PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, May 19, 2015

7:00 p.m.
in
Second Floor Meeting Room
344 Broadway
Cambridge, Massachusetts

H. Theodore Cohen, Chair
Catherine Preston Connolly, Vice Chair
Hugh Russell, Member
Tom Sieniewicz, Member
Steven Cohen, Member
Louis J. Bacci, Jr., Member
Ahmed Nur, Associate Member
Thacher Tiffany, Associate Member

Community Development Staff:
Liza Paden
Jeff Roberts
Suzannah Bigolin

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H. THEODORE COHEN: Okay, good evening everyone. Welcome to the May 19th meeting of the Planning Board. We'll start with an update from Jeff I guess.

JEFF ROBERTS: Thank you, Mr. Chair. I'll just briefly go over some -- just some future scheduling items and some other updates.

For future Planning Board meetings on May 26th, that's next week, we have a scheduled a continuation of public hearing on residential project 305 Webster Avenue and we'll have materials in the Planning Board package. We also plan to have as a matter of General Business a discussion of the changes to the Planning Board rules and processes for community engagement, pre-application

community engagement for projects. So that will be just a General Business discussion at that point.

On June 2nd we have a public hearing scheduled on a City Council Zoning petition to introduce car sharing provisions in the Zoning Ordinance. This is something that staff has been working on for sometime. I think Council was eager to advance that to public hearing, so we'll be also providing some material to the Planning Board on that.

And June -- oh, for the Planning Board we have on June 9th -- is that confirmed at this point? So we have confirmed on June 9th a pre-application meeting on the MIT Kendall Square PUD Development Plan, and that is being scheduled as a site visit. It will take place at 238 Main Street and will involve a walking tour of sites that are

involved in that PUD development. And I believe that will be at 6:30 p.m. and we'll provide details.

Before that, on June 8th at City Council, there will be a roundtable discussion on the citywide comprehensive planning process which the city has been working on developing an RFP for consultant services. And that's all we have scheduled coming up, but we do -- and we do have Planning Board meetings scheduled on June 16th and June 23rd. And I think we are still finalizing future hearing dates for over the summer. So that's the schedule.

One other update is that last night for those of you who tuned in, the City Council went rather late, but the City Council ultimately voted to adopt the Mass. and Main Zoning Petition from Normandy Twining. They

incorporated the Planning Board's recommended Zoning text and also voted on a letter of commitment which incorporates some of the provisions that were not included in the Planning Board's recommended Zoning text. So that information will be made available on our website shortly. So if, so if anyone wants to look at the details of how that came out, that will be on our website.

And that's all I have for updates unless there are any questions.

H. THEODORE COHEN: That's fine. I guess we could add that the Land Court rendered a decision on partial summary judgment in the lawsuits involving the Special Permits granted for the courthouse. On the one issue the Land Court determined that the courthouse was a lawful pre-existing non-conforming use and that, therefore, the

Planning Board could issue Special Permits to the owner/developers under the applicable Special Permit provisions of the State Zoning Act and the City Zoning Ordinance. I assume there will be more developments in that case because this was just on one issue, and does not resolve the case in its entirety.

Are there any meeting transcripts?

LIZA PADEN: We have the April 7th transcript that's been certified.

H. THEODORE COHEN: A motion to accept it?

HUGH RUSSELL: So moved.

H. THEODORE COHEN: Second?

STEVEN COHEN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Maybe we can

update and congratulate Thacher and his wife on the birth of their child.

THACHER TIFFANY: Thank you, Mr. Chairman.

H. THEODORE COHEN: Welcoming him back. He got the night off.

TOM SIENIEWICZ: For the record, I gather he's been named after you; is that right?

H. THEODORE COHEN: That's my understanding.

THACHER TIFFANY: Your middle name.

H. THEODORE COHEN: All right. We now have a public hearing on a request for a Special Permit to install a functional green roof at 950 Massachusetts Avenue. This is Planning Board No. 298.

Is there someone making a presentation?

TONY SANCHEZ: Good evening, my name

is Tony Sanchez. I work for Covered Green Roofs.

JOHN HAWKINSON: Is the green light on?

TONY SANCHEZ: And we specialize in designing, maintaining, and installing green roofs in the northeast. We are proposing to install a green roof on an existing deck area that is currently an exposed membrane. We're going to cover that with an intensive roof system which is eight inches of soil and then drought tolerant grasses to cover that roof area and to help with storm water retention and, you know, all the positive benefits of a green roof.

The existing plan as you can see here, there are two paper areas that are closed in with a railing and then this is all exposed roof membrane. We propose to remove these

railings and then plant the entire roof area.

(Nur Seated.)

TONY SANCHEZ: I guess if there's any questions or anything that I could clarify as far as green roofs?

TOM SIENIEWICZ: Have you spoken with the neighbors about this?

TONY SANCHEZ: Yes, we have. We've gotten the condo association approval and that was submitted with our application.

TOM SIENIEWICZ: How about the neighbors across the street from this?

TONY SANCHEZ: This is on the sixth floor of a condo building. And as far as neighbors on the building, they can see it, they all are aware of it, and you cannot see this from any of the houses on Green Street or Bay Street.

TOM SIENIEWICZ: I'm less concerned

about the visual impact. I'm more concerned about --

LOUIS J. BACCI, JR.: Noise.

TOM SIENIEWICZ: -- noise or occupancy of that roof and its affect on adjacent properties.

TONY SANCHEZ: We have not spoken to, you know, anyone that was not in the building.

UNIDENTIFIED AUDIENCE MEMBER: I've spoken to some neighbors.

TONY SANCHEZ: My apologies. So the owners have spoken to the adjacent neighbors and generally everyone is --

UNIDENTIFIED AUDIENCE MEMBER: No one objected, yeah.

TONY SANCHEZ: Okay.

H. THEODORE COHEN: Is there any intent to put up any sort of fence between

the two units?

TONY SANCHEZ: Currently not. There is a -- you know, we could, we have discussed possibly planting some tall grasses to separate the units, but currently this is how the design is.

H. THEODORE COHEN: And currently it's -- there are two decks there but it's an open space?

TONY SANCHEZ: Correct.

H. THEODORE COHEN: And there is no fence now?

TONY SANCHEZ: Correct.

H. THEODORE COHEN: And so the plan is to leave it as one large open space with the two decks or the pavers there?

TONY SANCHEZ: Correct.

There is a railing at the parapet and, you know, that will be maintained.

LOUIS J. BACCI, JR.: Does the roof have the capacity?

TONY SANCHEZ: Yes. In the drawings that were submitted we had a structural engineer give us a variety of designs that we could go with, and in RGR2.0 there's a section, a detail of what that roof build up would be with all the weights of each component. We are well under that limit.

H. THEODORE COHEN: Why don't we go to public comment.

Is there anyone who wishes to speak about this?

(No Response.)

H. THEODORE COHEN: None appearing.

Jeff, do you have or staff have any comments about this?

JEFF ROBERTS: Not particularly. I think that this was, as we reflected in the

memo, this was a provision that was included in the Green Building Zoning that was adopted in 2010, and the overall intent was to remove impediments to installing green roofs which in some cases had been counted as gross floor area. If they were used -- if they were accessible and, you know, became, became used as sort of floor area. The reason why we had a Special Permit provision was that there was some concern that in situations where a green roof was being proposed and would be used as a kind of as a yard space or used for people to walk on and enjoy, that -- and if it were allowed as of right and exempted from the gross floor area requirements, that it could be abused by people who would kind of just a very minimal amount of planted materials and then ultimately convert it into a deck, a recreational space, that way they could claim

an exemption for gross floor area.

The purpose of the Special Permit is to authorize the exemption of gross floor area and to certify that the intent of the green roof really is to function on a long-term basis as a functional green roof. And we've spoken with the applicant and we feel confident that it's being designed for that intent.

H. THEODORE COHEN: If the -- they did not get a Special Permit, would the green roof make the building be in excess of the required FAR?

TONY SANCHEZ: Yes, it would.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: So one of the things that we have to find is that the proposed vegetation would withstand the foot traffic associated with intent to its use.

Can you tell us about that?

TONY SANCHEZ: Yes. We have a lot of experience with heavy foot trafficked areas and green roofs.

A project you may be familiar with is the Watermark Tower. That is a 21st floor lawn, and we worked with the sod grower to find a drought tolerant hardy grass mix that would withstand that foot traffic. Two years later it's still doing very well. And with this project at 950 Mass. Ave., we intend to have a two-year maintenance contract. There's an irrigated -- it is an irrigated lawn, so it will thrive when we have drought or, you know, when it's hot, and we plan on maintaining that to the -- so that it can be at its best.

H. THEODORE COHEN: Anyone else have any questions?

(No Response.)

H. THEODORE COHEN: Okay, thank you. Are we ready to make a decision on this?

UNIDENTIFIED AUDIENCE MEMBER: Could I say something?

H. THEODORE COHEN: I'm sorry?

UNIDENTIFIED AUDIENCE MEMBER: Could I say one thing?

H. THEODORE COHEN: Yes. Please come.

UNIDENTIFIED AUDIENCE MEMBER: I'm a --

H. THEODORE COHEN: Please come up and identify yourself. And the rule for the public a general three minutes.

SANJOY MAHAJAN: It will only be one minute. Sanjoy Mahajan. I am one of the owners. I read the comment, the comment on

the proposal, the letter submitted to the Planning Board that I think you had written. It seemed that one of the concerns in this Special Permit is always that this not be used as a sort of a gateway to first get a green roof and then turn it into a regular roof and thereby get around the Zoning provisions. So I wanted to reiterate that that's not the intention at all. We -- and as a point in that direction we had a water pipe to the outside so that the roof would actually stay green and healthy so that there could be outside irrigation.

Thank you.

H. THEODORE COHEN: And you're the owner of one of the units that would --

SANJOY MAHAJAN: 613. This, this one. My better half is there.

H. THEODORE COHEN: Anyone wish to

make a motion with regard to this proposal?

TOM SIENIEWICZ: Sure, I would move that the Planning Board allow a Special Permit for a green roof proposal at 950 Massachusetts Avenue based on findings of this board that are consistent with the requirements of the ordinance and further questioning and study about its relationship to the neighbors and understanding that this proposal will not in any way impinge the ability of neighbors to enjoy their port.

And so based on that finding I would say that we grant the Special Permit.

H. THEODORE COHEN: Second?

HUGH RUSSELL: (Raising hand.)

H. THEODORE COHEN: Any discussion?

(No Response.)

H. THEODORE COHEN: Just, I want to make sure that we're clear that the

requirements of 2233.2 are complied with.

That the vegetation will withstand foot traffic associated with the anticipated use.

That we have considered potential visual, noise, and privacy impacts of the anticipated use to neighbors.

And that we're making these findings with regard to this particular roof.

And because we also need to make the general findings with regard to the granting of a general Special Permit, but I think that in this particular instance they can comply without running through them in detail.

All those --

JEFF ROBERTS: Mr. Chair?

H. THEODORE COHEN: Yes.

JEFF ROBERTS: I knew this would come up because we talked about it just before the meeting. This is a rare event

where there are eight Planning Board -- there are eight members present at the meeting, only seven can vote on a case, and there have been -- two of the members are the associate members. So one of the associate members needs to be designated as the voting member on this case.

AHMED NUR: I'll volunteer not to vote since I was late.

STEVEN COHEN: Punishment.

H. THEODORE COHEN: And so Thacher is the --

JEFF ROBERTS: Was designated to hear this case.

H. THEODORE COHEN: As a welcome back to him.

AHMED NUR: Filibuster.

H. THEODORE COHEN: The baby gift.

All those in favor?

(Show of hands).

H. THEODORE COHEN: It's unanimous. Thank you very much.

TONY SANCHEZ: Thank you.

H. THEODORE COHEN: All right, now moving on to General Business. The first item of General Business has to do with the proposed design revisions to remove windows at 130 CambridgePark Drive which was the subject of Planning Board case No. 279.

LIZA PADEN: So I'm expecting Mr. Batchelor who represents the applicant for this design review, and he's not here yet. So I wondered if you wanted to do the extension for the First Street Assemblage?

H. THEODORE COHEN: Sure. Why don't we continue this matter until later in the evening.

LIZA PADEN: Okay.

H. THEODORE COHEN: And then we'll move to Planning Board case 297, the First Street Assemblage which there's been a request to extend the time for various activities to take place.

LIZA PADEN: Right. So this would extend the process in the PUD to extend the time for submitting their final development plan and for having the public hearing for that development plan. And at this point the decision filing deadline would be July 14th.

H. THEODORE COHEN: And when will they have to file their updated plans?

LIZA PADEN: I could do the math backwards, but let's see --

H. THEODORE COHEN: Is a hearing scheduled for some date prior to July --

LIZA PADEN: We haven't scheduled the hearing because we don't schedule the

hearings until we have the materials. I don't have the materials yet, so I don't know when the hearing will be.

H. THEODORE COHEN: But is there potential for a hearing before the July 14th date?

LIZA PADEN: Yes.

H. THEODORE COHEN: Okay.

Anyone else have any questions?

(No Response.)

H. THEODORE COHEN: All those in favor of granting the extension?

(Show of hands).

H. THEODORE COHEN: Thank you.

So now we can move onto the Board of Zoning Appeal cases.

LIZA PADEN: Okay.

AHMED NUR: Can I just -- I'm sorry, can I just ask a question, since we have --

this is for Jeff, Jeff, right, since we have eight members and two associates, this voting deal goes out through the night for the next, right? Because I'll just --

JEFF ROBERTS: The other items are just General Business.

CATHERINE PRESTON CONNOLLY: Nice try, though.

LIZA PADEN: So the Board of Zoning Appeal cases that members of the Planning Board expressed an interest in were, the first one is for 45 Francis Avenue.

45 Francis Avenue is the address of the Harvard Divinity School, and they are proposing to put in what I consider to be very tasteful and very modest directional signs. And the reason why it is non-conforming with the sign ordinance is that one of the signs, which is at the

sidewalk edge, is over four feet tall. It's five feet tall. And this is the gateway sign to the Divinity Campus.

In the residential district signs are limited to one sign at ten square feet, one sign at 20 square feet, and two signs for a building. And this is altogether five different buildings on this parcel.

So they're putting together a sign proposal which gives you directions, park here, go there, here's the door, this is the street address. It's a very well thought out plan. It's similar to what Lesley University did at the campus, and it's similar to what Radcliffe has done on their campus as well.

This is in the C-2 District I believe.

HUGH RUSSELL: A-2.

LIZA PADEN: A-2. I'm sorry, A-2 District.

H. THEODORE COHEN: And if this were in a different -- not a residential district, then these would be allowed as of right?

LIZA PADEN: Right.

So then if these were in a non-residential district, there would be a height limit of 15 feet for the freestanding sign and a square footage of 30 square feet.

H. THEODORE COHEN: Anyone have any comments about this?

TOM SIENIEWICZ: In a review of this, in the review of this case, the photo simulations were of a nice quality. I agree with Liza's characterization that this was, you know, very professionally done and consistent with the campus signage so I saw no issue. I -- originally when I saw the address, was concerned that -- like some fellow board members, but on closer review

it's fine.

AHMED NUR: I agree. I also agree with that notion. I asked for it because of the address. But once I seen the photos, I was very satisfied.

H. THEODORE COHEN: So do we wish to make any recommendation to the BZA or just leave it up to them?

HUGH RUSSELL: I think given the remarks of our colleagues, we should recommend --

LIZA PADEN: Okay.

HUGH RUSSELL: -- it's important wayfinding.

H. THEODORE COHEN: And the next case.

LIZA PADEN: 30 Brattle Street.

So this is a case that's been back and forth under a great deal of discussion

between the Law Department and Inspectional Services and myself at Community Development as well as the attorneys for 30 Brattle Street, which is the Citizens Bank signs. Originally the non-conformity pointed out was total amount of signage, and they were going -- they were at the Board of Zoning Appeal after having Historical Commission approve all of those elements of the non-conforming signs that the Historical Commission can approve. Those elements are number of projecting signs and the location on the building over the second floor sill line. The position of the attorney for Citizens Bank was that there's a section in the Ordinance that says that they are not subject to elements of the Article 7 which have to do with allocation for the amount of retail space that you have as part of a whole

building. So in this particular situation, this building has ground floor retail that's a half a grade below and ground floor retail that's a half a grade above.

In other parts of Cambridge in this situation, you have the total amount of square footage that's allowed, 147 square feet. You would divide by two and everybody gets their share out of that 147 square feet.

In Harvard Square the Historical Commission can reallocate and usually they do that in cooperation with the property owner.

So during the discussion at the Board of Zoning Appeal, the applicant said that they also were not subject to the total amount of sign allocation, that they were not limited to one square foot of signage for every linear foot of retail frontage. So they went away. And on further discussion,

city staff has determined that there is a paragraph that still stands in the sign ordinance that does limit them to one square foot of signage for every linear foot of retail frontage and the rest of the items can be waived except for that total amount. So they're going back to the Board of Zoning Appeal to get that item waived. There is no change in this proposal from what the Planning Board looked at previously, about a month and a half ago, and at that point the Planning Board voted to leave it to the Board of Zoning Appeal to review that sign variance.

H. THEODORE COHEN: Thank you.

Is there anyone who feels the need to discuss this further or just forward on our earlier negative recommendation or, you know, our comments to the BZA.

HUGH RUSSELL: I have a question.

I think I saw somewhere that the City Council had voted to not give permission for projecting signs?

LIZA PADEN: The City Council declined to grant the permission for the projecting sign not because -- well, it might be convenient for them, but usually the City Council can't take that action until either they comply with the Zoning or they get their variance from the Board of Zoning Appeal. Since that step hasn't happened yet, they will not be approved at City Council until that happens.

HUGH RUSSELL: So it's a procedural not a subject.

LIZA PADEN: I believe it was procedural.

LOUIS J. BACCI, JR.: Are we talking

about the banners? Wasn't there a problem with the banners also?

LIZA PADEN: Right. So the banners are overhanging the public sidewalk and they have to get a bond approved by the City Council, and the City Council can't approve anything until after the Zoning has been established that it's conforming or they've gotten the relief from the Board of Zoning Appeal.

H. THEODORE COHEN: All right, Liza, if you would just forward on our February recommendation --

LIZA PADEN: Okay.

H. THEODORE COHEN: -- again.

LIZA PADEN: And the third case, the 10 Canal Park, telecommunications, this is a re-hearing. There has been discussion with this case. The Planning Board looked at this

case earlier and had no opinion one way or another about this installation, but residents at the Thomas Graves Landing had been to the public hearing, and based on the discussion that was starting to happen at the BZA, the applicant requested an extension to revise the plans. So it's been re-advertised, but unfortunately no new plans have been filed to the Board of Zoning Appeal and I don't -- I have not been able to get any revisions from the applicant. So I suspect it will not be on the agenda next Thursday. I don't know what to tell you. There's nothing for you to look at.

H. THEODORE COHEN: Well, what can we do without any plans to comment upon?

LIZA PADEN: Right.

HUGH RUSSELL: So we can send a letter saying we cannot comment because we

haven't seen any plans.

H. THEODORE COHEN: Right.

LIZA PADEN: Okay.

HUGH RUSSELL: They can decide if that was important or not.

LIZA PADEN: Okay.

AHMED NUR: No information.

LIZA PADEN: Okay.

Mr. Batchelor is here and we're going to take a few minutes to set up. I'm going to bring out the cart to put the laptop on.

H. THEODORE COHEN: Why don't we take a five-minute break then and let them set up.

(A short recess was taken.)

DAVID HALL: Good evening, Mr. Chairman, Members of the Board. I'm David Hall, for the record, from the Hanover Company. To reintroduce ourselves to the

Board we're the developers of both 160 CambridgePark Drive and 130 CambridgePark Drive, the two apartment buildings. To update you, 160 is complete and about 68 percent leased and people are loving it over there. We are under construction on the garage that's tied in with the office building and shared parking for the 130. This is all coming back in your memories.

TOM SIENIEWICZ: Yes.

DAVID HALL: And our building permit application is working its way through the city to start the apartment building on 130 CambridgePark Drive which is the subject of tonight's request. I apologize at the outset. It seems like kind of a smallish request, and it is.

There are two issues with the building that we've come across on design as we get to

the end here before Building Permit.

One, is really just a privacy issue. We've got two windows, two bedrooms kind of looking into each other. And we'd like to try to rectify that.

And the other is kind of a code issue. So I'll little Jim describe the issues in greater detail and see what the Board thinks about them.

JAMES BATCHELOR: Great, thank you. As David said, this is not a huge issue and having talked with you about the overall and many important overall design issues, in a way I think it's sort of nice to come back for detail. I hope it's not too small a detail, but it was suggested that we come back, and I'm totally good with it. It concerns some windows. And windows, as we all know, are important for the life of the

street. They're also obviously crucial for the quality of the rooms within. And in this case, we have two conditions where in the permit drawings we showed windows on side walls, which at this point being a little further along in the design, we would like to have permission to not include those windows on the side walls.

One, as David was mentioning, is a set of windows that looks down in the direction towards the garage. And I think that is the correct image here. Hugh is holding it up or I will fan it around in front. People have it. These windows are windows in a bedroom that is the second window in the bedroom and it looks in the direction towards 160. There's a technical legal problem here which we hadn't realized, taken care of, whatever. Those windows are actually on a lot line.

The line that divides the property referred to as 150 CambridgePark Drive from 130 CambridgePark Drive comes right along the face of that plane of that building, and there are Building Code requirements that you can't have glass windows right on the property line. So that technicality has forced us to say well, this is more serious than we thought.

And the other condition is really driven more by thoughts about privacy. I hold up this drawing. I think most of you have it. These are windows which are second windows in a bedroom again, but they are windows which one can see in from the room that is at the other side of the inside corner. I don't think these matters are super grave matters, but I think there is a sense that from the point of view of people

inside the units, these rooms work well. They're bedrooms with a single window that's oriented out. In fact, furnishings probably a little bit easier with one window in the bedroom as opposed to two. So we would like permission to do that.

We do feel that it's understandable that you would like to talk about this and that if you feel that there is a greater good that is served by having those windows, we would talk further and try and work with you, because I think Hanover, Arrowstreet care about the reputation for working with the board and trying to get things that work.

DAVID HALL: If I could add, Mr. Chairman, the privacy one is a like to have, not a must have. We understand it's an aesthetic issue from the outside and there are other ways we could deal with it by

frosting those windows. I don't think it's enough to draw your curtains, but we always try to avoid that condition and we could frost the windows, but we'd like to have them removed if it's not too troubling to the Board.

The other is the code issue where to be compliant we have to get an easement from another party, maybe they'll grant it, maybe they won't. But we as real estate folks, hate to be in that situation where we just can't control our own destiny. It should have been something we should have caught. We got a whole team of lawyers that should have caught it, but we didn't. So I think the second one -- the first one Jim mentioned, but the second one I'm talking about the lot line window issue, a little more serious. It's a violation of the Code.

STEVEN COHEN: Mr. Chair?

H. THEODORE COHEN: Before we start, Jeff, could you give us some guidance on what our options are here in terms of what we're -- can and can't do this evening?

JEFF ROBERTS: So the facades of detail -- of -- so the Planning Board approved this project consistent with the plans that were submitted at the time. Details of the facade design are customarily subject to ongoing review by staff, and from time to time, we like to -- if there's a change to the facade that we think may still be within the -- may still be consistent with the overall provisions of the Special Permit, but that we feel like we would like some guidance from the Planning Board before making a determination as to the final design review, then we'll, we'll bring that back to

the Board and we'll suggest to the developer that they appear before the Board and explain the changes so that the Planning Board can give advice to us on staff as to whether -- sorry, as to whether -- as to whether we would certify this as being consistent with the original plans. So I think that explains it.

H. THEODORE COHEN: Thank you. Steve.

STEVEN COHEN: Thank you, Mr. Chair. I personally actually don't have any big problem with the issues, but Jim, I just wanted to ask you something about the Code issue.

JAMES BATCHELOR: Sure.

STEVEN COHEN: I thought I was familiar with this Code issue about placing a window within a certain distance of the lot

line, and my recollection, when I've run into it, is that it was really a fire separation issue, fire rate issue, and that within X feet of the line a certain rating was required. It required a deluge system which actually translated, in my experience, into another sprinkler head which was easy to accomplish.

Am I misunderstanding the issue? Is it in fact something more than that?

JAMES BATCHELOR: I think it is something more than that. There may be others that are actually more knowledgeable. I'm willing to defer to others on this. This is an architect actual matter. Would you like to jump in?

HUGH RUSSELL: As it happens I'm trying to put some windows, a window wall of an existing building in Malden, so I'm very

familiar with the Code. And I just assumed I could do exactly what you said and then I did my detailed code review and that option is no longer there.

STEVEN COHEN: Oh, really? It used to be.

HUGH RUSSELL: Yeah, you used to be able to have a protected opening on a lot line and you can't -- it's not there anymore. You could have a protected opening three feet back, but it can't be on the line.

Now in Malden, you know, the building inspector says he's willing to go with us to the State Building Code Board of Appeal and not oppose us for these windows. Since those are the only windows in four bedrooms of what used to be a Masonic Hall, you know, we have a historic argument behind us.

So the Code, you know, Jim has

correctly stated the Code and as it stands.

H. THEODORE COHEN: And this is the State Building Code?

HUGH RUSSELL: The State Building Code Chapter 7. I think it's 705?

JAMES BATCHELOR: I'll defer, you're doing well.

LOUIS J. BACCI, JR.: Does that Building Code include doors?

HUGH RUSSELL: No, it does not.

LOUIS J. BACCI, JR.: Because it appears that we have a door.

JAMES BATCHELOR: Yes. We believe the door is fine on the first floor.

LOUIS J. BACCI, JR.: The door doesn't require any protection?

JAMES BATCHELOR: It has to be -- door has to be --

LOUIS J. BACCI, JR.: -- it's a

graded door?

HUGH RUSSELL: Yes.

I mean, the intent is to keep fire from spreading between buildings, and you could make the argument here that because of the -- because you control the design of the adjacent building, it's being done on a judgment project. You know, the intent of the Code can be met. You know, you could -- you know, if I were going to the State Building Code and work on those windows, I would say well, I put the deluge heads in anyway, but as a practical matter it has a blank wall and it is an open parking garage and it's non-combustible.

LOUIS J. BACCI, JR.: Right.

HUGH RUSSELL: Yeah.

So would you get it or not? I don't know. Nobody knows.

In this case, I think this is, from our point of view, the more important of the two. Because you remember in looking at all of the buildings along the strip, that there were -- the views are very much like this view that's shown here. They're long views in which you see -- like, that's the same view. The long views and the edges of things become very important. And so the -- you know, the architecture has been to create a bunch of edges, like the red vinyls that stick out. And so that now is pretty --

LOUIS J. BACCI, JR.: Blank.

HUGH RUSSELL: -- plain. And a window is one way of decorating it, and also you know, would you really want -- when people drive in garages, they have headlights and they're supposed to shine down. There's a ramp I think there?

JAMES BATCHELOR: Yes.

HUGH RUSSELL: So that a car going down the ramp might somehow have lights actually shine in to the bedroom windows.

JAMES BATCHELOR: Pulling in or out of the space.

HUGH RUSSELL: Yeah.

And so I don't think you'd like that if you had that apartment. But clearly they could perhaps look at some way of enlivening that now blank elevation.

LOUIS J. BACCI, JR.: Yes, a dormer would be nice.

STEVEN COHEN: You could draw some windows.

JAMES BATCHELOR: It reminds me of being on the Preservation Commission. Sometimes there's the vestige of the windows, the frame of the windows is filled in.

HUGH RUSSELL: Yes.

JAMES BATCHELOR: I don't know if we would go there. But I'm just saying there's some way of putting some scale on that.

LOUIS J. BACCI, JR.: What is the siding material?

JAMES BATCHELOR: The siding there is a hardy plank. It's looks like a clapboard.

HUGH RUSSELL: I mean you could actually put a window there, you just have to put a file wall behind it.

LOUIS J. BACCI, JR.: Right.

HUGH RUSSELL: And if somebody broke it, you would be in real trouble.

LOUIS J. BACCI, JR.: Yeah, really bad.

JAMES BATCHELOR: Yeah, I mean you could. Also note from other buildings and

other sorts of glass, you could put in a glass that was like a spandrel glass, and you couldn't see through it. And then something behind it, but that, I don't know, it seems a bit --

HUGH RUSSELL: If you put in two hour assembly there, is it still an opening according to 705?

JAMES BATCHELOR: I think we have a difficulty related to the dimension from the property line and the area of the window.

HUGH RUSSELL: Yes.

TOM SIENIEWICZ: It's fire separation.

HUGH RUSSELL: Right. And if it, if it's rated as assembly, is it still --

TOM SIENIEWICZ: An opening?

HUGH RUSSELL: Yeah.

STEVEN COHEN: Advise the rating?

Is that end of the analysis?

AHMED NUR: Then comes the draft up top versus --

HUGH RUSSELL: It couldn't be operable. It would be very expensive because those two hour ratings are extremely expensive, and it doesn't deal with the headlight issue or the owner's judgment that really it's better not to have those windows there.

STEVEN COHEN: Do you have any suggestions for some other decorative arts?

LOUIS J. BACCI, JR.: It would be nice to dress it up with --

HUGH RUSSELL: I don't think I need to suggest any decorative arts to Jim. I think he's way ahead of me.

TOM SIENIEWICZ: At the risk of conflating it with the other issue, it's

interesting that you focussed in on this one, Hugh, because I took less issue with this corner especially with what's come up in my understanding of the headlights might work on that corner of the building. The bay window condition was something I missed. I thought maybe having the blank wall there had more of an affect on the architecture than this particular corner. I understand the issues of privacy and trying to lease the building, but also the applicant has stated that this is an issue that's internal rather than one that would involve an abutter. So maybe something with a little bit of discussion we may have a window, a metaphorical opportunity of what our options are for that corner. Having light from two directions in a room makes a better room in my opinion. Having the scale and texture and a sense of that

volume on that side, I guess, I do miss the windows wrapping around the corner, Jim.

JAMES BATCHELOR: Yeah.

TOM SIENIEWICZ: I think it makes a better room. I -- the privacy issue. I don't remember the plans in detail, but maybe, is there a second, you said a demising wall that's part of this different unit? It's a second -- a different unit?

DAVID HALL: It's a different unit. We wouldn't have a problem with it if it was the same unit.

JAMES BATCHELOR: I'm going to try to get the plan now that we do have the drawing. It will help to see the plan.

H. THEODORE COHEN: Suzannah, you looked at these plans. Do you have any comments that you want to share with us?

SUZANNAH BIGOLIN: Sure. I guess I

felt the windows on the parking garage side actually added to that experience of walking along the parking garage, because that's a blank sort of elevation, and the window has provided some sort of sense of security and safety and eyes on the street. But understanding that there are the Code issues. Obviously, we want something to sort of improve the appearance of what's shown. It doesn't blanket sort of a kind of industrial feel as the blank side wall. And I agree with Tom about these windows as well, they do add to the architecture and the -- I believe you could sort of screen either internally or externally, the issue for privacy. But I feel that they add to the sort of pedestrian experience, and that will be a new street that does get developed sort of in this back block and it will connect hopefully to a

future pedestrian bridge connection over the railway line. So I think that's important.

HUGH RUSSELL: Had you considered a corner bay expression where maybe glazing only comes maybe three feet back on the side wall and then the window is joined to it so that -- it means, yes, if you go over the corner of your room and sort of look backward you could see it where ordinarily you wouldn't.

JAMES BATCHELOR: I don't know if you're saying a similar thing. I could imagine in this situation, which is a bedroom, light from two directions is good, and the activities and the quality from the street is good. It occurs to me that if the window were half the size and were back towards that corner, might be getting the best of both worlds, because it would be a

little easier to imagine putting a bed in the right-hand wall, which would be a nice furnishing option in this room. And then you would get maybe some daylight in and less, less chance that the person in the unit, which is below is going to see anything of any consequence.

TOM SIENIEWICZ: I think there are solutions, Jim, that could preserve that side wall, you could give your client some comfort. I think it's worth digging in our heels a little bit on that and see if we can't come up with a window that works for everybody on the corner.

H. THEODORE COHEN: Yes, I think the window is important on that wall, and I looked at any number of houses and apartments where I was two feet away from my neighbor's window and look right outside of it and

somehow through curtains and shades, people do manage to do it. So I don't really think you've got to worry about whether you'll be able to rent those units.

In the drawing there is some yellow dotted lines on the first two floors and you haven't spoken about that. What is that situation?

JAMES BATCHELOR: So, the situation on the first two floors is I think again best shown in plan. Let me do that -- sorry, it takes me a minute to get to the drawing again.

So this is the first floor. There is a -- there is a window where -- see the black rectangle? Actually -- that's structure. So the structure is an item that needs to be dealt with. It is structure getting us from ground up to the concrete level that is the

second floor.

So, that would -- in our current concept, if that column could move down a little bit, there would be room above for there to be -- this column could move south a little bit and there could potentially be room for a similar window.

Again, on the ground floor -- these are ground floor units, and I think that people will find their blinds in a pulled position a fair percentage of the time.

TOM SIENIEWICZ: Are you describing this?

JAMES BATCHELOR: I am describing that, yes.

In one version of this those are circled in yellow. So, yes, you have the circled in yellow version in your hand. I think what's on the screen doesn't have the

yellow calling out exactly where they are. If you have those plans there, they're just harder to see in the other rendering because the other rendering has a tree in front of it.

HUGH RUSSELL: And the second floor is a bedroom versus bedroom?

JAMES BATCHELOR: Yes.

HUGH RUSSELL: That's one over.

THACHER TIFFANY: So just to be clear, you have a, you have a column in your renderings you showed a window?

JAMES BATCHELOR: Yes, that happens sometimes.

HUGH RUSSELL: You can still put in a window, you just can't see out of it.

JAMES BATCHELOR: See how our building is built?

STEVEN COHEN: It would have a good

rating.

JAMES BATCHELOR: That's right. No fire danger.

AHMED NUR: Mr. Chair.

H. THEODORE COHEN: Yes, Ahmed.

AHMED NUR: So personally I'm fine with some sort of material that looks like a window that's not a window to be wrapped around there to fulfill the architectural facade that was presented to us or if -- I would much rather prefer for them to go to the state and ask for forgiveness on this and, you know, knowing that in this case inspector -- the Inspectional Services has nothing to do with it, it's the Planning Board, that we agree to not to object to it to have the windows there if they're willing to go to the state court. Is it inspectional still?

TOM SIENIEWICZ: Yeah, it's a Building Code issue not a Zoning issue.

AHMED NUR: Okay.

JAMES BATCHELOR: You have to go to the Building Department here first.

AHMED NUR: I see. I take that back. It's fine for me, as far as I'm concerned, to eliminate the windows and to have something that looks like that we could replace the indentation and the representation of a window but not a window. Maybe bring the other facade around that corner would be fine with me. But in the meanwhile, and more importantly from a city perspective, whether this is a design review or it's just us, I think going forward would be great if in this case I guess I'll just say that the architects here is the one that misses the Code issue. That all Code issues

should be checked so we don't get ourselves into this before approval.

HUGH RUSSELL: Spoken like a true contractor.

AHMED NUR: I rest my case.

JAMES BATCHELOR: I'm staying out of this. I rest my case silently.

AHMED NUR: Hugh said that.

H. THEODORE COHEN: Catherine.

CATHERINE PRESTON CONNOLLY: So being neither an architect nor a contractor, let me summarize what I think I understand the consensus being here which I think I'm hearing that on this first one, right, we are going to wrap the glazing around so that it is on both sides but it's further away from the facing unit, right?

And then there's maybe some privacy treatment, so there will be less glass but

there will be some glass on both sides of that, is that -- that's what I'm hearing?

TOM SIENIEWICZ: Yeah.

CATHERINE PRESTON CONNOLLY: Okay.

STEVEN COHEN: When you say wrapping.

DAVID HALL: You said wrap. So it won't be a corner glass.

STEVEN COHEN: Yes, correct.

CATHERINE PRESTON CONNOLLY: Okay.

JAMES BATCHELOR: Your intent is correct. The window would be narrower than the blue, the dark blue, and it would be -- but it would be a window.

CATHERINE PRESTON CONNOLLY: Okay.

JAMES BATCHELOR: Looking in that direction it would be about as far from the corner as it is because you need that before you pile up all the stuff that's inside

there.

CATHERINE PRESTON CONNOLLY: Okay.

H. THEODORE COHEN: And that would be true on the first two floors, too?

JAMES BATCHELOR: First two floors he's got to move a column.

DAVID HALL: It's a column issue there.

CATHERINE PRESTON CONNOLLY: So on the first floor there may be a special challenge with getting some glazing there?

JAMES BATCHELOR: Because of the --

CATHERINE PRESTON CONNOLLY: Okay. And then on the one that faces the garage, so this one, what I think I hear is that everybody understands why these need to go away, but we'd like --

LOUIS J. BACCI, JR.: Something.

CATHERINE PRESTON CONNOLLY:

Something.

And whether it's faux windows or something else that gives some life to this and brings some attention to the street and doesn't make you feel like you're walking in an office park after dark, that's kind of -- am I --

AHMED NUR: Yeah.

CATHERINE PRESTON CONNOLLY: Okay, good. Then I did follow all of this.

H. THEODORE COHEN: I have some questions for anybody about the faux windows which I really find extremely unattractive in most instances. And the one that drives me the most crazy is on the side of Harvard's Wasserstein Building, the law school, on the Everett Street side there, what looks like there were windows that matched rest of the building once upon a time and then they just

filled it in with masonry. And every time I walk by it I say why in the world did they do that?

So I would be very unhappy if we ended up with something that had that feel to it.

Now, if you want to tell me that there are faux windows that really look like a window and, you know, maybe that's okay. But if we're talking about the first type of faux window, then I would not be happy to see that and would rather see something else on the side. And I don't know what that something else is, but you know, especially -- well, this is -- I'm trying to -- is this going to be visible from Route 2?

DAVID HALL: No.

H. THEODORE COHEN: No.

It's behind the other buildings that are on Route 2?

HUGH RUSSELL: It's on CambridgePark Drive.

DAVID HALL: It's on CambridgePark Drive. It's not even visible from CambridgePark Drive.

JAMES BATCHELOR: CambridgePark Drive is here and this road it's parallel, closer to the railroad tracks.

H. THEODORE COHEN: Closer to the railroad tracks. So the only people who would be seeing this would be people who are actually on CambridgePark Drive.

HUGH RUSSELL: I mean, people are on this new --

DAVID HALL: The new street.

HUGH RUSSELL: -- the new street that's perhaps a more pedestrian than vehicle street based on the --

DAVID HALL: It would be office

workers on 150 CambridgePark Drive would see it out their windows, and anyone frequenting new street and our own residents, this building and our first building. But no one from CambridgePark Drive can see this; is that right, Jim?

JAMES BATCHELOR: You can't see this from CambridgePark Drive, no.

H. THEODORE COHEN: And you can't see it from Route 2?

JAMES BATCHELOR: You can't see this from Route 2.

THACHER TIFFANY: I'm sorry. I thought I was oriented and then I realized that now I'm not.

JAMES BATCHELOR: Totally fair.

THACHER TIFFANY: So is this road parallel to the Fitchburg cutoff path? Is this the -- kind of --

JAMES BATCHELOR: This garage -- on the other side of this garage is a railroad tracks, if that's making sense to you. Yes.

DAVID HALL: So the new street is effectively parallel to the railroad tracks.

JAMES BATCHELOR: I can show you on this. Here are the railroad tracks. This building here is on the left, you can't see it.

THACHER TIFFANY: Yes.

JAMES BATCHELOR: So the road goes between that office building and the parking garage which is being built.

THACHER TIFFANY: Oh, okay.

Well, now I know where it is. Thanks.

JAMES BATCHELOR: I'm happy to come by with another iPhone.

STEVEN COHEN: Is the Board not interested in considering the possibility of

going through the Building Code Appeals or is the headlight issue --

HUGH RUSSELL: I think that's a -- that's a serious issue and it's because of the way in which the ramp inter-reacts with everything.

LOUIS J. BACCI, JR.: Does it necessarily have to be a window? Can it just be some kind of dormant architectural feature of some sort?

DAVID HALL: That's what I'm thinking.

JAMES BATCHELOR: I think that what was being suggested is maybe there's something that is dimensionally similar to a window or less or something that establishes some verticality from above where the door is. I think people can see the door that's on the ground floor and something that

creates in this area here, verticality by a different panel treatment, for example. That seems like it would be straightforward and people would not confuse it with something that was a window, but it would provide some visual relief.

H. THEODORE COHEN: I just want to be clear that this is where we're talking about the window, the one window --

DAVID HALL: Yes, sir.

H. THEODORE COHEN: -- and one over here?

JAMES BATCHELOR: Yes, that is correct.

STEVEN COHEN: Maybe something that picks up the red verticals on the other face?

JAMES BATCHELOR: Yeah, there are some details in the bay window that we might be able to say and kind of the side of the

bay window. I think there's some things like that that could give it some architectural delineation, some scale without raising the issues that the glass main raises.

STEVEN COHEN: Some sort of visual fig leaf.

LOUIS J. BACCI, JR.: I like that.

HUGH RUSSELL: Is this the garage that we looked at various banners?

H. THEODORE COHEN: Yes, it had the sails on it at one time which the masts. I was just looking at that.

DAVID HALL: We didn't have those. Those were changed. We came back before you to change those.

HUGH RUSSELL: And so this is the final?

JAMES BATCHELOR: This is the garage.

AHMED NUR: There was another one we looked at for banners, the one on Route 2 that you can see.

HUGH RUSSELL: Maybe you take that tree there and turn it into a sequoia fairly quickly. Because that would be --

JAMES BATCHELOR: Select a vertical tree.

HUGH RUSSELL: A vertical tree and that will --

JAMES BATCHELOR: That will help.

HUGH RUSSELL: -- that will almost do the job.

H. THEODORE COHEN: Ivy.

STEVEN COHEN: Trellis and ivy. We'll leave it to the architect.

H. THEODORE COHEN: So I think we've stated our intent and now the question is do we want to see the next design iteration or

do we leave it up to Suzannah and the rest of the staff?

TOM SIENIEWICZ: I think, at least this Board Member feels like we've beaten this one to death. We've given a lot of guidance to staff and they're professional. I trust them. I trust this architect and this owner, and I think that they can take these discussions offline. I don't -- I don't feel like this Planning Board Member needs to look at this again.

DAVID HALL: And if I could, everything I've heard sounds reasonable. We'll get that.

H. THEODORE COHEN: Why don't we leave it that way. We'll leave it up to staff. And if staff has a major issue with anything or a question, then they can bring it back to us again as they brought this to

us.

STEVEN COHEN: Yes.

DAVID HALL: Great. Thank you, Mr. Chairman.

H. THEODORE COHEN: Thank you.

I think we concluded what's on our agenda.

I was going to ask Liza if she had any comments to update us on any buildings that are happening in the city right now?

LIZA PADEN: Sure. Well, we're very busy here at the City of Cambridge. Let's see, does anybody have any questions first of all? Maybe start from there.

Any of the buildings? About any of the buildings that you've looked at in the past.

At this point the Smith Residential up at North Point, that third building for the 340 units is coming in for some design

review. So it looks like they actually might go into construction soon.

Discovery Park has their Building Permit for the hotel, and they're looking to do design review for building 400, 500, and the parking garage. We're waiting to hear from them exactly what is going to go on the side of their garage, among other things.

Some people may be familiar with the Tokyo Restaurant site along Fresh Pond Parkway. There was originally a proposal for residential, approximately 20 units of housing, which has fallen off the drawing board and now the man who operates the car repair place next-door is proposing to expand into the existing restaurant structure. It's actually, there's nothing that would trigger a Planning Board Special Permit for it as far as we can see.

JEFF ROBERTS: That's the BZA.

LIZA PADEN: It's Special Permit for the Board of Zoning Appeal for the use.

HUGH RUSSELL: And this is the guy that can't seem to read or follow conditions?

LIZA PADEN: Yes. I've had a number of conversations with him.

LOUIS J. BACCI, JR.: Whatever happened to the hotel on Mass. Ave. across from Dunkin' Donuts? Is that gone?

H. THEODORE COHEN: Porter Square.

LIZA PADEN: The Porter Square Hotel.

LOUIS J. BACCI, JR.: I understand there were issues that we never got to see.

LIZA PADEN: So the Porter Square Hotel, they are -- it's under construction. We have one more review of the materials for the exterior to look at. They have been in

discussion with the North Cambridge Stabilization Committee as well as abutters about the open space which is between the hotel and the neighbors behind it, but they're moving along on that project. It's, it's got the phase of the materials being put on it before they put the final siding on.

THACHER TIFFANY: And at one point they submitted to switch to a silver cladding but then they just withdrew it, right?

LIZA PADEN: Yes.

THACHER TIFFANY: It's like a brick.

LOUIS J. BACCI, JR.: And that outside cafe area, that looks like a bunker?

LIZA PADEN: I think when it gets finished off, it will be less than a bunker.

LOUIS J. BACCI, JR.: The original looked okay.

LIZA PADEN: Yes, we had them take

out -- it had a brick courtyard. We had the area taken out so that it would stay more -- it wouldn't look so much like a bunker.

We are expecting approximately six Special Permits to come to the Planning Board in the near future. They're not submitted yet, but they're coming.

EF International has a third building coming. They're at this stage.

So this building would be on the other side of North Boulevard on state property, so there's -- that's a process that's going on. So -- but it's coming. They're very motivated to come with that one.

249 Third Street is approximately 80, 84 units of housing, and this is next to the Foundry Building on Third Street. And that's across from the open space.

Normandy Twining, now that the Zoning's

been enacted, will be coming with a Planning Board Special Permit for that.

MIT Kendall Square, they'll have a PUD. The pre-application will be the walking tour.

2551 Mass. Ave., this will be five dwelling units in the Mass. North Ave. Overlay District. They're going to look for some relief for the setback requirements. And this is a building that's going to be complicated in that it's a corner lot, it's currently where there's a LaPlante dry cleaning. It used to be Hayes Oil Company more recently and it's a corner lot on Richard Avenue. It's not very deep. It's wide on Mass. Ave. and shallow on Richard Avenue. So getting the parking on to the site and accessible without using Mass. Ave. is complicated.

STEVEN COHEN: Why is that one a

Planning Board?

LIZA PADEN: Because they want relief on the North Mass. Ave. Overlay District standard. So it's --

STEVEN COHEN: The Overlay District?

LIZA PADEN: Yes.

607 Concord Avenue, part two of the 603 Concord Avenue is coming. They've told me they'll be here.

I've lost track of how many units they're proposing and they are in discussion now with Traffic and Parking about how much of the traffic study has to be revised since they did it so long ago.

And --

HUGH RUSSELL: If I can interrupt. The New Street construction is planned but the building is still held up? Or is it -- do they have a new permit now?

LIZA PADEN: I haven't looked at a Building Permit, no.

HUGH RUSSELL: Okay. But they -- they are -- there's no court case on that.

LIZA PADEN: No.

HUGH RUSSELL: Because there's no abutter to deal with.

LIZA PADEN: Yes. It wasn't appealed. The decision wasn't appealed.

And then further on Fawcett Street, I don't know how many people are familiar Fawcett Street goes off of Concord Avenue, it makes a left turn, and there's somebody proposing to build approximately 30 units of housing on a very oddly shaped lot. They're still looking at the design. So those are things that are coming.

The decisions that are outstanding is the First Street Assemblage. The office

addition to the J.F.K. Street and Harvard Square. 305 Webster Avenue will be here next week. Ames Street housing is in to have their Building Permit reviewed so they're moving along on that as is 75 J.F.K. Street which is the Kennedy School of Government. 88 CambridgePark Drive, which is closer to the bridge than this project you looked at tonight. Again, they will -- they're still drawing things.

Let's see.

H. THEODORE COHEN: Saint James Street.

LIZA PADEN: Saint James there's still more litigation. That's still --

H. THEODORE COHEN: Do you know what the litigation is about?

LIZA PADEN: This one -- my understanding is the most recent one is

appealing the decision of the Mass. Historical Commission on granting the approval of the work that's proposed to do.

THACHER TIFFANY: And what's Saint James for those of us --

LIZA PADEN: Saint James is at the corner of Beech Street up on Mass. Ave. where the old car wash used to be. It's outside of Porter Square towards Arlington.

THACHER TIFFANY: Okay, on the right?

LIZA PADEN: Yes. And the Saint James church is on the corner.

THACHER TIFFANY: Oh, Beech Street, right.

LIZA PADEN: And next store was the car wash. The point was to take down the car wash and use the site to put in some residential use with ground floor retail, and

part of the new construction would include a new parish hall for the church. And it was a very -- the plans I think are still on-line if you wanted to look at them.

H. THEODORE COHEN: I don't think we were ever sued on that because all the litigation has been about the Historical Commission's --

HUGH RUSSELL: I think we were.

LIZA PADEN: I think you were. Yes, I think you were.

HUGH RUSSELL: That is before you were on the Board.

LIZA PADEN: I think you were.

AHMED NUR: I was there.

H. THEODORE COHEN: I was here.

LIZA PADEN: Speaking of litigation. 34-36 Hampshire Street, which was the 20 units of housing down on Kendall Square is

still -- there's an appeal at some point. There's an appeal on the appeal and this has to do with HJ Davis's building. They don't want a building next to the windows of their office because they were on the property line.

LOUIS J. BACCI, JR.: Windows on the property line?

AHMED NUR: Is that next to Emma's Pizza?

LIZA PADEN: Yes.

AHMED NUR: The car dealer person. The guy that came down here and never came back again?

LIZA PADEN: Yes.

HUGH RUSSELL: He's very elegant.

AHMED NUR: He's so close to the other building, I don't know how --

LIZA PADEN: And then Alexandria is

doing a whole bunch of stuff: 270 Third Street for residential is plugging along. They're in construction. 75-125 Binney Street has a temporary Certificate of Occupancy, and they're getting ready to do a final review for them. 120 Binney Street is in for a building review. 50 Binney Street is in for construction, and 161 First Street, which is the existing building with some residential in-fill behind it. They're looking at that next so....

AHMED NUR: I heard -- I got an e-mail quickly about the decision about the court.

LIZA PADEN: Right, about the courthouse.

THACHER TIFFANY: So is that like on its way now or is that --

LOUIS J. BACCI, JR.: It took a

step.

LIZA PADEN: Yes, it took a step.

HUGH RUSSELL: It --

LIZA PADEN: It took a step.

H. THEODORE COHEN: The two projects on Mass. Ave. and the one across from Lesley. Neither of them came to us because I gather they're as of right?

LIZA PADEN: Right.

H. THEODORE COHEN: What are they going to be?

LIZA PADEN: So the Gourmet Express is approximately 20 units of housing above ground floor retail. This was a project that had a large project review, a development consultation. Peter Wasserman was the developer and he's since sold the permit to the same man who is building the Porter Square Hotel as well as the Beacon Street

Hotel as well as the Bob Slade's building. So he's building all of the -- I'm sorry, I take that back. Not the Bob Slade's building. And during the demolition of --

HUGH RUSSELL: A glutton for punishment.

LIZA PADEN: Pardon?

HUGH RUSSELL: He's a glutton for punishment.

LIZA PADEN: Yeah.

So during the demolition of the Gourmet Express, which left a large hole in the lot, it then became a dumping ground for construction materials until finally Inspectional Services went in and said, you know, you have to clean-up the site and you have to secure it. And there's a lot of discussion back and forth, and he had said to the North Cambridge Stabilization Committee

that that will be the next site he develops when he's done with the hotel.

JOHN HAWKINSON: Is that Young Lee?

H. THEODORE COHEN: And the hotel, that's Somerville?

LIZA PADEN: No. He's building the hotel at Porter Square Hotel. Kaya Kai.

CATHERINE PRESTON CONNOLLY: You said Beacon Street?

LIZA PADEN: The Beacon Street is also on his list of things that he's developing but that's being held up. I don't know exactly if it's some environmental issue that may or may not be there. He hasn't said anything to us.

AHMED NUR: What about that Friedman thing over on Mount Auburn Street? Is that finally coming to occupancy?

STEVEN COHEN: The office building?

LIZA PADEN: Oh, oh, yes.

So that, that building, the office building on top of or beside the transformer and then across the bus way is the conductor's building. So the office building is almost finished. Harvard's going to use the building. Dental services for Harvard University employees will be on the top floor, and they will then use the ground floor temporarily as a construction office while they do the conductor's building renovation.

TOM SIENIEWICZ: And what's the program of the conductor's building?

LIZA PADEN: Well, it's retail as much as possible.

H. THEODORE COHEN: And it's going to be retail ultimately in the bottom of the first building?

LIZA PADEN: That's what they plan to do, yeah.

AHMED NUR: And the busses will still cut through?

LIZA PADEN: Yes.

AHMED NUR: Oh, boy.

H. THEODORE COHEN: And Norris Street is occupied?

LIZA PADEN: Norris Street is occupied. There's still some ongoing issues with the parking. What happens, when neighbors feel like the occupants of the Norris Street are on the street rather than in the parking lot, they contact Traffic and Parking who then has a conversation with Doctor Rizkallah.

H. THEODORE COHEN: The front actually looks perfectly fine.

LIZA PADEN: I way was very

heartened to see the way the front happened with those cooling towers. And I think it will only get better as the landscaping fills in.

AHMED NUR: Two other places that are on my mind. The Harvard Square Cinema is now closed.

LIZA PADEN: Yes.

AHMED NUR: What's going on in that space?

LIZA PADEN: Nothing is proposed yet. Mr. Chan has purchased the building but there are no plans underway that I've heard of.

STEVEN COHEN: Liza, do we have any schedule for the rest of the summer, July and August?

LIZA PADEN: Do we have any what?

STEVEN COHEN: Do we have a

schedule?

LIZA PADEN: Yes, we have a recap meeting of the Planning Board meeting tomorrow night, tomorrow afternoon. After that's done, I'm sending out the schedule for the rest of the June -- well, the rest of May, June, July, and August. And we -- unfortunately, Steve, the time that worked the best for most people for the walking tour was on June 9th. And I know it doesn't work for you and Ahmed but it works for everybody else.

AHMED NUR: Is that a Sunday?

LIZA PADEN: That's a Tuesday night. It's a Tuesday night one. June 9th. So we will get you the materials and see what we can do about filling you in.

AHMED NUR: I might be able to make it. I'll see.

JOHN HAWKINSON: MIT's renderings are available on their website. They're sort of different.

LIZA PADEN: So -- and if there's any other suits, just e-mail me and I'll mention --

CATHERINE PRESTON CONNOLLY: You mentioned the Bob Slade building?

LIZA PADEN: Yes.

CATHERINE PRESTON CONNOLLY: What's going on there?

LIZA PADEN: So Bob Slade buildings is 19 units on that side itself with a single-family home on Allen Street. And the garage access is off of Allen Street. And, again, we'll have ground floor retail at grade.

STEVEN COHEN: It's a hole in the ground now?

CATHERINE PRESTON CONNOLLY: Yes.

JEFF ROBERTS: Also Fawcett Oil is chugging along.

LIZA PADEN: Pardon?

JEFF ROBERTS: Fawcett Oil.

LIZA PADEN: Fawcett Oil is chugging along.

AHMED NUR: Can you update us on the Volpe Center going to the Council?

HUGH RUSSELL: It's coming back to us, right?

AHMED NUR: It's coming here?

JEFF ROBERTS: I can do that one. So the Planning Board -- so we're drafting the Planning Board petition to send to the Council. We're expecting it will appear on the June 1st agenda, and that's pretty much a pro forma accepting the petition and referring it to public hearings. So we'll

then be scheduling a public hearing in Planning Board and the Ordinance Committee will also be scheduling a public hearing. And once that gets established, we'll put that on the calendar.

AHMED NUR: First it will come here and then it will go there?

JEFF ROBERTS: Well, it works sort of in parallel. When it's referred, it goes both to the Planning Board and the Ordinance Committee, and those hearings run kind of in parallel. And then the reports are sent back from each of those bodies to the City Council.

AHMED NUR: And the Advisory Committee, those guys were awarded, been chosen to have this, right? There was some sort of, what was that company?

JOHN HAWKINSON: Connect Kendall.

JEFF ROBERTS: You're referring to Connect Kendall Square. I'll update on Connect Kendall Square also.

So Richard Burck Associates was announced the winner. I don't know if that was announced, maybe it was.

AHMED NUR: Yes.

JEFF ROBERTS: And they're in the process of working with staff and the ECOS Advisory Committee which will have a meeting sometime in June. I think maybe June 3rd.

JOHN HAWKINSON: Correct.

JEFF ROBERTS: Yes.

That will be a public meeting, and they'll be -- they've been gathering feedback on their, on their plan, looking at refining that, incorporating ideas from some of the other plans that will be gathered, and they'll be preparing a final plan to submit

to the City which will be kind of the central guiding document for the future open space initiatives that will occur which will primarily be the design of the new city controlled open spaces along Binney Street that were graded through Alexandria and other processes. It will also inform design review of other development sites including the Volpe site once that gets, assuming that gets through the Zoning process. And over time once the developer is selected, will come back to the Planning Board for the PUD review process. So there's still, still a long way to go on those.

H. THEODORE COHEN: The City Council roundtable on June 8th, are they expecting us to be there?

JEFF ROBERTS: I wish I could tell you more about that. Maybe we'll save that

for next week and maybe Iram will give you more guidance on what's expected.

H. THEODORE COHEN: Okay.

STEVEN COHEN: Ted, would anybody like to have any sort of follow-up discussion on the affordable housing subject?

H. THEODORE COHEN: I think we should have it at some time. It's not on the agenda for this evening.

STEVEN COHEN: I'm not suggesting --

JEFF ROBERTS: I will add an update, though, on that -- on the topic I will add an update.

So the Housing Committee of the City Council forwarded a recommendation which was accepted by the City Council last night to amend the Incentive Zoning Ordinance which deals with the housing contribution payments for new commercial development. And so that

is gone as a, as an order and will be preparing zoning, a zoning petition text sent back to the City Council. So that will be another zoning petition that will come to the Planning Board for review fairly soon. I'd say June or early July.

THACHER TIFFANY: And that impacts the whole city?

JEFF ROBERTS: Yes.

JOHN HAWKINSON: That's $12 initially and then up by a dollar a year.

JEFF ROBERTS: Right. So to increase the fees and to increase the payment rate and to increase the number and the projects that would qualify for that payment. So we'll be discussing that in detail at the hearing.

H. THEODORE COHEN: Okay.

Anyone have anything else to add?

(No Response.)

H. THEODORE COHEN: It's 8:30. We're adjourned.

(Whereupon, at 8:30 p.m., the Planning Board Adjourned.)

* * * * *

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