isn't here.

Rich McKinnon has made some great strides over here. But this is shown as a road because they're connecting cars through here as well. What we're gonna get is a sidewalk with bikes and pedestrians, but at least we're making progress.

We zoom in, there's a different connection to Wheeler Street. And then there's what we've heard so much about, walking through the mall parking lot and up the embankment. So here are the industrial link connects to the Red Line. Here is connecting New Street into a grid so that you don't have to get on the access quadrangle.

Here's the multi-use path that will

replace the rail line. And I find this particular area disturbing. I went there and it looks to be about ten feet wide. And that's -- one of the reasons is the rail line is sold off property and that's why the 75 New Street is separated from the multi-use path by the body shop land. Because the body shop land. And then it comes over here and they extend into the entrance to Danehy Park. So what they were trying to do, looking is -- they were trying to connect pedestrians all the way through. And, but you bump into the building, which is 87 New Street. And so the city did the survey this summer and what happened was Oak Tree built 87 New Street right out to the lot line which you can do in the Industrial Zone. So that seems unfortunate, but that's because this is done by right, it goes to ISD. Remember all the

way back to my amendment, I added Building Permits along with Variances and Special Permits. Now whereas in the CAP references in the current Zoning Ordinance they had Variances and Special Permits.

So anyways, here's the survey they completed. Here's perhaps land that was sold off by the railroad. Here's perhaps the railroad, but I don't see that we're taking the plan as seriously as we should be because they didn't survey out here. They had teams out there. This is, this is part of the Concord /Alewife plan. This is part of the infrastructure that goes all the way through pervasively.

Anyway, can we do better? 2006 was published. Zoning Ordinance updated. Eighteen references including the infrastructure. 2009, a couple years later,

we're building in the wrong spot raises the question of how do we protect land?

2014 we're at 125 percent of build out.

So how do we enforce it? How do we implement this?

If it's in the Zoning, it's run by the Building Commissioner who already goes to CDD for Zoning analysis of signs. Affordable housing being building -- just adding one more thing. And unintended consequences. So get a Variance. And the Planning Board completes the loop with the Variances.

This is something I really want to be crystal clear, whether this passes or not, is that people understand that development does not have to comply with the Master Plan in Massachusetts. And we have court decisions from the Jose's parking lot down zoning which was the Runkel petition and Lesley University

and it's just common sense. You've got to go through the process to follow the plan. And the state law is silent on compliance.

So we have an opportunity to do this, and you've actually done it before in the Ordinance. So this is the end. So I say fix the law and confusion and build trust by actually going through and implementing your plans.

Thank you.

HUGH RUSSELL: Thank you.

Ahmed.

AHMED NUR: I'd like to stick it from where you left it. Fix the law. We don't fix it actually. We just implement. The City Council are the ones that deal with the law.

CHARLES TEAGUE: Right. You recommend. I understand.

HUGH RUSSELL: Okay. So we have, we have our own thoughts on this. We have Jeff's thoughts on this in a memo that was given to us. And we have a City Solicitor here to talk to us. And we have four people who signed up to speak.

So what shall we do first?

H. THEODORE COHEN: Let's have the public first.

TOM SIENIEWICZ: I'd like to hear the City Solicitor first personally.

HUGH RUSSELL: I think I'd go with Tom on the ground that will inform the people that are speaking.

AHMED NUR: Yes, let's do that.

HUGH RUSSELL: Nancy.

NANCY GLOWA: I'm here at your request. So I had understood that you had questions for me. I could say a few things

about the Special Permit process. I was assuming that it was about the second question.

The first question, of course, we've written opinions previously saying that we thought it would be better for the state law and the Cambridge Zoning Ordinance to match. So that one is probably not controversial.

The third one, as Mr. Teague noted this, there's no requirement in the Planning Board statute that the City of Cambridge's Planning Board has established under to have a Master Plan. So I simply noted when I appeared at the Ordinance Committee that there's no actual requirement, but right now the city is undertaking a Master Planning process. So the question of whether to make the changes that are proposed are not something that I necessarily have any

thoughts on. So I was assuming it was mostly the second question that you wanted to hear from me about.

HUGH RUSSELL: Right. I don't think anyone feels that we should disregard planning that's been done. But how to develop is the right words to communicate that consistently through the Ordinance is a task that might be part of the general work program for the Planning Board enhancements and improvements.

So on the second one then.

NANCY GLOWA: Well, if I could go back to the -- if I understood what you said, it has long been the position of the city that the various planning studies are in fact a robust body of planning work that has been done pursuant to the city's statutory responsibility under the statute that we have

the Planning Board. So, and that we obviously have a great deal of planning studies that are used and rely upon and built upon over time.

HUGH RUSSELL: Right. I think it's the -- a planning study isn't a specific document that says in this case you have to do X. So it requires a process of applying the Master Planning principles to a particular case or a particular document and it's our job, with the advice of many people, to try to do that. Well, to succeed to do that actually.

And likewise I think it's -- and the second one that's, again, there's a -- there's a good idea here which is that the wording in the Ordinance should, could correctly convey the task that we're doing when we're evaluating Special Permits. I

actually copied the language that's in the Section 9 and it's remarkably soft, the language. I'll read it.

This is the first paragraph of the section: Zoning Ordinances or By-laws shall provide for specific types of uses, which shall only be permitted in specified districts, upon the issue of a Special Permit. Special Permits may be issued only for uses which are in harmony with the general purpose and intent of the Ordinance or By-law, and shall be subject to the general or specific provisions set forth therein. And such permits may also impose condition safeguards and limitations in time or use.

So that's the language. There's many more paragraphs in it, but it's all talking about different kinds of Special Permits. So

in order to understand what that means, you have to go to someone who can look at the law, look at the cases, and advise us as to how would our approach should be.

NANCY GLOWA: Yes. And through you, Mr. Chair, that is, you know, what we have done and called upon.

The statute is only the beginning. There is in fact a large body of case law interpreting this section and developing what these, what these requirements mean in practice. And while I was not involved in drafting the language that's presently in the Ordinance, I actually think that it serves its purpose very well and should not be changed in any way.

The part that was not included in the presentation is that while there is some discretion, there's wide discretion in terms

of placing conditions, and if the criteria are not met, the Board can deny the permit, but it's not unfettered discretion. And the court cases have made very clear that in that there are numerous cases of denials of Special Permits that were not based upon reasons that were significant enough, specific enough, related to the criteria to withstand challenge, and therefore they were overturned by the courts. So I think that the part that sort of was not included in the presentation is that it's important for the Board to, as you noted earlier, follow the law. The law here, the guiding law is the Ordinance. The Ordinance actually has very detailed criteria for the issuance of Special Permits, and it has been fairly well established that if a proponent meets those criteria, then you are generally entitled to

the Special Permit in the sense that if the Board denies the Special Permit and does not articulate reasons as to how the proponent did not meet the criteria, then the Court will not uphold that determination. So that's really the legal basis that supports the use of the language will normally be granted. And I think that it's our advice having, you know, carefully reviewed the case law in this area for many years, that with confidence I can say that it's the -- I think that the language serves the purpose of is not was designed to serve the purpose of assisting the Board and lay people reading the Ordinance, such as the public, in understanding that that's the sort of presumption. I mean, that legally you don't have endless discretion to deny these permits. And since we have such detailed

criteria for Special Permit granting in our Ordinance, it may be overly detailed. It may need some revisions in other ways. People are always finding room for improvement or for fixing things. But with respect to that language I do not recommend changing it.

HUGH RUSSELL: Ahmed.

AHMED NUR: Yes, so you just answered the question properly, but I would ask it in my own way so I understand it.

So the purpose of -- the language that exists right now in the Ordinance serves its purpose in their own words, and there is no statute of limiting as maybe somebody just said that, you know, it causes the discretion of the city to implement a Master Plan doesn't mean that there is an expiration of statute of limitations of this language, the Special Permit language, that exists now in

the Zoning. Do you understand the question?

NANCY GLOWA: I think -- I'm not sure I do. But I think that those are two separate issues.

AHMED NUR: Right.

NANCY GLOWA: The Master Plan wouldn't relate to the Special Permit criteria that's already in the Ordinance.

AHMED NUR: Correct.

NANCY GLOWA: So, yes, that's correct. If that's the question.

AHMED NUR: And then, well, the other part of the question is there's no statute of limitations, there's no expiration of this Special Permit Ordinance at the moment?

NANCY GLOWA: No.

AHMED NUR: Okay. I just wanted to make sure that there's nothing expiring

there, and therefore we have to implement a Master Plan to replace it.

NANCY GLOWA: No. There's no statutory requirement for the city of Cambridge to have a Master Planning process whatsoever.

AHMED NUR: I just wanted to clarify.

NANCY GLOWA: And there's nothing in the Ordinance that has any sort of kind of expiration dates or limits.

AHMED NUR: Okay.

HUGH RUSSELL: Ted.

H. THEODORE COHEN: Thank you.

The question I have and, you know, I believe that we've always operated -- normally we granted was discretionary subject to that we are not arbitrary and capricious and that we comply with the term -- I mean,

Section 9 says we may grant it provided it's in accordance with the Ordinance. So we go through the Ordinance and go through all the subject matters.

My concern about just, in addition to everything you've articulated, about simply changing "normally we grant it" to "may," is that it then makes everything else in Section 10.43 meaningless, which sets forth criteria if we don't think we can grant it, here's a list of reasons why that it hasn't complied with it. And if we go to "may," it seems like we're talking about discretion, but then a list of things that don't make sense anymore. And so, you know, my feeling was if we were to change the language at some point, simply just changing the one word, two words, was getting into more difficulty than what we have now at which I think has always been

pretty clear as to what our charge was.

I mean, do you agree that there's a problem with eliminating what it's going to do the rest of Section 10.43?

NANCY GLOWA: I haven't read it with that in mind, but I think that's likely. I certainly would recommend that if there are criteria that the City Council felt were not the appropriate criteria any longer, than that would be the means of -- to effectuate that kind of change is to have amendments to the Zoning Ordinance which again the Planning Board represents and comments upon, but is done by the City Council as the legislative body.

H. THEODORE COHEN: Okay, thank you.

HUGH RUSSELL: So if there are no other questions, then I thank you very much for coming and sitting through our meeting.

And you may wish to stay and hear the testimony.

First person on the list is Robert Winters.

ROBERT WINTERS: I'm Robert Winters. I live at 366 Broadway. Just one preliminary comment is that I'm kind of perplexed that the presentation here, at least to me, didn't seem to have a whole lot to do with the petition so I was a little curious about that. It went on about a Concord/Alewife and this and that. As far as I know, this is really just three specific proposals, and I want to say the brief version is yes, no, no. All right? Before I say anything else.

As far as the first one is concerned, I'll just sort of repeat what I wrote back in July 29th of 2013. The ambiguity between Zoning Petition expiration dates can be

simply resolved via a minor change in the Zoning Ordinance. It's baffling why no City Councillor has yet proposed this solution.

I wrote that in July of 2013. It is kind of weird that you have to wait until a citizen petition comes to petition something that is so obvious.

As far as the second one is concerned, I'm perfectly happy with the language as it stands today, and at least in very simple ways. As I understand it, Special Permit process is more of an option. Anybody who's an owner or developer could build a project as of right, but we have Special Permit processes in part at least to give sort of an inducement for people to come before to subject themselves to Planning Board review in order to get a project which is the better for everybody. And I wouldn't want to kind

of muddy the waters in that by saying -- essentially turning the criteria into something that's so fungible that even if you met every possible criteria, they can say well, we don't like you, or a lot of people wrote letters, and, therefore, we have to reject it because, you know, what's essentially a political reason at that point.

So in my view it would be -- but I will say this: That a good case can be made that the City Council should periodically review the criteria associated with the Special Permit process to have these better reflect current thinking and priorities. Perhaps this will happen in the upcoming comprehensive planning process, but it is important to have specific criteria and an expectation that these criteria are actually meaningful.

And as far as the third part of this petition, I have to say as a person who sort of watched and written about things in Cambridge for years, sometimes things are boring, sometimes things are annoying, and sometimes things are just downright funny. And to that I absolutely say that the petitioner was perhaps the single most prominent person in the city last year during the municipal election campaign season arguing that Cambridge has no Master Plan. Those were exactly the words used. So it's kind of funny how a year and a half later the language comes in that says from now on anything that's enacted must adhere to the Master Plan which presumably doesn't exist. Well, maybe he's had a change of heart and he decided that maybe it does exist.

But I think there is a fundamental

difference between planning principles, which would be in any sort of comprehensive plan and legally enforceable ordinances. In fact sort of like bibles and other books, a Master Plan will have contradictions built in. You know, you will say, well, we really want more housing, but we also want less traffic. And this, you're going to have contradictions. So if you have a requirement that says simply that you must adhere to the Master Plan. I say well, pick and choose. Which parts of the Master Plan? So to me it makes no sense. Whereas, things that are specifically laid out in the Zoning Ordinance are clear and make sense to me.

And the last thing I'll say to all of this is simply this: Is that the Planning Board did for a time enumerate specific principles, and I'm sure the Chair will

probably recall this, because he I think wrote some of these, for a time enumerate specific principles that were in the growth policy document in support of its decisions. I remember those days. I don't know that I've seen that lately. But I'll say that that was a good practice that should be restored. And that's not what -- unfortunately that's not what's stated in Mr. Teague's petition.

HUGH RUSSELL: Thank you.

Next speaker is Lee Farris.

LEE FARRIS: These are my comments. So, I am speaking in regard to or speaking for the Cambridge Residents Alliance. I'm Lee, L-e-e, Farris F-a-r-r-i-s, 269 Norfolk Street. And it's our feeling that Cambridge does not currently have an up to date comprehensive Master or a Master Plan. And,

therefore, the Cambridge Residents Alliance pushed forth its efforts to Cambridge to create a comprehensive plan. My view of how the Teague Petition would apply is that after a comprehensive plan is completed, the Teague Petition states that any permits must comply with that plan. And we do strongly agree that the petitioner, that future comprehensive plan should be followed, and while we don't yet have such a plan, the Cambridge Residents Alliance thinks it would be good to change the Ordinance now so that as people are engaging in the planning, they will understand the intention of the Comprehensive Plan is to implement it rather than the plan being advisory, which is what I think the petitioner was trying to show has been the case to some extent with the Concord/Alewife plan. But I shouldn't speak

for him.

And then our view is that the law says that the Planning Board does currently have some discretion in granting permits, and we agreed with the statement and the CDD memo on this, that said while the granting authority, the Planning Board, has discretion, the decision must be rationally based on the facts of the case.

Certainly it must be rational and based on the facts. We've heard all of you state that you have no discretion as cited in the presentation. We find that they meet the criteria, then we are obligated to grant the Special Permit. So, therefore, it seems that changing the Ordinance to say that Special Permits, quote, may be granted rather than would normally be granted, would clarify that the Planning Board does have some discretion.

And it seems to me that it would also make the language of the City's Ordinance more in line with the state language which is also using "may."

Mr. Teague did not mention his lawyer's letter too much, attorney Costa. But we also agree with the November 20th letter that stated that vague standards of this public interest and integrity of the district, and so forth, should be clarified preferably as part of making a Comprehensive Plan. And we agree that while the Planning Board has the full range of discretion, this is a quote from the letter, in rendering a decision on a Special Permit application, and in so doing may consider the wide ranging interest of the city and its residents, the Board does not have unfettered discretion to do as it pleases. So to some extent that lines up

with yourselves and Ms. Glowa was saying. So I guess it's a disagreement about whether saying "may" clarifies the discretion that you do have or whether it muddies it, and we think that it clarifies it.

Thank you.

HUGH RUSSELL: Thank you.

Heather Hoffman is the next speaker.

HEATHER HOFFMAN: Hello my name is Heather Hoffman. I live at 213 Hurley Street and I'm here to speak in favor of the Teague Petition with one suggested change in it.

I don't think that this Board or any future Board would ever consider that it has the right to just make whimsical decisions without no basis in law of fact. So the question is really, I think, whether your job is to confirm good projects and allow them to go forward or whether your job is to say one

way or another we will massage this and tweak it until we won't hate ourselves in the morning when we vote for it. Because that I think is the difference between "will normally" and "may."

So I would like to see the city being in favor of good projects. And it may be that every single project that comes before you is a good project. Who knows? But to assume that any project could not possibly be so heinous that you would never, ever support it, bothers me. I think that you should have better standards.

Now, as to the Master Plan part, I think that it would be really hard to have every decision comply with the Master Plan specifically. However, I think that it would be extremely good and somewhat in line with what Mr. Winters said, to have the Master

Plan be a specific matter discussed in your decisions and also in your -- when you're considering the projects before you. Because really if we, if we go through all of this, to have a Master Plan, presumably we want to follow it. Presumably the goal of it is to create Zoning that complies with it and then to have projects and other such things throughout the city that also comply with it, because otherwise why did we waste our time? So, at the very least we should consider the overarching goals that the plans represent as part of the criteria for whether this is a good project and deserves our support.

Thank you.

HUGH RUSSELL: Thank you.

Next is Martin Pakal.

MARTIN PAKAL: Hi. My name is Marty Pakal, 120 Reed Street.

HUGH RUSSELL: Could you spell your name for the recorder, please?

MARTIN PAKAL: Sure. P-a-k-a-l. My last name. Marty is the first name.

I also support this. And a lot of it has to do with just generally this Special Permit should be special. And for me, saying that everything if you just checkbox a criteria, do something like that, it doesn't seem like that's what we're calling this. If you want to call it other than Special Permit, I'm -- then do that. But I don't really see how this is a Special Permit. How this is something that you have some kind of discretion over and you have something to say about if they can just fill out the right stuff and agree to it. And I've seen a lot of things over the last -- I've been living in Cambridge for 20-some odd years and I've

seen a lot of different ones go through and some I've disagreed with and we can have different discussions and you can say well, I've heard it many times, well, they meet the criteria. That's good enough. I don't think it's good enough. And that's just my viewpoint here on it. And that's what I'm here to say.

We can talk about the confusion. And we can discuss all of the other things that is part of this. But what it really boils down to, can we have the right to say no. I don't want to say it willy-nilly for no reason. You have could give a valid reason. Do I agree with that. But I don't think that there's just, that there's -- I think it should be a Special Permit. It shouldn't be granted every single time, which seems like it happens with some negotiation. And that's

just my viewpoint. I've followed a lot of them, but....

HUGH RUSSELL: Okay, thank you.

Does anyone else wish to speak?

(No Response.)

HUGH RUSSELL: Okay. So I think we're all agreed that we would favorably recommend point No. 1.

PAMELA WINTERS: Yes.

HUGH RUSSELL: I was certainly convinced by the Solicitor's comment on point No. 2 and her feeling that the present language properly characterized the way that the Court's approach reviewing Planning Board decisions. And so it represents the most accurate -- an accurate way of describing what the process is in just a few words, and therefore, we would not recommend that.

And on the third point, and my own view

is that this is -- how to incorporate planning documents into our work? Because largely they're in the Ordinance, but the specific Master -- we don't have a document that's entitled the Master Plan now. And who knows what the framers of the Master Plan will title it when it's done. You know, we are a part of those framers. And that's an -- in fact, I don't think it's determined whether the Master Plan is something that will be adopted by the City Council or not since there's no requirement that happened. I'm sure Nancy will probably ask that question sometime in the future.

I will just remind the Board that in 1992 I believe it was the City Council ordered that the Community Development Department development a Master Plan. And the response was the birth policy plan

document which listed 70-odd principles that guided planning in the city. They then, about ten years later, asked that that be reconsidered and the -- when that was reconsidered, those same policies were intact, although the description of how they applied and the examples were updated, and there were a lot of additional language was quite helpful. So to know -- people to predict today exactly what a Master Plan for the city is going to look like is not something we can do. So I think it's premature to act on the third part of the proposal.

Yes, Pam.

PAMELA WINTERS: So I'd like to quote Mr. Winters: Yes, no, no, no. That's my opinion.

HUGH RUSSELL: Ted.

H. THEODORE COHEN: Well, I agree with everything you've said. But I also wanted to just comment -- and I definitely think it's premature to deal with the Master Plan that's not yet in existence. And I think the problem -- Mr. Teague actually said the ZBA could grant a Variance from the Master Plan, but the language he proposed says that before any Variance is granted it has to comply with the Master Plan. So you get into a circulus loop that you can't get out of it. So I think it's precipitous.

I also think that a Master Plan and many of the other plans that are developed are really aspirational and inspirational and they are goals that we and the city want to strive for. But, you know, just as things develop over time, we don't own the land. The owner of the land comes to us and says

this is what I want to do, and then we have to determine, and the Board has to determine whether it's in keeping with the spirit and, you know, the aspirations of the Master Plan or the growth plan or of the many different plans for the different areas that we have. And so I just I think that saying something must comply with, it is not reasonable in addition to the fact that it is precipitous to doing it right now.

TOM SIENIEWICZ: So I agree, yes -- yes, no, no. I wanted to say how much I appreciated the discussion about what the criteria is and how it's deployed at the Planning Board. I think that's really healthy and really important for this community to understand. What I would say is although we maybe take a narrower view than some people would like about the criteria, I

think where the discretion lies is actually one level below that, discussion where we discuss at length the findings that we make on each of the criteria. And that's where I think there is a fair amount of discussion about the merits and the fair amount of discretion deployed in making those findings. I think once you look at the total accumulation of that discussion and the findings that are made on each of the points, then I would concur with the fairly strict view that I think it's consistent with Catherine's view that the Special Permit would be normally granted because the criterion had been met.

And so for those of you who are keen observers of the Planning Board and watch the discussion at the findings because that's where, that's where the real -- the real art

to the planning process in Cambridge I believe.

AHMED NUR: I also agree. Without repeating my colleagues just saying, but I also in addition to that wanted to say that, you know, this whole thing started with the Carlone Petition of the Planning Board and Special Permit and the discretion of the Planning Board with the Special Permit. I agree that the current language works fine and that, you know, it's not as much as -- and I'm just referring to those people that were just saying, you know, that we grant every Special Permit that comes in front of us. It's not as much as -- it's just we have the community and the abutters and the public who are, I believe myself, part of the public because I don't get paid for what I do. I'm an abutter, I'm a neighbor, I have kids just

as much as anyone else does in Cambridge. We listen to what the community -- and we appreciate everyone who comes on Tuesday night, on a cold night, to come in and because we're all here concerned for our city, Cambridge. So I just wanted to say without ignoring the other comment, that we listen, we evaluate, we go back to it, and then if everyone is happy, the abutters are happy, the community planning are happy, and we're happy, and the city's happy that's when the Special Permit gets granted. And within the last year I could just name two of them that we didn't grant, and the developers went back and built within what they were allowed to as opposed to Special Permit. One of them being right here on Prospect and -- by the old Kentucky Fried Chicken.

HUGH RUSSELL: Prospect and

Hampshire.

AHMED NUR: Prospect and -- yes. We said no. Went back and never came back to us and built something else that he was allowed by the book.

Another one was -- hasn't done anything yet, but Portland and Hampshire Street next to the -- what's the name of that pizzeria there? The corner of Portland and Hampshire.

HUGH RUSSELL: Right, we granted a permit and it's being challenged in court by the abutter.

AHMED NUR: Oh, is that what's happened to that one?

But Bolton Street buildings. I mean we can go on and on and on. Norris High School. So just wanted to say that it's not fair to say that we grant everything and we're not here for rubber stamp as people say.

HUGH RUSSELL: So before we wind up this discussion, I'd like to note that these proposals are part of a larger discussion that's been mandated by the Council which is to study the Planning Board procedures, to see if there are ways that we can be -- communicate better, we can do our job better, and that the public might believe that we're actually doing our job.

And so I guess there are two things: One is that it's been clear that one of those items that gives us question about neighborhood participation, and right now we're all saying we strongly recommend that the proponents seek. And I think it would be useful for us to say that strongly recommend means you got to do it. Because I believe that is really what our intention is. And yes, we should probably change the way that

paragraph reads, but it will require some thought as to how to put that down properly. And but it's something that we expect that when someone comes before us seeking a Chapter 19 Special Permit, that they consult with neighborhoods before they get to us.

The other question is, I'm just curious as to what the work plan is for dealing with the Council recommendation. I know there are discussions going on. We've had a discussion here. And when is that going to all be pulled together and so we'll know who does what? When do we, you know, change our rules on the -- on that -- when's that all going to come together? Because I don't think this is something that should be a, you know, a five-year process. It should be a five-month process.

BRIAN MURPHY: All right, so I think

we've been having the additional focus groups that have been going on and they've been very helpful for us in terms of coming up with discussions and recommendations. I would imagine some of that discussion will probably take place at the December 1st Board -- sorry, roundtable. And, you know, I imagine it would take a little while for the new members to get their sea legs on the Board. The Board may look to evaluate its rules in some point early in 2015. Consulting with the Law Department in terms of looking at those.

I think the Council may well consider some additional changes that may make sense for them depending on where we come out. And some of them may be procedural issues that don't require a change in Board rules but maybe some practices that we may want to do.

Some of those have been happening as we've been going along and I expect that will happen as well. My hope would be early part of '15 we would implement some of these changes. And I guess -- why I don't think it needs to be a five-year process, I also think it's perfectly fine to say it's not done but in fact it's not a bad idea to sort of periodically just sort of review how we doing and what can we do better?

HUGH RUSSELL: Okay, thank you.

So are there any more discussion on the subject?

PAMELA WINTERS: I'm kind of tempted to say something.

AHMED NUR: Go for it.

PAMELA WINTERS: Should I? Yes.

HUGH RUSSELL: You only have one more meeting to give in to that temptation.

PAMELA WINTERS: I only have one more meeting so I'm going to give in to the temptation.

I just wanted the public to know that before these projects come before us there's a lot of work that the staff does. So if a proponent comes with a building and the building is really not very satisfactory or it needs some tinkering or whatever, the staff really tries to get the proponent to make the best possible building it can. And then it comes before us. And then we do some more tinkering. So we're not, you know, the only people that are working to make projects the best in the city. So I don't -- I get the feeling that the public doesn't really understand that. So I just really needed to say that. The staff does an incredible job. They do a lot of work. And I have the utmost

respect for what they do. And I've been working with them now for 15 years, and I just, I just needed to say that. So, thank you.

HUGH RUSSELL: So, Liza, do you have what you need for a recommendation that you'd like us to take a vote?

LIZA PADEN: Yes, if you'd take a vote, that would be good.

HUGH RUSSELL: So I believe the vote is to favorably recommend part 1 and to unfavorably recommend parts 2 and 3 based on the discussion that the Board has had.

Is that a motion that someone could make?

PAMELA WINTERS: So moved.

HUGH RUSSELL: A second?

H. THEODORE COHEN: Second.

HUGH RUSSELL: I think I heard

Ahmed's hand earlier.

H. THEODORE COHEN: Okay.

HUGH RUSSELL: Discussion on the motion?

(No Response.)

HUGH RUSSELL: All those in favor?

(Show of hands.)

HUGH RUSSELL: Five members voting in favor.

Okay, we have one more item of business.

Thank you very much, Nancy.

NANCY GLOWA: You're welcome.

HUGH RUSSELL: So I would propose to go on to -- we could probably do it very quickly which is the Flaherty, et al petition to amend the Zoning Map of the city of Cambridge for Medical Marijuana Overlay District, 61 Mooney Street.

JEFF ROBERTS: Since this is a City Council petition, I can just give a brief update. And I see Mr. Greene will probably say a few words on behalf of the original petitioner.

But just this is a re-file version of a petition that the Planning Board heard earlier this year.

The Planning Board did make a favorable recommendation. Noted, one issue with the petition which is that it proposes to include 61 Mooney Street, or rather to expand the Medical Marijuana Overlay District to include 61 Mooney Street. The Planning Board observed that the 61 Mooney Street is not contiguous with that Overlay District and so it's not obvious exactly how the Overlay District would be extended.

So that was communicated in the

Planning Board recommendation, but then the Council did not act in any way to incorporate that recommendation. So the petition comes back as it had originally been proposed. That's one thing.

And then the second thing, which I think Mr. Greene will probably comment on is just how the state process of registering medical marijuana dispensaries has proceeded. They have moved from the application phase and initial approval phase into the inspection phase and there are currently no.

JON GREENE: Vetting process.

JEFF ROBERTS: They call it the inspection phase. And there is no -- there's no dispensary that's been approved into that phase of the process in Cambridge. And I checked with the regulators at the state level periodically to confirm that that's the

case. And if there were in the future a dispensary approved in Cambridge, that would come back through another round of the process when they decide to open it, which they're indicating -- is that the last indication I had was that might happen sometime in 2015. But I don't think there's any official confirmation on when they would enter into a new round of receiving applications.

HUGH RUSSELL: Okay, so the petitioner is the City Council?

JEFF ROBERTS: That's correct. The City Council on September 22nd, after the original petition had expired, referred it back to the Planning Board and Ordinance Committee for new hearings.

HUGH RUSSELL: Okay, so I understand you might wish to speak, but I think that

would be in the context of the general public hearing and not as a petitioner. So is there a list, sign-up list?

LIZA PADEN: Yes. There are no names on it.

HUGH RUSSELL: Good, then you can go right ahead.

JON GREENE: Thank you. Good evening. My name is Jon Greene, G-r-e-e-n-e. And I'm the CEO of the Greenway Wellness Foundation. I would like to thank the members of the Cambridge Planning Board for the guidance that you provided to the Greenway throughout the last year regarding the Flaherty Zoning Petition to expand the MMD-1 Zoning to encompass 61 Mooney Street.

In June of 2014 we were pleased that our petition received unanimous favorable recommendation from the Planning Board. We

subsequently received a favorable recommendation from the Cambridge City Council's Ordinance Committee as well as the full vote of City Council on the first week. Our petition subsequently expired prior to being passed to a second reading.

On November 7th of 2014, the Department of Public Health informed the Greenway Wellness Foundation that a provisional license for Cambridge, Massachusetts, will not be reinstated at that time.

The Department informed Greenway that it may reapply for licensure after January 31st of 2015. That letter was sent to us again on November 7th. So I'm not really quite sure whether that is, you know, firm facts from the Department of Public Health, but that's what they're giving us for information as of right now.

And our intention is to reply in the coming application cycle which we envision commencing in early spring of 2015. We have an extraordinary level of experience in this industry and remain committed to providing residents of Cambridge with the access to medical marijuana and the benefits it provides.

While we do not have specific information this time to share relative to the timing of that process, we'll be in touch once we receive additional information.

I appreciate it. Thank you, very, very much.

HUGH RUSSELL: Do you still have control of that building?

JON GREENE: Control?

HUGH RUSSELL: Control in terms of being able to use it.

JON GREENE: We're negotiating terms to make sure we can extend that or at least a hold on the building hopefully to the middle of next year at least.

HUGH RUSSELL: If the Zoning were in place, would that enhance your ability to succeed in the state process do you think?

JON GREENE: Yes.

H. THEODORE COHEN: I'm sorry, I didn't sit on the earlier hearing. So the state terminated your approval -- I'm not sure of the right term. Terminated your approval, was that because of the proposed location was not in compliance with Zoning?

JON GREENE: No, it wasn't. It was the fact that -- the one issue that we've actually dealt with, which most of the industry deals with, is basically banking issues. We were unable to actually keep our

money in one bank account for an extended period of time. We had four banks that actually kicked us out over the course of four months. One of the banks was actually -- closed my own personal account. It's very hard to do business in this industry and actually have banking. Now, this is changing over, you know, hopefully pretty quickly, but the fact is that we got stuck with custodial relationships with our investors. We had no way of basically putting that money in control of the Greenway Wellness Foundation. What we did is we provided our investors, we said listen, would you please -- we have custodial relationships where you actually take the money -- we have contracts. We showed this to the Department of Public Health. The Department of Public Health in the regulations said that you have to have

the money in your control. And what that Department of Public Health did not really realize is the fact that how are we able to show it's in our control if we're not able to have a bank account. So that was a frustrating two years of our life we've been putting into this for something like this, to be taken away for that, and which we went in for another vetting -- I'm sorry, an informal hearing in which we provided the Department of Public Health with all of the additional documents which they did not request in the first round of, I call it the extra vetting process. And Jeff got it right. And in any case, we showed them all the additional information. We thought that we clearly would be reinstated. Our attorneys felt the same way. They deal with the Department of Public Health on a monthly basis. And it did

not happen. I'm not quite sure exactly why. So we're in for another hopefully six months to a year process again. So that's where we are.

HUGH RUSSELL: So has our thinking about having such a facility in Cambridge changed?

PAMELA WINTERS: No.

H. THEODORE COHEN: No.

AHMED NUR: No.

HUGH RUSSELL: And the thinking about the suitability of this site changed?

PAMELA WINTERS: No.

HUGH RUSSELL: So would we then not send our previous recommendation back?

PAMELA WINTERS: Yes.

AHMED NUR: Yes, very much so.

And it was just -- I remember clearly there was overwhelming support for the Greene

-- I remember talking to a family and friend of mine who has been dealing with that, you know, issue and he was very excited about it. He was like where is it, where is it located? I want to go. I want to sign up for it. But anyway, yeah.

JON GREENE: Thank you for your support, really.

PAMELA WINTERS: And, Jon, again, your the marijuana that you have it doesn't make people high, right?

AHMED NUR: No, it's low or none --

JON GREENE: Non-euphoric.

Non-euphoric strains. It's very high in medicinal value and very low, low euphoric.

PAMELA WINTERS: That's amazing.

JON GREENE: Yeah.

PAMELA WINTERS: You don't have to go into the details. I just think it's

amazing that -- how long has this -- I'm just curious, how long has this process been -- who developed this?

JON GREENE: When you say this process, are you talking --

PAMELA WINTERS: Taking the high out of --

JON GREENE: There's actually a few different ways that you do it.

One is that you actually take a strain that has been, I would say, not genetically altered, but more crossed to or bred to basically have a high cannabinoid profile and low, low, low THC. Or more you can basically take any strain whatsoever and go through an -- it's basically a CO2 extraction process which isolates all the various different constituents in the plants that as well as THC and all your different CBDs, CBM, TDM and

you can keep those away from and basically put them into some sort of balm, pill, salve, liquid or a transdermal patch.

PAMELA WINTERS: And who discovered this and how long that is this been?

JON GREENE: Israel has been working on -- well, has been researching all of the cannabinoids for the last 50 years.

PAMELA WINTERS: Wow.

JON GREENE: And I know it's, you know, probably surprising that the United States where we feel are so more advanced, but the fact is that you really can't, you can't really patent THC or these cannabinoids. I wouldn't say you can't patent THC. They actually are doing it in Waltham for \$300 a pill.

My grandfather actually took those and they are without the CBDs or the cannabinoids

in the actual plant. It -- you can't really regulate it. So it really just flattens you like a pancake. My grandfather had bone cancer, one of the worst in terms of dealing with pain. I don't know personally. All I know is what I saw over the course of six months and, you know, he had probably 15,000 or 20,000 dollars worth of pharmaceuticals on his counter and he had ten pills that he only took one of which was I think the marijuana pills in them.

AHMED NUR: And it worked.

JON GREENE: And so we have a lot of advancement in traditional or conventional medicine, but I think when it comes down to this plant, it's just going to have to continue to grow in this country. And obviously when the public demands the research, hopefully people will listen. But

it's a little bit harder because a lot of universities who really want to study this plant and research it, the -- I'm sorry, Center for Disease -- I'm sorry, I can't even think of the agency. But they basically --

AHMED NUR: Center for Disease Control?

JON GREENE: Disease Control.

Well, actually they said no, you cannot do any studies because this is still a federally controlled substance, and it's a scheduled one controlled substance so universities have not been able to other than one, which is Mississippi, has not really done any research to kind of backup or validate these claims which obviously in other countries had been doing for 50 years.

PAMELA WINTERS: Well, thank you so much for explaining that to me because my

husband's an MD and I told him this and he said what? How does this happen? And so now I can go home and explain it to him with -- a little more thoroughly. And I hope you keep up your struggle with this.

JON GREENE: No, I will. This is my life and, you know, and you know why I got into this.

Thank you, I appreciate it.

HUGH RUSSELL: Okay, we need a motion to --

JEFF ROBERTS: Mr. Chair, I just wanted to -- this is a procedural point. Has the public hearing been closed? And I don't know if there were -- if you had entertained any additional comment?

HUGH RUSSELL: I think I'd asked at the start of it if there was any comments, and the only person indicated who wanted to

Speak was Mr. Greene.

JEFF ROBERTS: Okay, just being clear.

PAMELA WINTERS: Yes.

HUGH RUSSELL: Okay, so is there a motion to send the previous recommendation?

AHMED NUR: So moved.

HUGH RUSSELL: Second?

Ted.

All those in favor?

(Show of hands.)

HUGH RUSSELL: Five members. And that's a vote.

Thank you very much.

See you all next week.

(Whereupon, at 9:50 p.m., the Planning Board Adjourned.)

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I further certify that the testimony
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IN WITNESS WHEREOF, I have hereunto set
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Catherine L. Zelinski
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DIRECT CONTROL AND/OR DIRECTION OF THE
CERTIFYING REPORTER.**

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