

PLANNING BOARD  
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, May 26, 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, Member

Iram Farooq, Acting Assistant City Manager

**Community Development Staff:**

Liza Paden  
Jeff Roberts  
Suzannah Bigolin

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#### **PUBLIC HEARING**

PB#295, 305 Webster Avenue, (continued) Special Permit for 35 dwelling units and ground-floor retail or office space. The applicant, M&H Realty Trust, c/o Sean Hope, Esq., is requesting a Special Permit pursuant to Section 5.28.2 Adaptive Reuse to convert an existing industrial building with conforming additions to mixed use with multifamily dwellings. There is also a request for a Project Review Special Permit Section 19.20 as the proposal exceeds the 20,000 square foot threshold in the Business A Zoning District.	10
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H. THEODORE COHEN: Good evening everyone. Welcome to the May 26th meeting of the Planning Board. We have basically two items on the agenda this evening: A public hearing, a continuation public hearing on Planning Board No. 295 concerning 305 Webster Avenue. And under General Business we'll start the preliminary discussion amongst ourselves regarding potential changes to our Planning Board rules and guidelines for community engagement.

Do we have an update?

IRAM FAROOQ: We do, thank you, Mr. Chair.

One of the things we'll be doing hopefully is getting a new podium for the Board which will be easier to move up and

down.

But coming attractions at the Planning Board, June 2nd will be a hearing on the Zoning petition for car sharing. And then the next public hearing we have is on June 30th, tentatively for the Volpe rezoning petition which will be going up to the City Council for their agenda this coming Monday. So, tentatively we would be scheduling that for the 30th because there are referrals happen -- but in terms of nonpublic hearing items on your June -- on June 9th -- well, on June 8th will be a roundtable with the City Council on the citywide planning work, and that is at 5:30 in the Sullivan Chamber.

And then on June 9th at your regular, instead of your regular meeting, there will be a walking tour of the MIT area, and that starts at 6:30. And this will be because

MIT -- if you recall, we passed the zoning petition, the MIT PUD project is looking to come to the Board soon, and so that is a walking tour scheduled to just take a look at the site and get some understanding of what's planned.

LOUIS J. BACCI, JR.: When are we meeting?

LIZA PADEN: I'll send out notices, but it will be at 238 Main Street which is the clock building.

LOUIS J. BACCI, JR.: We just moved.

IRAM FAROOQ: And then things that are of interest happening at City Council, June 2nd, next week, the Health and Environment Committee will have a hearing on urban agriculture, and there is likely to be a Zoning component to that eventually, but right now it's very much a topic under

discussion.

June 9th the Health and Environment Committee will hold a discussion on the getting to NetZero framework. That will be -- both of those are at three p.m. in the Sullivan Chamber.

And then the one other item I wanted to mention is that we are in our final stages for budget adoption by the City Council, and so there are a few items that will be of interest to the Planning Board in our budget for the coming year related to some of the Planning Board process discussions. We've actually requested money for urban design consult assistants, development economic consulting assistants, as well as a consultant to look at the Special Permit criteria that the Planning Board wanted us to reevaluate.

And truly we will be getting another podium in the -- over the summer and early fall we will be looking to upgrade this room a little bit and get a camera so that the Planning Board meetings can be televised. I don't have exact dates just yet, but I wanted to give you a head's up that that will be coming later this year.

Thank you.

H. THEODORE COHEN: Thank you. I take it the City Council has no line item to increase or decrease our salaries?

IRAM FAROOQ: Not this year.

TOM SIENIEWICZ: A question through you, Mr. Chair?

H. THEODORE COHEN: Sure.

TOM SIENIEWICZ: Whether, I mean you're doing an amazing job as an interim director. Is there any story about who might

be replacing our dear friend Brian or what the process is or where we are?

IRAM FAROOQ: Nothing at the moment on who will be the replacement, but the job has been advertised as of last week, and I don't have the exact deadline for application, but it's roughly a month. So late June is when the applications are due. And then we'll be going through the standard interview process before anybody gets picked. So I expect that's somewhere between two to three months out at minimum.

JOHN HAWKINSON: June 24th is the closing date.

IRAM FAROOQ: Thank you, John.

H. THEODORE COHEN: Thank you.

Are there any transcripts?

LIZA PADEN: We have one transcript that came in for April 21st and it's been

certified.

H. THEODORE COHEN: Okay.

Do we have a motion to accept that transcript?

STEVEN COHEN: So moved.

H. THEODORE COHEN: Second?

HUGH RUSSELL: (Raising hand.)

H. THEODORE COHEN: All those in favor?

(Show of hands).

H. THEODORE COHEN: So we will now move on to the continuation of the public hearing, Planning Board No. 295, 305 Webster Avenue Special Permit for 35 dwelling units for ground floor retail office space. I note that Mr. Sieniewicz was not present at the previous session of the hearing and so he will not be voting on the matter, but however he will be participating in the ongoing

discussion as is our custom.

Someone who is making the presentation?

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman, Members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. This is a second hearing, a follow up to our hearing on March 31st.

At the hearing there were questions from the members as well as from the Chair suggesting design improvements for the facade as well as some functional improvements on the Columbia Street entrance side. We submitted, with the revised plans, a list of the design changes. Melissa Toops from Khalsa Design is going to walk us through the design changes.

I would like to talk about the changes to the entry. The proponent, who is the

manager of 1035 Cambridge Street, which is an office condominium, adjacent to the Columbia Street side of the properties, there's a series of office condos and also a large parking area. And in the memo, the detailed memo that we sent to the Planning Board, there was a suggestion to move the entrance to the north. And the rationale was that the cars that are exiting his property were turning down Columbia Street heading towards Cambridge Street, and by having our entry directly opposite that exit, there was concern about keeping Columbia Street as a two-way egress. Now, part of the issue, and Mr. Stuart Dash brought the parties together, and we had a fruitful discussion, was that Columbia Street is a two way. And it also has potential parking on both sides. And the street is 45 feet wide. And when we looked

at it closely, we did understand Mr. Grill's concern that if you have parking on both sides of the street, you wouldn't be able to have two ways, especially coming from Columbia Street down towards Cambridge Street. The current condition is actually that there is no parking on the Columbia Street side of our building. This is by efforts by Mr. Grill over time with Traffic and Parking to eliminate parking. The concern, which we didn't fully understand at the hearing, but we understood afterwards, is that if we have an entrance where we had it located that this could be a place where even though there's no parking, people or residents would drop off other residents, maybe U.P.S. trucks would be there, and so if you had a car stationed in that location, we would have this issue of two-way traffic.

In our proposal we actually moved the location approximately 23 feet to the south, and this wasn't what the proponent had -- what Mr. Grill had asked for. Part of the reason why we couldn't shift the entrance to the north was because one of the, one of the impacts would be that we would actually lose potentially one of the three-bedroom units. In our three months of or several months of neighborhood outreach one of the requests from the neighborhood was to implement three-bedroom units. So we actually looked at other alternatives and I'd just like to talk about four.

So one of those was we relocated the entrance to the south. What that did, even though it didn't eliminate any issues of two-way traffic, it allowed us to maintain the three-bedroom units. But we did talk

about signage on the Columbia Street side so that U.P.S. trucks would be oriented to use the Webster Ave. side and not the Columbia Street side.

Another functional thing that we did was we actually had the Columbia Street exit to be key card only. With an idea that if you have a U.P.S. driver who decided to use Columbia Street because it's less traffic than Webster, he would go for the first time try to deliver a package, realize he couldn't actually access the vestibule and would be forced to go around to the second entrance. And we thought the sign would be important to create a pattern for delivery drivers that we felt was one of the people that wouldn't obey the no parking sign.

We do understand that the residents will actually use the entrance that's most

applicable to the area that they want to go into the building, but we thought that by having that signage on the building as well as keeping the exterior vestibule be key card only, that would encourage and hopefully promote in the future delivery drivers to use the Webster Street side.

One of the challenges, and there was an idea of which was going to be the primary entrance, one of the challenges, on the Webster Street side, the Webster Street entrance is directly opposite a can recycling, and we were thinking eventually that's going to be different uses along Webster Ave. but right now it's not. And so we're planning for now. And so we felt that if we were going to make Columbia Street only the rear exit, it would affect our marketability and also just the quality of

life. Can recycling is an industrial use, it's not very pleasant. It's something that's compatible what we're doing, but we wanted to have the residents to be able to have their choice of which access to use.

So functionally we've changed the access specifically for U.P.S. drivers or any type of delivery, and also for residents. And, you know, residents dropping off friends. As I said, there's no parking along that stretch. But I think over time if only residents can use key cards it's going to keep random people from using that entrance.

The other thing, also there's a series of parking on both sides on the -- let's call it the 1035 Columbia Street side that really isn't regulated. There's a mix of metered parking and then just open parking. And so what we agreed in the meeting was to work

with Traffic and Parking to try to figure out what's the best way to utilize some of that area. And it's still challenging to turn backwards. If you see those two cars on the right-hand side, those are parking space that is if we worked with Traffic and Parking, those might end up being a loading zone, metered parking. Mr. Grill, we had some ideas -- we recognize we can't control what Traffic and Parking's going to do on that side of the street. But we think as a package we could come up with ideas to really mitigate which would be an illegal condition. There's already no parking on our side of the bidding on Columbia Street, but the concern is that people will ignore that and park where they want to park to cause this condition. So moving into the south was a way to keep the integrity of the building to

keep the three-bedroom units. It does create a challenging two-bedroom unit. And I think Melissa's going to walk through how we're going to make that work. And then the design changes to be walked through as well.

MELISSA TOOPS: Good evening. My name is Melissa Toops, Ivaloo Street, Somerville, Khalsa Design. I'm just going to walk through real quick some of the changes from the last hearing.

Here you can see the first floor plan. Underlaid is the civil site plan. Pardon one second.

This is the entrance that Mr. Hope was recently discussing. We -- the previous location of the entrance is right where my pointer is right now. We have moved it south to its current location. The two-bedroom unit that we were just discussing, creates

this uniquely shaped unit. The intent of this unit is now with additional space, it will be utilized with the study, a working study, and be able to have a slightly separate space from the two-bedroom unit.

Here's an elevation of the Webster Street facade. From the last hearing we investigated different opportunities to mimic the same language that was happening on the Columbia Street side in regards to the bays and the undulation of the facade.

Here is a rendering of that same elevation. From this rendering you can see that we've made several changes. We have addressed the color of the clapboards to be more complementary to the existing brick color. We've also adjusted the metal panels. It was originally a diamond-shaped pattern and it is now proposed to be a

rectangular-shaped pattern. We've also adjusted the trim work to be more complementary to the existing building.

Here is the Columbia Street facade elevation. In this elevation we addressed the existing concrete block on the first floor. Originally it was clad in metal panels. Through development we've decided to clad the existing concrete block in a stucco finish. Something that's a little bit more complementary to the existing building, so it's very clear in its language from existing to new.

And here's a rendering of that angle as well. We've been working with the staff to create some pleasing lines and try to maintain the language of the existing building as best we could.

And here's the streetscape elevation,

again, showing the revised fabric of the building. The undulations of the bays up at the top corner. Right here. We've got our new clapboard color that's now complementary to the existing brick, and we have our new shaped metal panel located there.

Thank you.

And I'll only add that the color, as you probably recognize, does not come through as clear because of the projector, but I think you want to look at the change in the color. It's better to look at the color in the packet than it is on the screen.

Any questions?

H. THEODORE COHEN: So we've reviewed -- sorry, we've received a memo from staff talking about the changes. Is there anything staff wants to comment on further at this point?

Suzannah.

SUZANNAH BIGOLIN: Thank you.

So we've been working with the applicant to revise the design following the Planning Board's initial comments and mostly looking at the Webster Avenue facade and giving that the same architectural treatment as the Columbia Street. So we feel that the notch, though, has really added to the streetscape and has helped to enhance the character along the street providing that vertical rhythm, more interest in breaking that cornice line as well.

The refinements of the material helped also to create more of an emphasis on the existing historic fabric, and that complementary sort of color of the blue/grey actually accentuates the fabric and we're happy with the attention to the masonry

detailing and the stucco as well.

In ongoing review we would like to sort of continue to focus on the materials and the details, and also looking at authentic window patterns and masonry restoration to the existing buildings. As well as look further of the relocated entry in terms of the impacts on that two-bedroom apartment.

I can answer any questions.

AHMED NUR: In terms of the entrance offset coordinating with the abutter across, have you heard anything from Traffic? Are you working with that at all as staff?

SUZANNAH BIGOLIN: We haven't, no.

AHMED NUR: No?

JEFF ROBERTS: This is a -- I can comment on that. This project is not -- did a prior traffic impact study, but as part of the review in the Building Permit phase for

any project that Traffic and Parking will look at the operation of access and egress and make sure that it's being handled in a safe way, and any minor changes that need to be made at that point can be made. Any changes to the operation of the street, whether it's parking, loading, what the restrictions and regulations are for the street, those can be addressed at that point as well.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: Is the siding Hardie pre-painted siding?

MELISSA TOOPS: So, typically it does come in a pre-painted, pre-finished color, however, to achieve this particular color, we would have to likely finish it after the fact. However, we could probably have a discussion with Hardie and see if we

could find some matches for some pre-finished colors.

HUGH RUSSELL: Okay. There's a very grey/blues and there's a very dark grey and those are the choices in that range. And it looks like your intention is to go somewhere in between.

MELISSA TOOPS: Correct, our intention was to literally be complementary color to the brick color. We literally pulled out the complementary wheel for the color and that's our intent.

HUGH RUSSELL: Okay, if you want to see a whole building of the blue/grey, you go down to Weymouth, there's a -- I did a three-building complex and two of the buildings are in that blue/grey color. It's very nice.

H. THEODORE COHEN: Anyone else have

any comments?

TOM SIENIEWICZ: Yes.

Although I wasn't at the last hearing, I did prepare the case and there was a great detailed memo from a group that I didn't know existed before, the Cambridge Tree Committee, which asked for or inquired about details for planting of the trees. And also as I understand it, some details of the landscaping. I was wondering whether that advice had been followed through on, where are we on that? Is the staff properly advocating for that particular committee that we have here in the City that works hard on the landscape in the public realm?

SUZANNAH BIGOLIN: We actually discussed that at a previous hearing, so a lot of the comment was focussed on the landscaping. And I think the main outcome

was whether or not the street trees would be accommodated which we have confirmed. So I don't know if there was any other outstanding comments from the planting committee.

HUGH RUSSELL: Well, their recommendation was a much extended tree paths and I -- the rendering doesn't show that.

TOM SIENIEWICZ: It doesn't show that.

LOUIS J. BACCI, JR.: Right.

SUZANNAH BIGOLIN: I'm not sure if it's a DPW requirement.

Jeff?

JEFF ROBERTS: Is the comment about the tree wells on the sidewalk or the tree wells on the private portion?

LOUIS J. BACCI, JR.: Both.

TOM SIENIEWICZ: There was concern they brought a particular expertise in their

memo about the scale of proper tree wells so that street trees could actually survive. I mean, it was a really interesting, I think, and well thought out memo that they provided to us. And as I recall, they were on a slightly larger scale than that. I saw in the memo from you that there's a four-foot requirement for sidewalk, and the DPW says a two-foot tree well. I think that's inconsistent with what the planting committee would like to see there in order for a street tree to actually survive.

LOUIS J. BACCI, JR.: Yes. Didn't they want larger tree wells and they were trying to get some extended?

STEVEN COHEN: Maybe connecting.

HUGH RUSSELL: This is the memo.

JOHN HAWKINSON: Continuous.

TOM SIENIEWICZ: I'm going from

memory.

JEFF ROBERTS: I mean, I can just say that I know on the public sidewalk, Department of Public Works spends quite a bit of time and, you know, the Department of Public Works includes a city arborist who works with the tree plantings all across the city as well as the engineering staff that are concerned about having proper sidewalk width, maintaining accessibility. So they have to balance these issues all the time. And we did communicate the Board's comments to Public Works to make sure that we would be able to achieve the -- first of all, we would be able to achieve street trees within adequate width to plant and also provide accessibility, but then also to make sure that we felt like we were providing as much as could be provided without impacting other

citywide standards. So I think on that -- that's just the public realm.

But on the private we certainly would, if the continuing design review, we could continue to look at the landscape plan and try to achieve the, you know, the most we can get as was suggested in the public planting committee's report.

TOM SIENIEWICZ: So the diagram, and Hugh who keeps better records than I, the diagram that they submitted in support of their argument shows dimensions that are consistent at least in terms of my understanding with the city regulations, with accessibility, and sidewalk width. But they're also arguing unlike the rendering that's on the screen in front of us -- not arguing, they're suggesting, that we don't -- that we allow more soil to be exposed if I

understand the diagram directly. I think adjacent to those trees which give them the soil volume which would allow them to survive and thrive.

So I'd like to see if we could follow through on this very thoughtful submission to our Board.

H. THEODORE COHEN: All right, before we go any further, are there any members of the public who wish to speak?

Yes, please come forward. Please state your name and address and generally you have three minutes to speak.

MICHAEL GRILL: I'm Michael Grill, the Chairman of the condo trust that's at 1035 Cambridge Street. I appreciate the Chairman's suggestion at the last meeting that the architect worked with us to come up with a solution for the entrance on Columbia

Street. I appreciate Sean and his team as well as the architect to design an entrance that's slightly different from the previous one. And I also appreciate their willingness to discuss the limited access for that entrance.

Over time I've worked with -- over the last number of years I've worked with Wayne Amaral in the Traffic Parking department to have Columbia Street as a no stopping zone on the Webster Street side or the auto parts side. As you probably all know, Wayne is retired and I have not yet started talking to Jeff Parenti who I understand is the acting engineer in Traffic and Parking, but my hope is that we can, as a team, talk to Traffic and Parking to discuss the various signage that might be necessary to keep two lanes of traffic open on Columbia Street.

So thank you very much.

H. THEODORE COHEN: Mr. Grill, are you basically content with what the proponents for 305 Webster have now done in their ongoing proposals to work with Traffic and Parking to limit any issues on Columbia Street?

MICHAEL GRILL: Yes.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: Fine, then we can continue our discussions.

AHMED NUR: I just had a quick comment.

H. THEODORE COHEN: Ahmed.

AHMED NUR: While we are talking about the exterior of the building, I'm

looking at this rendering at A-306, front page, and if we're talking about trees, it appears that there is a power pole right -- electrical power pole standing right in the middle of that sidewalk where the sidewalk does -- right at the point of Webster and -- right there. And that's a retail area which people would be sitting under those umbrellas. That box up top, if it's the right one from -- it makes sounds. But nevertheless, for the sake of ADA compliance and whatnot, I would request a consideration in replacing that and burying it or moving it out of there totally to somewhere else.

H. THEODORE COHEN: I'm sorry, doing what?

AHMED NUR: Just relocate that.

H. THEODORE COHEN: The pole?

AHMED NUR: Yes, the electrical

pole. It seems to be bending over looking over what is proposed for a public space or retail.

H. THEODORE COHEN: I assume the pole belongs to NSTAR.

CATHERINE PRESTON CONNOLLY:  
Eversource.

LOUIS J. BACCI, JR.: Or the telephone company. Who was there first?

H. THEODORE COHEN: Well, I --

LOUIS J. BACCI, JR.: We actually asked the architect. I asked them, they tried to have it changed. But --

AHMED NUR: That's all I'm asking is to give it a try.

H. THEODORE COHEN: We suggest that you try your best to convince them, but --

AHMED NUR: Or maybe staff can let them know that the change of use is --

H. THEODORE COHEN: Prior to Eversource.

AHMED NUR: All right.

H. THEODORE COHEN: It's difficult if not impossible.

Steve.

STEVEN COHEN: Details aside for the moment, I was wondering -- I was a little bit skeptical to the virtues of saving this facade or characterizing it as historical, but at the end of the day, I must say that I think the whole concept works. I think the change in color and the contrast that now presents complementary but good contrast, works extremely well. Now the changes in the facade, I think are a significant improvement. I hope in fact the restoration of the brick of those existing buildings actually ends up looking as clean and

appealing as I do in the rendering -- of course, nothing looks as good as they do in the rendering, but with that one qualification, I, I was a skeptic initially but I've been brought around. I think it's a good project. I think it's a nice marriage of the old and the new. It's got an interesting sort of industrial feel to it in which is appropriate to the location and, you know, I compliment you on the design.

ATTORNEY SEAN HOPE: Thank you.

H. THEODORE COHEN: Any other comments?

LOUIS J. BACCI, JR.: Yes.

On the Columbia Street facade, the windows that sort of match the, I guess the garage doors, they're right on street level.

Do you have any privacy concerns?

MELISSA TOOPS: You have to forgive

me, this is a slightly older machine.

LOUIS J. BACCI, JR.: We just had to deal with one of those.

MELISSA TOOPS: You're referring to these right here on the Columbia facade?

LOUIS J. BACCI, JR.: Correct.

MELISSA TOOPS: The attempt at the bottom panels is that they will be okay.

LOUIS J. BACCI, JR.: The very bottom, correct?

MELISSA TOOPS: Correct, the very bottom.

As far as the upper windows, right now we're showing them as translucent. The hope is that the bottom panel will raise the -- will raise the height. I want to say it will be roughly two or three feet tall before you actually get to the glazing portion of the windows as far as privacy goes.

LOUIS J. BACCI, JR.: And being street level it's --

MELISSA TOOPS: Right.

I mean, we could look into creating some sort of a privacy texture along that facade. I've looked at those in the past for streetscape buildings.

LOUIS J. BACCI, JR.: For me it's different if it was a commercial, but it's a residential side of the building, so.... It does match up with the entranceway to the garage, but I don't know if that's....

MELISSA TOOPS: So I mean, the intent for the overall sizing and spacing of these were to try to mimic what the use of that side of the building was initially so that's why we opted for a slightly larger opening, because these are -- individual windows mold together, you're not going to

have a large expansive glass that's necessarily going to make you feel a little bit more exposed. Or at least I wouldn't feel more exposed.

H. THEODORE COHEN: Anyone else?

Well, I, too, like the design and I'm pleased to see there are some color other than beige or grey or we see too much of that and I would -- you know, I know that blue can be a difficult color on buildings sometimes. So I would ask that you work closely with staff to come up with a color that really is as successful color.

I also think it has an industrial feel in this neighborhood where you still have auto body shops and other things.

The question I have is there were some discussions about the park in the front, whether that was going to be open to the

public or accessible by the public to cut across it, and now it seems it's completely fenced in. Is that your intent?

MELISSA TOOPS: I mean, I can speak on that a little bit. Right now we are showing it fenced in with a small six-inch curb. The landscape plans show it being gated so that we would have the opportunity to lock it up overnight for security purposes. But for me, I believe the intent of the space was to be able to utilize the use of the commercial space so that they could occupy the green space as well.

Whether or not -- whatever this use ends up becoming, I can't stipulate to what it could be, but I think the intent is that it could be a beneficial space for the community and not just that one commercial space because they'll be utilizing that commercial space

eventually.

H. THEODORE COHEN: Are there intended to be gates on both sides of it or just the one side of Webster Street?

MELISSA TOOPS: I believe the Webster Street side is showing gates on both sides.

ATTORNEY SEAN HOPE: We're dealing with the transition because the NC Bottle is there. Right now it's a thoroughfare for people with recycling cans and we have no border at all. It would be very hard for us to police people. And so it's only a six inch, and it's not keeping people away but it's enough to have a defined area. So we feel like at this point for a retail it's probably a necessity to have control over that area for liability purposes as well as marketability.

HUGH RUSSELL: Ted?

H. THEODORE COHEN: Yes.

HUGH RUSSELL: With a follow-up on this and I have a follow-up on Lou's comment.

LOUIS J. BACCI, JR.: Go ahead.

HUGH RUSSELL: So one thing that you can consider is maybe keeping the fence four feet back from the point and installing a bench or some other kind of public seating that would -- I don't think it's, you know, a huge desire. That way you'll have a little ability of somebody who is, you know, trudging on the way to the new subway station to take a break and sit down. It's not a very big area, but I think you might be able to use a little bit of space for something that might -- I don't know how much space you need.

And then I'm going to follow-up on

Lou's comment. I assume you're going to provide blinds for the apartments as part of the building. And if you provide horizontal blinds, you can get them so that they -- the top rail can come down. Which means that you can have the blinds up to a higher place but still have light up above. And that might be a way of allowing the people to get more privacy. In practice, it's hard to actually see in windows that have blinds that are closer like the ones behind Lou because it's so much brighter outside. You see the light on the blinds if they're, you know, a light color. But it's right on the sidewalk. You don't want people to sort of, oh, doing that.

LOUIS J. BACCI, JR.: And also directly across from those windows is the parking entrance that we're discussing constantly in the cars turning in and out of

there with the lights on.

HUGH RUSSELL: Yeah.

So these are probably don't rise to the level of conditions, but it might address some concerns.

H. THEODORE COHEN: Anyone have any other comments?

(No Response.)

H. THEODORE COHEN: Mr. Grill, we generally don't have a discussion with the public. Is there something?

MICHAEL GRILL: The item, the Eversource item I'd just like to comment on.

H. THEODORE COHEN: All right.

MICHAEL GRILL: If you look at that post, the pole, the most logical place for that pole to be moved to is the other side of the street. And we have mature trees on the other side of the street. If you look

further down the street, that pole and all the wires that have run across have killed the three trees that are along that side. So if in fact the solution is to move the pole to the other side of the street so you have a gorgeous view of the little park there, you've just killed about ten trees on the other side of the street.

AHMED NUR: I guess we're not doing that.

H. THEODORE COHEN: Well, my suspicion is that the pole's going to stay there.

MICHAEL GRILL: Understood. But I don't want the applicant to be so forceful in their suggestions that it has to go somewhere else.

ATTORNEY SEAN HOPE: We won't.

AHMED NUR: I withdraw my

application.

LOUIS J. BACCI, JR.: You may indeed have a problem with the ADA compliance on that sidewalk, though, depending on where that space exists. And maybe we'll get a bench out front and you push the fence back.

H. THEODORE COHEN: Any other comments? Are we --

AHMED NUR: One other thing about the roof real quick. So, I'm assuming that's a flat roof up top?

MELISSA TOOPS: Yes.

AHMED NUR: The way it appears and it's internally drained?

MELISSA TOOPS: Yes.

AHMED NUR: Okay.

H. THEODORE COHEN: Are we prepared to take a vote on this?

AHMED NUR: Very much so.

H. THEODORE COHEN: So, staff prepared a draft decision which I assume everyone received that excellently runs through all of the criteria with regard to the Special Permit.

STEVEN COHEN: I just want to comment, Mr. Chair, I don't remember seeing such a thing before. It was really helpful and it was really well written. It was, you know, so professional and totally transformed our task at this stage in a proceeding. And so I just want to thank staff for preparing that draft decision, and I hope such decision drafts are not strangers in the future.

JEFF ROBERTS: If I could just add to that, if any -- if at any point the Board is in a similar position and is continuing a case but would like to put some findings on the record and have us write a draft

decision, we can certainly do that if asked. But we tend to follow the lead of the Board in making the actual findings and putting them on paper.

H. THEODORE COHEN: Well, I concur. This was really excellent and focussed us -- has everybody had an opportunity to review this?

AHMED NUR: Yes.

HUGH RUSSELL: Yes.

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: All right. I can run through it quickly.

HUGH RUSSELL: Others have reviewed it. Particularly our legal minds are quite content to rely upon that.

H. THEODORE COHEN: Okay.

Well, the memo goes to all of the requirements for all of the applicable

Special Permits and, you know, really went through all of the documents that we received and made, you know, the findings commensurate with the findings that we made at the last hearing. There are provisions at the end for some additional comments or conditions if anybody wishes to suggest anything else to be added to it.

TOM SIENIEWICZ: So, just back to my point about getting enough volume of soil per the memo from the tree planting committee, I don't know if that rises to a condition or whether staff could work with the proponent to try to come up with something that's consistent with those recommendations.

JEFF ROBERTS: So I'll just say our normal practice is that when we have elements of the design that are -- the whole project is subject to continuing design review, but

if there are certain elements of it that the Board would like us to particularly focus on or any particular objectives that the Board would like us to work towards with the applicant, that can be reflected in the decision. So I think we've already commented that landscape details would be subject to continuing review. If the Board wanted to add to that, that we would make every effort, something along the lines, we would make every effort to incorporate the recommendation of the public planting committee as feasible, then we can certainly add that.

TOM SIENIEWICZ: Thank you.

H. THEODORE COHEN: Yes, I think that would be appropriate because we do -- it does say that subject to CDD staff review and the landscape design and space and I think it

could have some reference to the tree lawn and compliance.

ATTORNEY SEAN HOPE: Mr. Chair, can I just add one comment?

H. THEODORE COHEN: Yes.

ATTORNEY SEAN HOPE: So just to tweak the letter that was written by the public planting committee. So there are existing and thriving street trees on the Columbia Street side. I just didn't want it to be understood that trees can't survive there.

And then from our understanding that the suggestions made there haven't yet become best practices for street trees in that locale. I think if it's feasible, we are willing to work with the staff. We want thriving street trees as well. The reason we didn't adopt them was that it wasn't

something that DPW or the arborist have recommended and we do have -- and that's --

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: I think the question is how long will they thrive with very limited tree wells?

LOUIS J. BACCI, JR.: Right.

HUGH RUSSELL: And it may, they're not very large now, they might be -- for all I know, they're 75-years-old and not very large because. I suspect that they're not, but I suspected they're smaller than they had been if they had more root, more water.

ATTORNEY SEAN HOPE: We're not opposed to it. I just wanted to --

H. THEODORE COHEN: Right. I think all we're suggesting is that our decision, assuming that we vote it, would be that staff would continue to be looking at the design of

the landscape plaza and would also be looking at the design of the tree wells and be communicating with the relevant departments in the city to see whether there was something more that should be done or whether everybody is satisfied with things the way they are.

HUGH RUSSELL: Are you willing to replace the sidewalk?

MELISSA TOOPS: Yes, we will likely need to replace the sidewalk.

H. THEODORE COHEN: So that can --

HUGH RUSSELL: All right. That gives the opportunity to rethink that.

H. THEODORE COHEN: It gives an opportunity.

TOM SIENIEWICZ: Well, in no uncertain terms I'm advocating very strongly, I think like my fellow Board Members,

stridently for public trees that would thrive, and the public planting committee has put in considerable efforts. There are experts that sit on that committee as I understand it, and it may not be best practices, but I would be very surprised if they were making recommendations that were not in terms of, in terms of the way that these trees should be detailed in order to thrive. If there's any district in the City of Cambridge that needs some street trees, it might be Webster Avenue in my opinion. So hence, I'm being a bit of a fuss bucket about this tonight.

LOUIS J. BACCI, JR.: I believe there are also some recommendations on the parking area, too. More extensive planting and so forth, and I don't see any beyond your new drawings.

ATTORNEY SEAN HOPE: We did submit a landscape plan. We did take some of those into account, but I think there's opportunity to work with the staff to figure out what's feasible, and I think to date we didn't necessarily adopt all of their suggestions, but we're saying we're willing to work with the staff to figure out what would be feasible. Also keeping in mind, our focus is also making sure that space is usable for whatever commercial tenant comes in there, and I think both of those can happen together.

LOUIS J. BACCI, JR.: I think they have to.

H. THEODORE COHEN: All right. Somebody like to make a motion incorporating the findings set forth in the draft decision provided by staff and --

STEVEN COHEN: Mr. Chair, one of the great virtues of the proposed findings is that it makes it so much easier to make a motion. So I would move that we grant a project review Special Permit and the permit for conversion of the non-residential structure to residential use based upon the findings and subject to the conditions that are set forth in the draft prepared by staff.

And with the additional condition that the applicant work with staff on landscaping of the parking area, and with further definition and perhaps expansion of the treatments for the street trees.

H. THEODORE COHEN: Is there a second?

AHMED NUR: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Anyone opposed?

(No Response.)

H. THEODORE COHEN: It's unanimous.

Six votes. Thank you very much.

MELISSA TOOPS: Thank you.

H. THEODORE COHEN: All right, the next matter for us to take up is the preliminary discussion of potential changes to the Planning Board rules and guidelines for the community engagement.

This is one of those rare opportunities where we actually get to have a chance to have a discussion amongst ourselves. As we set forth in the staff memo on this matter, this is a preliminary discussion to go through what staff had proposed for us to comment upon and for us to decide or think about whether we want to add anything or

subtract anything or whether we like what has been proposed. And then it is intended that coming out of this discussion there will presumably be revisions to what has been drafted, and then at a subsequent session there will be an opportunity for public comment about the proposed rules and the rules of engagement.

Suzannah, do you want to start the discussion?

SUZANNAH BIGOLIN: Thank you. So as Ted just explained, we attached a Planning Board rules and guidelines, sort of staff's initial attempt to put something together to start a conversation with the Planning Board. And the focus is on the early community engagement. So that was the key priority that came out of our focus group meetings that we held last year that looked at

implementing the Planning Board process.

The changes to the rules in Section 5 suggest that at least one community meeting must be hosted by the proponent prior to submitting a Special Permit application. And then there's guidelines that used to then assist with that process in terms of who needs to be advertised, how staff need to be involved in that process. So working with proponents before they submit their application to identify neighbors, neighborhood groups, who needs to be mailed information. And then we would also provide an update to the Planning Board on when these community meetings will be held.

Part of the rule change also includes a requirement that the proponent will need to include a summary of their early community meeting or engagement meeting, that they'll

be asked to include details of the meeting, how they notified everyone and how they responded to the community issues that were raised at those meetings. So this is all sort of an initial attempt as a sort of short term response to getting early community engagement in the Planning Board process. At the same time we're working on sort of broader research into community engagement across the sort of state, how other communities deal with it, and across the nation as well. So, our research associate is taking that and it's in a longer time frame. This is a short term response that will start to address a lot of the community issues that came out of the Planning Board focus group meetings.

There are some other changes as well in Section 6 that have been suggested and

they're primarily administrative and they seek to address the sort of feedback we received through the focus groups, and that includes recommended application presentation materials. So whether or not that includes a physical model, computer rendering, computer model, or photo simulations.

And a process to encourage group comments and group presentations and how we can make that more efficient and more constructive to the Planning Board.

And then another component in Section 6.7 is suggesting a deadline for written comments. And what's been included is the close of business on the Thursday before the Planning Board hearing so that members have enough time to consider the feedback from the community. That's the key changes.

Thank you.

H. THEODORE COHEN: In full disclosure I had discussions with Suzannah and with other staff members with regard to the rules, and we've gone over some of these things. It is my understanding that the Law Department has indicated that we could adopt this community -- early community engagement process in our rules and regulations. I think that is as far as we can go right now, but if we wanted something more stringent, it may need to be part and put into the Ordinance. But as I understand the Law Department is comfortable with what this is. It was intended to be both in the rules and in the guidelines so that they could be amended fairly easily. If we wanted an Ordinance --

THE STENOGRAPHER: I'm sorry, I can't hear you.

H. THEODORE COHEN: I'm sorry.

We know how difficult it is to amend the Ordinance, and so this was an attempt to come up with something in the rules and the guidelines that could be amended easily so that we could see if something is working or if it's not working. And if something is not working, that we could change it fairly easily.

That being said, you know, we made, when -- well, jumping ahead to the end when Suzannah talked about documents and comments being due on the Thursday close of business on Thursday before a hearing, that's where the public is assumed. Liza's drill will be that everything from the applicants has to be in two weeks before a hearing, and that hearings will not be scheduled until she has received the relevant materials so that we

will have an opportunity to review them and the public will have opportunity to review them. And then if they wish to comment, the intent is that they will get things by the Thursday before so that we will at least have the weekend before a hearing to try to review comments from the public.

You know this --

HUGH RUSSELL: So what happens when somebody sends Liza an e-mail on Monday or Tuesday?

H. THEODORE COHEN: It may be forwarded to us or not. I mean, it -- we will have to see how things work out and how stringent we get to be. I mean, if Liza becomes an absolute gatekeeper and says if it's not here by close of business on Thursday, it's not going to go to the Planning Board. If there's a continuation of

the hearing, obviously the public can come at the hearing and tell us that orally.

STEVEN COHEN: Mr. Chair, as it happens, as an applicant before the Planning Board of another municipality, I was recently involved in a conflict over precisely that issue and some people wanted to get comments in after the deadline and then others started complaining. Hold on, if I had known that I could have gotten comments in after that, I would have. And ultimately it was decided that comments that come in after the deadline shall not be accepted. And, you know, there is some logic in that, but it certainly would lead one to be cautious about actually setting a deadline and making sure that it's a reasonable deadline. Because if we're not going to enforce it, it becomes meaningless and everybody will immediately know that it's

meaningless and everything that we're trying to accomplish is immediately undermined.

TOM SIENIEWICZ: In this experience with this Board and dealing with Zoning and dealing with community issues, it has been my experience as the hearing approaches, that brings focus and it brings -- I don't want to paraphrase that famous quote about the imminent hanging, about bringing focus to people.

STEVEN COHEN: Focuses the attention.

TOM SIENIEWICZ: Focuses the attention. Which is a positive thing, right? So the hearing, yes, actually the application should be in two weeks in advance, but the correspondence which gets more rapid as the hearing approaches, is actually I think pretty healthy in my experience in terms of

informing both the applicant and that's where I would like to make a change in this particular provision to be very, very clear that correspondence that is submitted either in support or in opposition or raising concerns about the application be copied to the actual applicant.

So as Steve suggested, the applicant, the poor applicant -- poor applicant, the poor community, has a chance to have an actual dialogue and a chance to respond, maybe to amend materials for the hearing or to prepare answers to probable questions that might come out from well-informed and well-meaning neighbors. So I want to be careful about trying to set the deadlines too far in advance. That notwithstanding, I did read Jan Devereux's message to us today calling for some relatively, you know,

moderate, I think, advanced notice of some of the correspondence. So you could think about it and prepare a response.

So, application two weeks, but correspondence, you know, probably, you know, I don't know how.

LOUIS J. BACCI, JR.: Cut in half.

TOM SIENIEWICZ: We have to have a chance to read it, so it's got to be by Monday, right?

H. THEODORE COHEN: Well, I mean -- I mean are you comfortable with the way things have been going recently where we get inundated with e-mails on the date of the hearing?

TOM SIENIEWICZ: No.

H. THEODORE COHEN: You know, I'm retired so I can get to read them. But, you know, when I was working, you know, it's very

difficult to go through it. And some people have read it and some people haven't read it.

LOUIS J. BACCI, JR.: Right.

H. THEODORE COHEN: And so we try, you know, Town Hall closes at noon on Friday. So -- and Friday I think is kind of a crazy day, morning for staff, that they're doing a lot of things trying to get done. So that was the -- the rationale was for Thursday afternoon.

TOM SIENIEWICZ: Town Hall still closes at nine o'clock on Monday, right?

CATHERINE PRESTON CONNOLLY: And if you send me an e-mail at 8:55 on Monday, I do not guarantee I will have read it by today. I mean, that's -- I think there's tension that we're trying to deal with. You know, the staff has to put together the packets. They have to get the information out. And I

personally am all for being frankly a total gatekeeper on this and saying the deadline is.... and stopping it. And if you have something to say that hasn't been said in writing by the deadline on Thursday, you have to come to the meeting. And I think that's frankly respectful to the Board, to the public, it gives everyone a chance to read what's written in writing ahead of time. But if you haven't gotten it in, it means we're not all processing the written word up to the last minute. I -- we've literally gotten e-mails at four o'clock when we have a meeting at seven on a subject and it's got to stop. And we have to both accommodate the Board's need to process ahead of time and be realistic about the staff's schedule.

AHMED NUR: I concur with that. How about the other side, the proponents? The

first paragraph of these e-mails or these letters are hi, my name is so-and-so, and I just found out there's a hearing going on. Please -- they never came to us and told us about it. Could you not let it go today because A, B, C, and Y. And so perhaps if we're going to go that route, which I completely understand why, we should also talk about the proposed -- what the proponents, what they're proposing, that it's their job to give us the right information and that they have given enough time to abutters and notifying -- city guys notify, the city does send notice to the --

H. THEODORE COHEN: Well, the whole purpose of this early engagement process is that the proponents and the abutters will have been working or communicating together over a period of weeks or months, whatever it

is, and that, you know, someone who is going to pop in the day before and say I didn't know about this hearing, is someone who has consciously not been following what's been going on with the project.

AHMED NUR: Right, they'll say the document has not been posted at the door.

H. THEODORE COHEN: The intent is that that's not going to happen.

CATHERINE PRESTON CONNOLLY: That's the change.

H. THEODORE COHEN: And there's this whole process and they're going to have to certify to staff and ultimately to us what they have done and that it's going to be clear to them that unless they get their things in two weeks before, it's not going to be scheduled for the meeting.

I mean Liza and staff will have a

tentative date for a hearing, but if the materials don't come in, it's not going to go forward on that date. So there is that, you know, ten-day period, let's say, between when their materials come in and when public would have an opportunity to comment upon it. And if they are unable to comment upon it by that time, they have to come to the hearing.

TOM SIENIEWICZ: Yes, I guess I'm comfortable with that relief, Catherine, thank you. If the correspondence we're going to say is Thursday, right?

CATHERINE PRESTON CONNOLLY: Yes.

TOM SIENIEWICZ: And then if you can't, if you hear about it late or you change your mind or if you have new thoughts, then it's incumbent on you to actually show up at the hearing room and we'll take it live.

HUGH RUSSELL: So okay, my question is still not answered which is, okay, what does Liza do when the e-mails yet arrive on Friday and Saturday and Sunday and Monday?

AHMED NUR: You can answer it right now.

CATHERINE PRESTON CONNOLLY: She says the -- we are not accepting written testimony at this time. If the hearing is continued, you can file your written -- re-file your written testimony at that time.

STEVEN COHEN: But she has to respond then?

CATHERINE PRESTON CONNOLLY: Yes, she has to respond. You may give oral testimony at the meeting on Tuesday.

LOUIS J. BACCI, JR.: Is there any language in here that allows for this --

HUGH RUSSELL: This e-mail that's

been sent become part of the public record?

CATHERINE PRESTON CONNOLLY: I presume. I mean, it is a public document.

HUGH RUSSELL: So it's part of the public record that we can't see.

H. THEODORE COHEN: I would probably take a different position and say that Liza simply collects them and hands them to us at the beginning of the public hearing and it's --

CATHERINE PRESTON CONNOLLY: And we read them or we don't.

H. THEODORE COHEN: I'm not going to be able to read them, but they will be part of the public record.

TOM SIENIEWICZ: And this is worse because you're trying to troll throughout the stuff in this hearing room rather than potentially having it electronically. I'm up

at dawn at five o'clock in the morning. I can -- I'm thinking about nothing but the Planning Board at that hour. But would very much appreciate the chance to read it at dawn's early light.

CATHERINE PRESTON CONNOLLY: Yes, I do think that if we're saying that there's a cut off, you do -- if people are sending in e-mails late, they have to be told you are passed the cut off. It is not going to get forwarded to the Planning Board. You know, maybe we're going to print it out and have it sit there. But if you want your opinion to be considered, you should come in and give this testimony in person.

IRAM FAROOQ: Mr. Chair. I just wanted to add that the City Council actually has hard deadlines for when material must be submitted. So we can check in with the City

Clerk and see what protocol they follow for things like coming in late or how they handle that.

H. THEODORE COHEN: John, we're just discussing this amongst ourselves. At the end if we decide to take some comments, we will.

JOHN HAWKINSON: The Council system is broken, don't use it. I'll tell you why at length. The Council gets it immediately --

CATHERINE PRESTON CONNOLLY: John.

H. THEODORE COHEN: John.

HUGH RUSSELL: Well, I mean I think this is actually -- so you send something in good faith and you're not one of the regulars, so that you, you know, I think if one of the regular correspondents sends something in, you know, then they'll

understand what the rules are and they may feel that they still need to communicate with us and they'll get something saying this has not been forwarded to the Planning Board and that will annoy them. But it's the rules and that's, and it's a way of teaching people.

But what happens to --

LOUIS J. BACCI, JR.: What if it's the proponent? They're going to come to the meeting anyway most of the time.

HUGH RUSSELL: Right.

And I guess my other question is when some member of the public sends us a communication, it doesn't show up on our website, does it? Or does it?

LIZA PADEN: No, the policy is not to post communications on the web page.

HUGH RUSSELL: If somebody wants to read it, they can come in and --

LIZA PADEN: The files are open up until about 6:30 when I bring them downstairs for the meeting.

HUGH RUSSELL: Right. So that must not happen very often.

LIZA PADEN: I've also taken to compiling them and scanning them and they're an electronic document which I'll send out upon request.

TOM SIENIEWICZ: How about this: We send notice to the latecomers that the Planning Board may or may not have a chance to review this correspondence in advance, and we advise you strongly or urge you strongly to come to the Planning Board hearing.

H. THEODORE COHEN: I don't think that serves any purpose because the people will simply ignore it.

TOM SIENIEWICZ: I guess that's

true, but I just, it pains me to cut off the public discourse. I mean that --

H. THEODORE COHEN: But we're not cutting it off, we're just saying there is a deadline --

CATHERINE PRESTON CONNOLLY: We're changing the forum.

H. THEODORE COHEN: -- for receiving public comments and there's going to be a public hearing three days later and you can come to that public hearing. Or you could have it delivered at that public hearing. But, you know, unless there is a deadline, you know, it's -- and we're going to demand that the proponent have a deadline and enforce it by not giving them the opportunity to have the hearing as scheduled and they, you know, if we accept things up until whenever the proponent will have seen it in

advance. I mean it's just, it seems to me it's perpetuating, you know, a system that is not working very well.

AHMED NUR: Yes, so I think that Catherine's point of cut off is pretty much to relieve us of the problems that we're facing. And also just let them know, you know what, if you do miss it, you have three minutes to talk. Cut it back to three minutes, because if you could read within three minutes, you know, you can read two pages, three pages, whatever. You know, as supposed to saying we may or may not get to it.

H. THEODORE COHEN: I mean these written comments are presumably the end point of this process that has been going on for a while and, you know, if they haven't made their points before to the proponent, you

know, yes, the proponent could come up with something two weeks in advance that maybe is different than what's happened before, so they'll have, you know, a ten-day period to respond to it in writing. And if that's not sufficient, they can come to the hearing and tell us why it's not sufficient. I mean, I just think there needs to be a deadline.

AHMED NUR: Okay.

H. THEODORE COHEN: We have suggested deadlines in the past.

CATHERINE PRESTON CONNOLLY: They're meaningless.

H. THEODORE COHEN: I mean probably, you know, before e-mail came into effect people had to deliver it or send it in by mail. You know, in recent years it's just been inundation of the day of the hearing one e-mail after another.

AHMED NUR: And perhaps we should talk about also the other Planning Board members, neighborhood planners that come up with 30 pages that this would go the same thing, right?

CATHERINE PRESTON CONNOLLY: Yes.

AHMED NUR: For example, East Cambridge Planning would come up the day before and say, this is where we stand. So same rules apply.

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: Right.

STEVEN COHEN: Once we set the deadline and once the word gets around that we actually mean it, there will be that same last minute rush to meet that deadline.

CATHERINE PRESTON CONNOLLY: Right.

STEVEN COHEN: But the only way that deadline is going to be at all effective is

if we make it.

IRAM FAROOQ: May I make a suggestion? If the biggest concern is concern about people who are new to the process and trying how to understand that there is a deadline that's ahead of time, we could, after consultation with the Law Department, we could put it in the public notice.

STEVEN COHEN: Absolutely.

CATHERINE PRESTON CONNOLLY:  
Absolutely.

IRAM FAROOQ: Deadline for public comment such and such, verbal comment can be made at the hearing.

CATHERINE PRESTON CONNOLLY: Right.

STEVEN COHEN: Every public notice, everything having to do with our criteria should have that note someplace on it.

CATHERINE PRESTON CONNOLLY: I agree.

HUGH RUSSELL: Really there are only like three blackout dates: Friday, Saturday, Sunday, Monday.

CATHERINE PRESTON CONNOLLY: Yes.

HUGH RUSSELL: And Tuesday after the hearing. That's the blackout. We'll accept written communication at any other times.

CATHERINE PRESTON CONNOLLY: Yes.

HUGH RUSSELL: I have another question.

H. THEODORE COHEN: Okay.

HUGH RUSSELL: Does the proponent's two week deadline give a time to advertise the public hearings?

LIZA PADEN: No.

HUGH RUSSELL: Isn't that a problem?

H. THEODORE COHEN: I thought that

was -- I thought that was where we came up with the two weeks?

LIZA PADEN: I didn't come up with -- no, not me.

STEVEN COHEN: I think there are a bunch of ambiguities that I'm very unclear about. And if I could pick up on that for a moment, Mr. Chair.

First of all, I don't actually even know what it says. We have some references to community engagement meetings, and then in other paragraphs we have references to pre-application early community engagement proceedings. Are those two different things? Are those the same things? I'm not sure.

And then there's other references elsewhere to just community meetings. And I'm not sure what's actually being proposed. And then, and then there is the reference,

you know, on your point to notice going out, you know, two weeks prior to the meeting which frankly, when I read it, I thought it was referring to the Planning Board meeting, but actually re-reading, I think it's actually referring to the community meeting.

H. THEODORE COHEN: Right, you're mixing apples and oranges at this point because what we were talking about before were our Planning Board rules and regulations for hearings here. For hearings before the Planning Board.

STEVEN COHEN: So this is?

H. THEODORE COHEN: This document about guidelines are guidelines for a proponent and how it's supposed to have early engagement meetings with abutters, interested neighbors, etcetera, etcetera.

STEVEN COHEN: I'm totally mixed up

between the apples and the oranges.

Are we going to talk about that tonight?

H. THEODORE COHEN: Definitely.

TOM SIENIEWICZ: We'll do five after we do six.

HUGH RUSSELL: We were told that there was a proponent's deadline that was two weeks which does not give time to advertise a hearing.

CATHERINE PRESTON CONNOLLY: And also doesn't appear in the rules.

JEFF ROBERTS: Would you like me to try to explain that?

HUGH RUSSELL: Yes.

JEFF ROBERTS: So public hearings, when they have to be noticed in the newspaper, require about three and a half weeks, about 23 days just once you start --

once you take all the requirements along with the newspaper deadlines and you're going to put everything together, there's that -- that's what you end up with. It's about three and a half weeks between when, when we have to decide that the hearing is going to be held on a particular date and then the date of that actual hearing. So there are some -- so whenever we're in that situation, we have to, at the staff level, we have to be able to make a decision at that point whether or not the hearing is going to be held.

CATHERINE PRESTON CONNOLLY: So why aren't we pushing the deadline that far back?

JEFF ROBERTS: Well, there's another instance which is an instance where a hearing is being continued and the Planning Board decides when the Board wants to rehear that particular case and sets the date certain at

the hearing, in which case that is what the date is unless for some reason we decide to cancel it and postpone it. In which case we have to send notice and re-advertise it anyway.

So we had been starting to enforce a standard that says we must have all materials in before the point of which we must advertise the hearing in the newspaper. I think that in some cases that was starting to become an issue. For some cases I think the Board wanted to see move along a little more quickly. So we were trying to find some standards that could work where we would -- if we had enough confidence, that the case was going to be back, at some point we could schedule a hearing but then require the material needed to be in two weeks before that date. I'm perfectly happy to have the

requirement if we don't have the final materials, then we don't schedule the hearing whether it's a new hearing or a continuation.

In the case of a new hearing, it's always the case that we wait until we get all the -- at this point we wait until we get all the materials for the hearing. It's really a continuation that tends to be an issue.

HUGH RUSSELL: So, Jeff, do you -- I mean, to me it makes sense that the idea behind the two-week deadline is that it will show up on our website and that the public and anyone else will have that two-week period to look at the materials. And that seems to be enough time to become informed so that you can appear at a hearing.

JEFF ROBERTS: Yes. And frankly, it's helpful for us to -- things may seem automatic but it's helpful for us at the

staff level to have a little bit of a grace period between the application. The actual -- the deadline for us to receive the materials and the deadline for us to have it available on the website. Because we don't always have the ability to instantly turn it around. So we can -- if we're using the newspaper advertising deadline as the deadline for final submission, and that should give us adequate time to have the materials up at least two weeks before the hearing.

AHMED NUR: Are you including the newspaper with the website, too? You said newspaper just referring to what?

JEFF ROBERTS: So it's -- we call it the newspaper advertising deadline. So a public hearing has to be advertised in the newspaper. The first advertisement has to be

at least 14 days before the hearing, and then you have to push back another week because the newspaper needs it a week in advance to run it. And you push it back a little bit because the newspaper comes out on Thursdays and the Planning Board meetings are on Tuesdays. And so that's how you end up with that period.

IRAM FAROOQ: This is because our newspaper is the Cambridge Chronicle.

H. THEODORE COHEN: Currently now, for a new hearing, a new matter, that doesn't get scheduled until you have received all the materials?

Liza; is that correct?

LIZA PADEN: Correct.

H. THEODORE COHEN: And then if we continue that hearing in public to a definite date, do you put that in the -- publish that

in the newspaper again?

LIZA PADEN: No.

H. THEODORE COHEN: So when we're doing that, we could tell them the hearing will be three weeks from now, but unless you get your materials in, let's say two weeks in advance, you're not going to have the hearing?

LIZA PADEN: Correct.

H. THEODORE COHEN: In which case we have to go with the mechanism to advise the public that it's not happening because the materials weren't in?

LIZA PADEN: Right.

H. THEODORE COHEN: But if we continue something without setting a date, you won't set the date until the materials are in and in that case you would again need three plus weeks to do it?

LIZA PADEN: Yes.

H. THEODORE COHEN: Okay.

So in those situations the public will have --

AHMED NUR: Plenty of time.

H. THEODORE COHEN: -- plenty of time. More than two weeks. Probably three weeks to comment upon something.

HUGH RUSSELL: So my -- and then my -- I guess my question is is that something that needs to be in our rules or is it simply a rule that the staff implements and can work with? So if we say for the benefit of the public, any material that's being submitted by the proponent has to be available two weeks before --

LOUIS J. BACCI, JR.: Then public comment, also?

IRAM FAROOQ: I think it is actually

helpful for us to have that in the rules just because it's explicitly stated. And sometimes people do send in follow-up information beyond the complete application or they make a modification. So then it gives us a hard deadline of the two weeks. Plus even just having a statement in the board's rules that says hearings will not be advertised until the application is complete, is a helpful statement because it helps Liza hold the line.

CATHERINE PRESTON CONNOLLY: Yes, and I think it's important for transparency so that the public knows that, you know, that there are rules for the developer and they are also being held to deadlines. I think that's extremely helpful. And I guess just in terms of the wording, I'd make it clear that the materials would have to be in early

enough for advertising, but also have to be in early enough to get up on the website so that they're available to the public for two weeks.

STEVEN COHEN: On the public notices, are the actual -- the newspaper advertisements, can we have in the newspaper advertisement the written comments must be submitted by?

IRAM FAROOQ: Sure. As long as the Law Department approves it, yes. I'm just saying because it's the legal notice.

H. THEODORE COHEN: It's a legal notice.

STEVEN COHEN: We can have that caveat to almost anything that we said.

HUGH RUSSELL: That's a written communication.

CATHERINE PRESTON CONNOLLY: So

today it may not be considered.

AHMED NUR: One other thing.

H. THEODORE COHEN: Yes. Well, this was a staff memo for us for our preliminary.

JOHN HAWKINSON: It means people who want to comment on it have a problem if the deadline is Thursday. They need to be able to comment on the staff memo as well.

H. THEODORE COHEN: Well --

IRAM FAROOQ: There will be an actual hearing on this topic when people will be able to comment.

H. THEODORE COHEN: Right.

Presumably if things come out -- well, I guess that raises a question -- you know, it just becomes an endless cycle that at some point somebody gets the last word, and from my point of view, the last word is us. But the last word before that is the staff who is

getting all the comments from everybody and trying to put it all together in some sort of sensible fashion for us to act upon.

CATHERINE PRESTON CONNOLLY: And, again, it's not that the public can't comment on it, it's that they have to come here to do so.

JEFF ROBERTS: I wouldn't --

LOUIS J. BACCI, JR.: And they have to know.

JEFF ROBERTS: I would just note to lay this out before. So we've been discussing mostly Special Permit applications which are cases that require public hearings and have lots of notification, the statutory requirements. There are also items of general business that the Board discusses where written comment or oral comment may or may not be entertained. It's mainly up to

the discretion of the Board. The agenda for the meeting, which would include public hearings and general business items, the posting deadline for that I believe is Thursday prior -- for in the case of the Planning Board --

LIZA PADEN: It's 48 hours before the meeting.

JEFF ROBERTS: It's 48 working hours, which means it could be Thursday or it could be Wednesday. And right, the materials are not -- some not always available until the agenda is available. So I guess that's something that the Board might -- that maybe is a separate topic. The Board might consider how you want to treat any written comments that are provided on general business items which do frequently come in.

H. THEODORE COHEN: John, could you

please sit down?

JOHN HAWKINSON: I'm sorry.

H. THEODORE COHEN: I mean you're observing our conversation right now. We have very little opportunity to do this as a group.

JOHN HAWKINSON: I apologize.

H. THEODORE COHEN: We have to do it as a group because of the Open Meeting Law and so -- so please just sit and observe.

JOHN HAWKINSON: I apologize.

H. THEODORE COHEN: So --

HUGH RUSSELL: So we can maybe go down that road on our comments on BZA cases often which are related to signs and so we were polled today by Liza on cases --

LIZA PADEN: June 11th.

HUGH RUSSELL: June 11th which would be we would look at on the 9th of June.

LIZA PADEN: I didn't hear the last part.

HUGH RUSSELL: So we would -- these are cases that we might discuss on the 9th of June.

LIZA PADEN: No, June 2nd.

HUGH RUSSELL: June 2nd? Okay.

LIZA PADEN: And that meeting, you're not meeting in this room. On June 9th you have a walking tour.

HUGH RUSSELL: So June 2nd, that's next Tuesday?

LIZA PADEN: Correct.

HUGH RUSSELL: And when does the -- and you put in the last time on our agenda actually the listing of the BZA cases?

LIZA PADEN: Right. So now because the agendas have more information on them, that's why I send out the BZA agenda to you,

and I get your comments on which cases you wanted to have brought to the meeting, and then those are the cases that will be listed on the Planning Board agenda.

HUGH RUSSELL: When -- and when does that agenda show up on our website?

LIZA PADEN: Well, we've been trying to do it by noontime on the Tuesday before the meeting. But with the meetings every week --

HUGH RUSSELL: Right.

LIZA PADEN: -- it's not until tomorrow that I find out if there's anything to carry over from tonight. So it's been slipping until Wednesday afternoons.

HUGH RUSSELL: So that's a fairly narrow. So there's a day or a day and a half for someone who's -- I mean, there's several people who have carved out some interest

about signs in particular.

LIZA PADEN: Right. And those people for whom it's a particular interest, they get Planning Board agendas as a distribution list. So as soon as I finalize the agenda, I actually send it to them first, as soon as it's been posted. So they get the Planning Board agenda immediately. So they'll get it as soon as it's done. They'll actually get it before you do.

LOUIS J. BACCI, JR.: A lot of that happens.

HUGH RUSSELL: Well, I mean if they're under a tighter deadline than we are, so that's not inappropriate.

H. THEODORE COHEN: You know, those, the signs and say the antenna cases -- while we do occasionally get comments about them. I mean, we're not making the decision, we're

simply making a recommendation to another Board.

HUGH RUSSELL: Right.

H. THEODORE COHEN: And those people have, you know, they can come here, but usually we don't take testimony from anybody.

HUGH RUSSELL: Right. So that means they have to respond in writing.

H. THEODORE COHEN: Right. They have to respond in writing or they can simply just wait and see what we do and then go to the ZBA and provide their comments there.

HUGH RUSSELL: Right. But if you, if you take a positive view of their comments, they're trying to help us make an informed recommendation.

H. THEODORE COHEN: Right.

STEVEN COHEN: And interestingly just this evening I saw Mahmood Firouzbakht

who is a BZA applicant and his case was on the list which you sent out and I -- was he here because he thought that we were going to hear his case this evening?

LIZA PADEN: The Board of Zoning Appeal staff quite often will send applicants either to the Community Development or directly to the Planning Board meeting. Mostly they'll call me or contact me.

STEVEN COHEN: I see. So whatever information he had was wrong?

LIZA PADEN: No, he didn't get -- I don't think he got wrong information. I think he was at the Planning Board meeting in the event that you were going to discuss his case.

STEVEN COHEN: I see.

IRAM FAROOQ: There has been some interest from the community, particularly the

folks who are interested in specific signs for instance. So in some way of knowing which case will be discussed or when it will be discussed just because since it's general business, sometimes the Board makes decisions during, you know, the evening of as well. So I don't know that it necessarily has to be in the rules, but it might be just worth clarifying what the practice is. And if there's some way for us to let people know ahead of time what will be helpful.

H. THEODORE COHEN: I think that's what Liza's doing now. That when she gets information from us of cases we might be interested in, she puts that on the agenda as part of the general business.

CATHERINE PRESTON CONNOLLY:

Mr. Chair, I mean, I think as regards to the Board of Zoning Appeals, I think that we're

going to very quickly get into a calendaring problem here in terms of how much notice we have of what's on their schedule versus how much time we have to discuss it versus how much notice the public has and everything else. And at the end of the day, you know, I think they have maybe a couple days to comment in writing, they can come to our meeting and that they have the opportunity to speak before the BZA. It's not as much time as they would have to speak about something over which we actually have jurisdiction to make a decision. I personally am comfortable with that distinction, but, but I think we should be clear, yes, we are making that distinction. And until we have an agenda that is light enough that we can actually time our meetings differently and have more space between them, I think that's a

necessity we have to deal with because we're never going to have enough notice -- running time ahead of things to get that done.

HUGH RUSSELL: So, I mean, I think I'm relatively satisfied with that Thursday deadline, the getting the agenda a couple days earlier serves the particular people who are interested.

So I want to move on to the question of if a proponent comes in and talks to us, it's clearly people in the public who care about it will want -- have wanted to talk to us and we have rarely been in a position to allow that. And I think we don't want to make a practice of having a long hearings discussing those recommendations as a general matter. There might be exceptions. And it may produce a little bit of bad feeling, but maybe it's -- because there's a note on the

agenda that we generally do not take public testimony on items of general business.

So....

TOM SIENIEWICZ: But other role then in the Zoning Board cases is advisory, right? We come back to that. I think that's a good point that Catherine is making. There is an opportunity to really influence a decision. We're simply saying relative to planning issues, this is the way we see the case before us. So it's slightly lower stakes.

H. THEODORE COHEN: Right. And we hear from the proponent in the sign and antenna cases because the Zoning Board has asked us to comment on them and to make a recommendation, and we have to know what the proposal is in order to comment upon it. And so somebody's got to present it to us and, you know -- well, yes, you were correct that

we frequently get valuable information from members of the public who are interested in this that have another opportunity to make their arguments, they're not being foreclosed.

CATHERINE PRESTON CONNOLLY: Right.

TOM SIENIEWICZ: Can I turn to another detail on public presentation? I don't know if we're finished with the Zoning Board. I mean, I like the way the calendar is now working itself out.

And this is actually language that's already existing in our rules which indicates under Section 6.36.2. It says that any individual may appear in person before our Board. Is that correct? Or is standing important? Is it important that you're a resident of Cambridge or we allow anybody to come here?

H. THEODORE COHEN: I think we -- as long as I've been here, we allow anybody to come as long as they give their address and, you know, we're going to try to be, you know, more consistent upon that. Somebody has to give an address unless there has some extraordinary circumstance of avoiding the battering spouse or something that they don't want to divulge their address. But I know we've had people come from Arlington and we've had people come from, from Somerville and other communities and, you know, they want to speak about it.

CATHERINE PRESTON CONNOLLY: We let them speak. That doesn't necessarily, you know -- you take into consideration their point of view just like you would take into consideration where in Cambridge someone else lived in relation to the project.

TOM SIENIEWICZ: Right. So this actually was a thought that sprung from some red lines I had on Section 5 which we haven't yet discussed what is the community, the previous section right here, which is relative to details in the community outreach. So questions I had about how you define who has standing within that process and how far does a proponent have to go or how close does it --

H. THEODORE COHEN: That's an interesting question that, you know, we will get into. But I, you know, sticking with your comment about, you know, sometimes people who are not Cambridge residents, I mean, frequently we get someone who is speaking on behalf of an elderly parent or, you know, some other relative who is here because the resident can't appear. And I

think we let anybody speak, you know, regardless of where they come from. And if somebody shows up in Newton and says well, traffic on Route 2's too heavy, well, you know, that probably weighs in our mind differently than someone who is on Rindge Ave. and tells us that traffic on Route 2 is too heavy.

AHMED NUR: One quick question regarding to the proponents, about extension when they request an extension of a hearing, do we want to talk about the impact it has? I mean obviously that gives us a shorter night here and, you know, Rafferty shows up and says my client is not going to be here and asks for an extension. How do we, do we want to blend that into this while we're talking about the subject?

H. THEODORE COHEN: Well, I --

(Cell phone song.)

STEVEN COHEN: I think that says it all.

H. THEODORE COHEN: I don't think that's been a big issue. I mean, there have been a couple of times, you know, there have been snow days when we couldn't be -- or there have been sometimes when the proponents -- something. And, you know, they have to, given the schedule that they have to comply with and I think the desire that they want to have their project go forward. I think when there's an extension, it's because of a pretty relevant matter for seeking it.

AHMED NUR: But how does that play with the public? Liza tells the public that it's being canceled? Is it 48 hours before the hearing that they're allowed to cancel out?

H. THEODORE COHEN: Well, I mean if somebody -- I'm sure if somebody called on Tuesday morning and said my proponent's sick or my architect, you know, had to go visit an ill child or, you know, and we can't go forward, it's going to get continued. And, you know, to the extent that people can be notified in advance, they will be.

HUGH RUSSELL: I mean part of our rules change in scheduling helps to -- keeps people from canceling because they're not ready for the hearing because they've got to be ready to get in the gate.

H. THEODORE COHEN: They have to be ready in advance, right. So I think the cancellation will be a weather emergency or some other -- that never happened. Or some other, you know, proponent emergency that, you know, is unfortunate but you have to deal

with.

TOM SIENIEWICZ: Can I -- just one detail I wanted to highlight. I'm sorry back to the issue of correspondence and it's not a deadline I promise. It's just in terms of the dialogue, it's certainly good manners to make sure that you copy your correspondence to all of those involved. And I don't know whether the city, how that works. First, if there's piles of correspondence coming in either from a proponent or from a community member, how does that get shared around? Is it incumbent on a community member to come and search the file to look for it? How does that work? Or is it incumbent on the applicant to call Liza on Thursday and say what's arrived? Or can we have something in the rules that encourages good behavior on the part of people who are debating these

issues to try to copy the other side?

H. THEODORE COHEN: Well, unless, Liza, you can correct me if I'm wrong, but if it's a proponent, they're going to have a deadline that they have to get it to staff and staff presumably would then, within a couple of days thereafter, would post it on the website.

You know, I don't know who else we're concerned about? You know, it will end up in an impossible situation of staff doing nothing but --

TOM SIENIEWICZ: Shuffling papers.

H. THEODORE COHEN: -- shuffling papers and responding to papers. I think we and the public have to recognize that, you know, everything is not going to be perfect. The idea with the early engagement is that they will have been significant discussion in

advance before it gets here for a public hearing and then, you know, but that doesn't guarantee what happens at the public hearing or what we might do and, you know, and so I mean, it's not like we're a court, you know, where everything must be submitted by a certain date and sent to the other side otherwise, you know, subject to the court sanctions or court won't hear it until months in advance after all of the documents are in. I mean, we're an ongoing organism that things are going to come in and, you know -- but I think with the early engagement process, people will have heard a lot in advance. They may not like what they've heard and they may want changes and changes may not have been made, and then they'll come here and say well, we wanted X, Y, and Z and they didn't do it and we'll ask the proponent why didn't

you do it? And they'll give us a rationale that we agree with or don't agree with and tell them to go back and think about it some more.

HUGH RUSSELL: You're not allowed to make changes in that two-week markup period.

H. THEODORE COHEN: Right.

HUGH RUSSELL: To us. So they'll come to the hearing and say this is what we've heard and here are the -- here's our response.

H. THEODORE COHEN: Here's our response. And we either did or did not make changes based on what we heard, and then we'll, you know, do what we do and decide whether we like what they've done or don't like what they've done or think they should have taken those comments more into consideration.

TOM SIENIEWICZ: I just want to foster dialogue. I absolutely realize that we're not a court, Ted, and neither do I want the staff to be buried with the paper shuffling, but I want good behavior and civil discourse in my dream and people are being fair about sharing their views with each other according to the manners of civil behavior.

CATHERINE PRESTON CONNOLLY: Liza had a --

LIZA PADEN: Any time the proponent submits something to us, we get it posted as soon as we can on-line. Anything that comes in from the public about a particular case, I forward to the proponent.

TOM SIENIEWICZ: Okay. She's shuffling papers.

H. THEODORE COHEN: And to us.

LIZA PADEN: Right.

HUGH RUSSELL: And to others.

LIZA PADEN: Well, whatever you decide, that's all I want to know is whatever you're going to decide, it's going to be and that's what I'll do.

CATHERINE PRESTON CONNOLLY: Okay.

H. THEODORE COHEN: Okay, could we move on and talk some about the --

IRAM FAROOQ: Can I just say one thing about -- you just mentioned about proponents making changes, making no changes during the two-week period or sharing no changes with us during the two-week period and bringing them forward the day of the hearing. I think that's -- that is what we're setting up, but I just want to point out that is a double edged sword as well, because it essentially means that members of

the public don't see it at all until the moment of. Or if they decided not to show up, then they don't see it at all.

And this case up most recently during the Normandy Twining decision at the City Council, where there was a memorandum of understanding which people didn't get to see until the moment it was presented at the Council. So there may -- and, again, this is more a common sense issue than something that needs to be in the rules, but just probably some thought about the magnitude of the change might, you know -- and whether that warrants some kind of continuation or not is something the Board might want to keep in their consideration.

LOUIS J. BACCI, JR.: So do you think doing something like this would delay these -- delay this considerably?

IRAM FAROOQ: Absolutely would.

LOUIS J. BACCI, JR.: Because there wouldn't be any room for any further comment before they, before the date?

IRAM FAROOQ: Yes, it would absolutely delay it. I'm just raising it as an issue because we think we've done a great job, but then we'll hear from people that is actually also creating a different problem. It will delay projects if we do that. It probably is wise to let people present new ideas at the public hearing because then it reflects -- it would be really aggravating for people to say well, we participated in this discussion and you made no changes. So that would be a helpful thing. I think you want that to happen. But if the changes are really large and if there is some concern about it, the Board may want to think about

not, you know, saying that well, this is significant enough that we don't necessarily want to make a decision or this is really new information that people have not had a chance to consider. And you'll make that decision on a case-by-case basis.

H. THEODORE COHEN: Don't you think we do that now?

IRAM FAROOQ: I think you do. I think you do.

LOUIS J. BACCI, JR.: Isn't that what we're trying get away from a little?

CATHERINE PRESTON CONNOLLY: No.

H. THEODORE COHEN: No.

I think the involvement --

LOUIS J. BACCI, JR.: Well, I don't know.

H. THEODORE COHEN: -- allow things to get to a certain point before they come to

us.

LOUIS J. BACCI, JR.: But I'm just -- I may be wrong in this. So we'll get this all in before the deadline?

IRAM FAROOQ: Yeah.

LOUIS J. BACCI, JR.: You're talking to the proponent still, correct?

IRAM FAROOQ: Sometimes, yeah, depending on -- yeah.

LOUIS J. BACCI, JR.: So there's something that changed. And so now that change isn't allowed to be until they come to the meeting and we don't get to look at it beforehand? And now it's a last minute again?

HUGH RUSSELL: Well --

LOUIS J. BACCI, JR.: Or is that -- you know what I mean?

HUGH RUSSELL: I guess I think

that --

LOUIS J. BACCI, JR.: That seems what we're going back to.

HUGH RUSSELL: I mean, I think the proponent can hold the community engagement meeting before the two-week deadline. In fact, that would be well advised to do that.

H. THEODORE COHEN: He would have to.

LOUIS J. BACCI, JR.: Are we talking community engagement again?

H. THEODORE COHEN: That's part of his application.

HUGH RUSSELL: But the -- it could be that somebody would make a comment in the two-week period and a suggestion and you might want to just call up Suzannah and say, I'm thinking of this response. Let's have a conversation about that. Now -- so Suzannah

wants to know something's on his mind that we won't know in advance, but he wouldn't have made his final decision until he gets to the hearing.

H. THEODORE COHEN: Which is why staff's memo which may come the Thursday before might include comments from Suzannah saying, you know, we've had ongoing discussions about X, Y, and Z. And then --

HUGH RUSSELL: It creates a little bit of tension there because -- but I think, you know, you're very good at writing these memos that focus on issues. You know, these are issues that are being worked on or need to be worked on. Put in that context we'll then see it at the hearing what the work is.

H. THEODORE COHEN: Right. I mean I think the whole point of the early involvement is so that the public is not

totally surprised with a proposal coming in and something's there and they come in and they say nobody ever spoke to us about it. We don't know anything about this. We don't know anything about that. And instead there will have been a process where they will have gotten some information, they will have given input into it. They will -- the input will be incorporated or rejected. They'll file an actual application. It will get scheduled for a hearing, and, you know, there may, and there may be comments that are submitted up until, you know, the Thursday before and staff will be reviewing things. And I think I assume that even after things have been, applications have been filed, you know, staff is still communicating with them and then you write a memo to us and then we'll come to the hearing. And the frequency in which we hear

everything in one night and take action at night is pretty rare. So there's almost inevitable that someone will come in and say well, you know, there were these comments made and, you know, in light of that, we made these changes or we propose these changes and the Board says, well, you know, rather than doing that we want you to do this, and go back and think about it. And, you know, there will be a hearing scheduled and there will be opportunity for the public to comment again until the Thursday before and then they'll come back in. I mean, at some point, you know, we don't want everything frozen before it comes to us, you know, then there's no point for us to exist at all.

JEFF ROBERTS: Mr. Chair.

H. THEODORE COHEN: Yes.

JEFF ROBERTS: Can I just make one

comment to maybe elucidate this comment a bit. This is what I have been starting to tell applicants when they come in to meet with us. We're available largely as a service to property owners, residents, community members, anyone. We're here to be helpful, to give advice, provide comments. And what we've been telling applicants is that before you submit your final package of materials or final proposal to the Planning Board, we're here to help the proponent to make the project better, try to understand what our design guidelines are, what our standards are, what our issues are, and provide feedback and comments. Once they submit that final package of material, our comments are to the Planning Board. So having that demarcation where we shift from providing a service to the designers to

providing a service to the Planning Board is very helpful for us because there has to be a point at which we let the Planning Board take the reign of the process and you're going to be getting comments from us, you're going to be getting comments from residents, members of the public, you have to take all of that together and process it and come out with your own comments and decision. So it is, it is helpful to have that point at which we say don't, don't try to convince us of all of these changes. Our comments to the Board will be, you know, we try to communicate so that our comments are not a surprise to anyone. But we, we feel it's important for us and for the proponent to really direct their conversation to the Board at the time it's appropriate to do that.

CATHERINE PRESTON CONNOLLY: That's

really helpful.

One thing I might suggest that would also be helpful as we go forward with the discussions, not just amongst the Board, but once we open this up to the public, is if somebody who is better than me at visual representation of information could figure out a timeline that would clearly illustrate who does what when of the four parties that I see involved: A proponent, public, the staff, and the Planning Board, I think those -- and just, I don't know how to do it, but --

LOUIS J. BACCI, JR.: Flowchart?

CATHERINE PRESTON CONNOLLY: Whether it's a flowchart or a paragraph or whatever, that you do this. Then they're going to be doing this simultaneously. Then you're both going to be doing this together. You know,

however that comes out, I think something that makes it really clear to everyone what's going on at what point in the process, would be really helpful.

AHMED NUR: Actually, I belong to a co-committee in Boston, that's what we actually did, but on the presentation of the AGC, the civil general contractors, so it's through the process, do this and this, and we put it in writing. It's so much clearer and everyone gets it.

H. THEODORE COHEN: Well, why don't we move on -- well, before we go to the -- why don't we continue with some of the other changes to the Planning Board component. And there has been a lot of discussion other times about what should be presented to the Board, and there were some people said they like models. Some people said they like

renderings. Some people said they like drawings. And so we included a provision now, you know, that basically provides for a variety of things. I mean, are people comfortable with that? Or do you feel that you want to insist upon one particular thing over something else?

TOM SIENIEWICZ: Well, the way I was reading this, Ted, is that a model is now not only encouraged, it's required, right? Is that our intention?

LOUIS J. BACCI, JR.: It doesn't say it's required.

H. THEODORE COHEN: It says this shall -- in general, this should be accompanied by means of a physical model, by a computerized model or by photo sims or by drawing renderings.

HUGH RUSSELL: It's an option.

CATHERINE PRESTON CONNOLLY: It's an  
or.

H. THEODORE COHEN: So it's an  
option.

So I mean if people feel strongly that  
they absolutely want a model in every case,  
then we can say that.

STEVEN COHEN: You know there are  
some applications where due to the complexity  
of the form or because of --

LOUIS J. BACCI, JR.: Scale.

STEVEN COHEN: -- the relationship  
of the structure to surround these  
structures, where it's absolutely essential  
but my view, to have a model, but then there  
are other applications where it's not at all  
necessary. And maybe if somehow or another  
we could call upon the staff to take a look  
at the nature of the application and then

make a determination as to what form of presentation would be most helpful knowing that some of us anyway have a bias towards a model, but it's just not necessary in any case.

TOM SIENIEWICZ: I agree it's not necessary in every case, but I wonder if we can't -- you've already done it, Steve, begun to sketch out under what circumstance it is really helpful. I remember the case we looked at, who was the architect for the -- near the Lechmere Station, and the model was critical in terms of understanding its relationship in Cambridge Street and views down Cambridge Street. And views were made back and forth, and there was a wonderful discussion about that model.

As Lou suggested, there was a scale to that development that demanded or the

complexity that demanded that the model was the most efficient way to understand what was going on there.

LOUIS J. BACCI, JR.: Especially the public.

HUGH RUSSELL: Right. Where it was the case we voted on tonight, the renderings seem to focus in on the street scale, and but it's a four-story 35 or foot high project or 40 foot high project. So I think the scale is like the determining factor, but it's -- it does require an element of judgment and advice. If somebody's building a 19-story tower in Central Square, it's a no brainer. But if, it's just a little piece of an urban fabric that's at the same scale, a model may not be very important to us.

TOM SIENIEWICZ: Do we tie it to a 50,000 square foot rule, the large project

review? Or --

LOUIS J. BACCI, JR.: Probably not a bad idea. Some requirement.

JEFF ROBERTS: The project we just saw was 35,000 square feet if that helps.

LOUIS J. BACCI, JR.: Like 50 and over.

JEFF ROBERTS: 37.

AHMED NUR: 35.

H. THEODORE COHEN: Well, if we do that, we then end up not getting models for smaller projects that we might want? You know, maybe it is, you know, leaving it at an or, but comment that they should consult with staff.

STEVEN COHEN: And you could make it mandatory for, you know, for projects over a certain size. Below that, I would require that they consult with staff and staff deals

with us enough to know, you know, pretty much when we would like to be seeing a model.

CATHERINE PRESTON CONNOLLY: Can we make it mandatory? I was under the impression that these went as far as the Law Department thought we could go without going into the Ordinance. So I thought the encourage in general it will be -- I understand that. But I mean, I think -- all the more reason it's important to distinguish between can we require it? Well, what I heard earlier was that these rules go as far as we can with requiring things.

AHMED NUR: For now let the Law Department decide whether we can't, but maybe we should agree on what we want and let them --

CATHERINE PRESTON CONNOLLY: Fair enough.

AHMED NUR: Let them tell us --

H. THEODORE COHEN: My comments about the Law Department was relatively a concept early engagement process.

CATHERINE PRESTON CONNOLLY: Okay.

H. THEODORE COHEN: And requiring, I don't know that they're opined specifically on when we -- it probably didn't come up to them because it just now is, you know, we want something and for what you think up about what it is. But if we definitely want a model for certain projects, then we can write it in and see if --

CATHERINE PRESTON CONNOLLY: And see if it passes.

H. THEODORE COHEN: See if it flies.

HUGH RUSSELL: There are submission requirements written into the Ordinance. And so everyone has to -- they're probably in

more than one place for different kinds of cases.

IRAM FAROOQ: Well, we can -- I mean, we've done guidance documents. For instance, with the green building review where we ask people for things that aren't explicitly called out in the Ordinance, and they know that it's going -- they'll come, and if they don't have that material, they'll just have to go back and produce it. And so if we can just, you know, when we were talking about the process diagram, if we do something like that and we say model is highly encouraged at this stage or something.

H. THEODORE COHEN: Not required?

IRAM FAROOQ: I mean, even if we're told --

STEVEN COHEN: It would be sad if we don't get one.

IRAM FAROOQ: That's right.

TOM SIENIEWICZ: Any keen observer of this process would understand that the public seem to really encourage it and many Planning Board members really encourage it. And so it's not -- not untoward for the staff to point that out.

IRAM FAROOQ: Absolutely.

TOM SIENIEWICZ: But I'm -- I'd love to see a large project 50,000 square feet trips a model requirement.

LOUIS J. BACCI, JR.: I think it makes the public happy.

TOM SIENIEWICZ: They have 3-D printers now.

HUGH RUSSELL: Or another criteria might be where somebody is seeking a Special Permit for height.

LOUIS J. BACCI, JR.: Yes. Because

people get scared by the numbers, they get worried about the numbers and they don't see it in perspective.

AHMED NUR: Or multiple buildings that have shadows.

LOUIS J. BACCI, JR.: Yeah, well --

AHMED NUR: And a lot of exterior balconies and other things in and outs.

CATHERINE PRESTON CONNOLLY: I guess I feel comfortable with the balconies in terms of renderings, but I think the height gets to the shadow issue. If it's, if it's tall, then we -- the model helps illuminate that better.

AHMED NUR: So 70 feet?

HUGH RUSSELL: I would say the standard is when they're seeking Special Permit for height, that's -- I mean there are --

H. THEODORE COHEN: So anything over 50,000 would again fit a Special Permit for height.

CATHERINE PRESTON CONNOLLY: A Special Permit for height. I like that.

AHMED NUR: Okay.

HUGH RUSSELL: There's some relatively small buildings that are built in Harvard Square that are between 60 and 80 feet which require that Special Permit. I mean, there's also a question of how much -- how far does a model go? You don't have to build all of Harvard Square if you're asking for ten feet on a Mount Auburn Street. But maybe you need to show, you know --

CATHERINE PRESTON CONNOLLY: With regard to the --

STEVEN COHEN: You have to define it. I think we have to ask staff to look at

the nature of the application, nature of the structure, and nature of the setting and determine, you know, with a built-in bias that, you know, if it's a grey area, if there's any question, air on the side of providing a model.

CATHERINE PRESTON CONNOLLY: Just like with the traffic study, staff provides a scope to the proponent and says here's the area that you have to study. In this case, the urban design staff will be providing a study, here's the area you need to include in your model.

HUGH RUSSELL: So for many of the new members may not know that there was a model made of the entire city about 20 years ago, and the goal behind that model was so that when somebody came to the Planning Board, they can take a piece of the city that

was in the model and they could drop in their proposal. I'm not sure whatever happened, but --

STEVEN COHEN: Every structure in the city was on this model?

HUGH RUSSELL: Every structure was in the model, yes.

STEVEN COHEN: Oh, my God.

HUGH RUSSELL: They tried to get the footprint and the roof shape and the height.

H. THEODORE COHEN: You ever see the model of New York City?

TOM SIENIEWICZ: And the City of Boston. The City of Boston has a 40 scale model on the top floor of City Hall. And if you have an application, you bring a model, and it's successful, you have a model made and it's plugged in and the city and that model evolves at the same rate that the city

evolves. It's an amazing tool. It's a beautiful thing. Ninth floor of City Hall.

And I don't know what scale that was at.

HUGH RUSSELL: The whole city was about 20 feet wide.

IRAM FAROOQ: Yeah.

TOM SIENIEWICZ: Where is it now?  
At an antique store.

IRAM FAROOQ: No. I think it probably got destroyed when we were moved out of this building, that's -- it used to be up where our lobby area is. I used to sit right next to it. Yes, it was very sad.

We are creating a digital model of the city and I think to which we will be asking people to create the project as 3-D model and keep -- you know, that same concept of plugging in as we go along.

LOUIS J. BACCI, JR.: So you'll be generating the models?

IRAM FAROOQ: No. The proponents will generate the model and it will get plugged into the bigger model which is being generated by the city.

LOUIS J. BACCI, JR.: That's what I mean.

IRAM FAROOQ: Yes, we are doing that.

AHMED NUR: All right, next.

CATHERINE PRESTON CONNOLLY: Okay.

H. THEODORE COHEN: Okay, well, sticking with just hearing, there has been language added by groups of people adding their time. There has been a lot of discussion about how you do it, how do you identify the members, do the members have to be present? And we went around in circles a

number of times and left it sort of general that it's clear in the rules that they can do it, that groups can do it, and left it up pretty much to the Board's discretion as to how much time they've been doing. That if you have ten members, you could have 30 minutes because, you know, that's what we have over and over again, 30 minutes. And just, you know, I think we left it this way to see let's see how it works. We'll let people do it. We've always let people do it, but clearly they have the right to do it and, you know, that people will be in good faith and that staff will communicate if there's a group to communicate to have visuals that they want to put up.

CATHERINE PRESTON CONNOLLY: So, I don't know if it needs to be in the legal notice, but I think the opportunity for this

should be widely publicized and maybe communicated to anyone who sends in written comments. And I like having to notify staff and the Board in advance that it's going to occur partly so that we can ensure that if there are multiple groups, that they are all treated equally. Which I think is very important on any given case, that folks are received equal time if they're taking advantage of this provision.

LOUIS J. BACCI, JR.: So do you then add a time on this? Is it equal or just leave it up to us?

H. THEODORE COHEN: I think we'll have to leave it up to us. I mean, I don't know that there's ever been a time where there has been more than one group that spoke as a group. The courthouse was --

HUGH RUSSELL: The courthouse, I

mean we spent three hours hearing testimony.

H. THEODORE COHEN: Right. But was there more than one group that actually got together and spoke as a group? Presented as a group?

HUGH RUSSELL: In a way it would have been nice if there had -- there were several groups of people I, I think who would have focussed their testimony. I mean, we could suggest that there's, you know, a 15 minute presumption of --

H. THEODORE COHEN: A group of three or four is less than 15 minutes.

CATHERINE PRESTON CONNOLLY: Right. I don't necessarily feel the need to have a specific time included here. I do think it's helpful to make it clear that a group of people does not have to be a specifically organized and incorporated neighborhood

association.

H. THEODORE COHEN: Right.

CATHERINE PRESTON CONNOLLY: So like in the case of the courthouse, you might have had a group of neighbors who were in favor of it going together who are very loosely associated, but were sharing e-mails and sharing the same views, they could have, you know, organized enough to make a presentation. And, therefore, been a second group in addition to the organized and incorporated group making a presentation. I think, you know, some of this will encourage that kind of thing to occur.

AHMED NUR: I second that. We had carpenters' group coming down when there was that building over at --

H. THEODORE COHEN: We had a lot of union members who came.

AHMED NUR: They're fast. The leader comes and speaks and they say I second that and so on and so forth.

TOM SIENIEWICZ: I was just going to say I really appreciated the courthouse process. You tend to pick the most entertaining, the most coherent, most strident speakers. And someone who is trying to listen and weigh through this stuff and that aggregation and having a spokesperson was really helpful. I mean, and brought to light a lot of corners of detail in that project. And so, that was a good process. It was more than one group as I recall. There were the PowerPoint presentations that were well prepared.

H. THEODORE COHEN: Right.

TOM SIENIEWICZ: And it was a really, really good process.

IRAM FAROOQ: The Board hold the line then on the people who kind of gave -- consolidated their time not speaking because during the courthouse process people who have ostensibly banded together to do a presentation. Eventually then all, you know, had a spokesperson that they all spoke afterwards as well.

H. THEODORE COHEN: Well, we tried to. And I think, you know, if there's a group of requested people, you know, I mean in our discussions, it was more like it's hard to say you've got to give us a list of people in your group. They've got to agree not to speak. And it just --

IRAM FAROOQ: I'm curious because are we just creating multiple large presentations as well in addition to all of the small presentations?

STEVEN COHEN: A few times didn't you ask that everybody who agrees with that point of view raise their hand? And I don't know if that actually worked, but at least it gave some people the sense that they -- that their point of view was noted. That was Hugh.

AHMED NUR: I think we should be clear in say no donating time. This person would say I'm going to speak for five minutes, three minutes for that person, three minutes for that person so on and so forth. And then they end up getting up.

H. THEODORE COHEN: All right, well.

STEVEN COHEN: Bottom line is you can't come up with a hard and fast rule here and it's got to be the Chair's discretion.

H. THEODORE COHEN: I think that's what we thought, that's really the Board's

discretion. You know, if people we expect are part of the group, we can, you know, we can ask the first person who is speaking, who are you speaking for?

CATHERINE PRESTON CONNOLLY: Please identify the members of your group.

LOUIS J. BACCI, JR.: Yeah.

STEVEN COHEN: Husband, kids.

CATHERINE PRESTON CONNOLLY: No. I mean, which is legitimate if they're members of your house, that's fine. But like if there are people in the room, please rise and be recognized as a member of this group.

LOUIS J. BACCI, JR.: Here's another problem.

HUGH RUSSELL: That's a good idea.

AHMED NUR: That's a great idea.

TOM SIENIEWICZ: That's a great idea.

LOUIS J. BACCI, JR.: The person speaking may not be a Cambridge resident. You know, like with the trade groups. The person who would be chosen to speak in their behalf would not necessarily be a Cambridge resident and the weight is not there, and who is a Cambridge resident in the group? Who isn't? It gets a little sticky.

STEVEN COHEN: Well, it goes to weight.

LOUIS J. BACCI, JR.: Yeah, well, you can bring a lot of people.

HUGH RUSSELL: You might want to bring your own outside expert.

LOUIS J. BACCI, JR.: Well, like -- there can be a lot of people who show up.

H. THEODORE COHEN: We talk about light and they brought in an expert to basically testify.

HUGH RUSSELL: Right. And I think, you know, the quota (inaudible of this as long as they're providing additional information that's prepared, aren't abuses.

H. THEODORE COHEN: Right. I don't think it's been abused when it's happened in the past.

HUGH RUSSELL: No, I mean, there are -- I mean there are people who want to speak for more than three minutes, and sometimes that's useful and sometimes it's just something that explains their ideas.

H. THEODORE COHEN: Well, as it's written now, the groups that want to do this have to notify staff in advance.

LOUIS J. BACCI, JR.: That makes sense.

H. THEODORE COHEN: So that undermines the person who wants to say I want

to speak for five minutes and someone says I'll give you my time.

CATHERINE PRESTON CONNOLLY: Right.

H. THEODORE COHEN: It will be somewhat --

TOM SIENIEWICZ: And besides the new podium I think we should get in the budget a gavel. I mean, Ted is really good at -- really good at keeping the meeting going. But if you had a little bang, bang.

H. THEODORE COHEN: It would be great if we had lights. I mean if --

IRAM FAROOQ: We're talking about a countdown clock that's visible.

H. THEODORE COHEN: You know, when you have a light when you've got a minute left and you've got a red light?

CATHERINE PRESTON CONNOLLY: That's what they do in Somerville, too.

H. THEODORE COHEN: Do they?

CATHERINE PRESTON CONNOLLY: Yes.

TOM SIENIEWICZ: Green light, red light, and yellow light.

CATHERINE PRESTON CONNOLLY: It has a countdown timer so you can see what you have left.

IRAM FAROOQ: That's one of the things that we're getting. I didn't know about the red and green yellow lights. We'll maybe find out where they got theirs.

H. THEODORE COHEN: All right. I think we can move on to the early engagement process. I need a two-minute break. So why don't we just take a quick break.

(A short recess was taken.)

H. THEODORE COHEN: All right, so what has been added -- principally what's been added is that a Section 5, new Section 5

to the rules that a pre-application meeting and community involvement, which basically sets forth that this has to occur. And then it references the guidelines set up by CDD which goes into greater detail about what needs to be done. And it was a conscious effort to do it this way because the guidelines can be changed very easily. And the rules can be changed pretty easily, but this, you know, would allow us to change things even quicker.

So I hope people have had an opportunity to think about it. You know, the general in Section 5 just says that there has to be a community engagement. And, you know, to the extent of outreach and engagement, might vary on the location, scale, and impact of the project. And staff should be communicated with to help determine exactly

what's going to be. And then the Special Permit application has to include a summary of what took place, who was notified, what was covered, what information was presented, and efforts that have been made to respond to what was presented. And that the permit, the Special Permit application would not be deemed complete scheduled for public hearing if it does not include this community engagement summary. So, I don't know if there are questions about the general provisions in Section 5 or would they really go to the guidelines and, you know, the details of what should be done. You know, I -- I'm happy to start the discussion about the guidelines themselves, you know. I guess the biggest question I had here was in Section 4, you know, coming up with a list of community members who should be directly

notified. And there's a reference to existing neighborhood and community groups, and I guess my question there is that all, you know, sort of official groups in the city or is it just a group that's in the general neighborhood where the project is going forward? I mean, if something is happening in, you know, the courthouse side of things, for example, or something in East Cambridge, does the West Cambridge Fresh Pond people have special rights as a group that they should be notified of when it's on the other side of the city from them. And if it's not everybody, how would we determine who is required to be notified?

IRAM FAROOQ: We struggled with this greatly, actually, and this was one of the topics that was discussed a lot during the focus groups because it's, you know, we have

a list of existing neighborhood groups and it's posted on our website. So it's the easiest way to do things, go to the nearest neighborhood group. But we've actually seen new groups form around development projects. So it's hard to anticipate that. And we batted around the idea of is it -- and some districts don't have a neighborhood group representing them. So do you go to the neighborhood group? Do you just have a public meeting where you notify the neighborhood groups and all of the abutters? Is there a broader way? Do you also send meeting notices to all of the known list serves in the city? I mean, it could be a combination of all of those. So I think, I guess it would be helpful to hear what the Board thinks about should we target the neighborhood groups or should we really think

that a developer should host a public meeting with really strong notification requirements so that everybody could come to that meeting or should it be both or some completely different thing?

TOM SIENIEWICZ: I wonder maybe about an analogous model about what to 48 determines somebody withstanding an issue of Zoning which is abutters and abutters to abutters. And if you took the urban design version of that, it would be the neighborhood groups within which the project is proposed and then the adjacent neighbors, neighborhoods, right, of the defined city neighborhoods. Right? And to give some guidelines to proponents and the community activists about what is proper notification. I think if we don't define that carefully, then, you know, I think we're legitimately

open to criticism that, you know, we weren't properly notified. And that's not a position that either this Board nor the community wants to be in. So I think we need to give some guidance. I also think we have to be clear that proximity is important, right? People that live closest to these developments are the ones that feel the impact and actually know the communities better than any one of us would. And we relish and look forward to that input. By contrast lots of observations from people that are, you know, live a great distance from the particular project tend to discount personally as one Board Member because of trying to understand what the actual impact is for that individual or that neighborhood. So, but I think that needs to be made explicit that that's what we're doing. So I,

I'm suggesting that as a model.

H. THEODORE COHEN: And I concur with that. I think there has to be some proximity, because neighborhoods may have differences of opinions about a project and we're looking at early involvement where a particular community or a particular neighborhood, I think those are the ones that should be given notice. And that we're not -- still not foreclosing anybody else from -- presumably the meetings aren't going to be secret so anybody can go should they want to go, but there ultimately will be a public hearing here and so people who are at the opposite end of the city can come and talk about it. I concur with Tom and we listen to what everybody says, but the people who are immediately proximate to it, their comments probably all give greater weight to

it because they are the ones that are going to be immediately impacted by it.

STEVEN COHEN: You know, I agree in principle with what you both have said, but I think something that we've heard several times are people who do live in -- proximate to the neighborhood, and they're not an abutter and they're not an abutter to an abutter and they're not a member of the neighborhood organization. They could be living, you know, 50 yards away and not be aware of this until the last minute. And, you know, for the most part the project we do are of sufficient size and consequence to really impact a neighborhood and not just an immediate abutter. You know, so how do you address that? Well, gosh, an old fashioned way is just to be posting notices on, you know, telephone poles and the like. And I

know that's one of our options, but maybe it should be more than an option. Maybe that should be a requirement so that people really in the neighborhood are made aware.

H. THEODORE COHEN: Right. Well, I think there are two levels here. The first level that we were talking about is people who, you know, absolutely must be directly notified. And then there's another section of how you advance that notification throughout the neighborhood to pick up the people, you know, who may be interested but then -- I mean, you know, I know when we were talking about the courthouse, there were signs in stores in East Cambridge advising people that the hearing was happening, and I think that was one particular neighborhood group.

STEVEN COHEN: That was the

neighborhood group.

H. THEODORE COHEN: That was the neighborhood group that was posting signs advising people. And then presumably were this in effect at the time the proponents of the courthouse would have been required before they even came to us to have done that to put out the notification.

STEVEN COHEN: Is this a list of options? I'm trying to remember exactly. Are they required to post notices or what have you or is that --

LOUIS J. BACCI, JR.: Required to do.

STEVEN COHEN: -- one of the means that's available.

H. THEODORE COHEN: At the moment it's more, you know, optional in the sense of --

SUZANNAH BIGOLIN: Suggested.

H. THEODORE COHEN: These are recommended things you might consider to do.

LOUIS J. BACCI, JR.: At this moment what are we required to do?

HUGH RUSSELL: There's no requirement.

JEFF ROBERTS: Under our current Zoning and regulations there's no strict requirement.

LOUIS J. BACCI, JR.: There's no requirement?

JEFF ROBERTS: There's one area in the Zoning, and this is, I think, part of what drove this recommendation. The requirement is that an applicant has to report in the application of what they did in terms of community engagement. And having that requirement in some ways, there's a bit

of elegance to that because then the Planning Board, along with the -- or the Planning Board can review the applicant's judgment as to what they thought was the appropriate area to notify, and that the material to provide during outreach. And if people show up at the hearing saying, you know, received notice and said well, you know, I had no idea this was going on, then that's, then the Planning Board can take that under advisement.

LOUIS J. BACCI, JR.: And this is for the preliminary community outreach?

CATHERINE PRESTON CONNOLLY:

Correct.

LOUIS J. BACCI, JR.: Once they apply for the permit they're now with the requirement?

JEFF ROBERTS: Then it gets noticed on the 40-A statutory requirements.

STEVEN COHEN: That's not going to reach anybody who isn't already aware of it and looking for it.

LOUIS J. BACCI, JR.: Exactly.

H. THEODORE COHEN: There's a process by where, if I'm wrong, there's process that people can leave a request for notification with the Planning Board or with the City Clerk and they are then notified of every hearing. I think it's part of 40-A that does that.

HUGH RUSSELL: I guess my question is supposing that you say well, you should notify everybody in the list of neighborhood organizations and maybe there's an opt-in list for individuals who, you know, just want to know what's going on, what's the harm?

STEVEN COHEN: No harm. We should be overinclusive.

LOUIS J. BACCI, JR.: Tell the whole city.

HUGH RUSSELL: The only harm I can imagine is that a bunch of people come in from some other part of the city and try to -- and effectively take over the meeting so that the voices that were interested in hearing about it --

STEVEN COHEN: It's not likely, though.

HUGH RUSSELL: I don't think it's likely.

STEVEN COHEN: It's human nature.

HUGH RUSSELL: I've been in one such meeting in my neighborhood and -- it happened 40 years ago, and it was highly unpleasant but I think actually nothing really made any difference.

CATHERINE PRESTON CONNOLLY: Even

better. Highly unpleasant with no visible result.

HUGH RUSSELL: That meeting was always going to support, you know, I guess it was -- I don't know, I think it was some candidate was running or something and they wanted to make sure that us liberals would do the right thing. They were afraid that we would not.

H. THEODORE COHEN: Well, I would imagine in that situation we get the applicant coming back and telling us we had this meeting and it was about something in East Cambridge and all the East Cambridge people seemed fine and dandy with it, but this crazed group of North Cambridge Stabilization people came in and said they couldn't stand anything and they wanted us to change everything.

HUGH RUSSELL: And that would be good information for us.

H. THEODORE COHEN: Right. And I think they would provide that to staff and provide it to us and take it for what it's worth.

LOUIS J. BACCI, JR.: And you do abutter, abutter and --

TOM SIENIEWICZ: Well, yes, I was talking in terms of an analogy, I wasn't relying on 40-A and treating neighbors like abutters.

So in other communities that I worked in staff go to the public meetings, the pre-meeting. It used to be the city was divided up. There were planners for each neighborhood. And they would go to the meetings so they could observe. In Boston actually, in some cases facilitate the

meetings and sort of chair them. I don't know if we would be asking staff to do that, you know, and these are proponents that have a particular point of view and move forward, staff could actually not adjudicate but observe and see what the tone of it is and --

IRAM FAROOQ: I was going to say what are the range of models that are out there and that's sort of the most staff intensive and also the places where you have it, for instance, in Boston, a lot of the decisions get made at the staff level ahead of time so then by the time they reach the BRA Board, the project is cut pretty much. So we, I mean -- and clearly when staff is going to invest that much time and energy into it, it would -- it only makes sense if it's going to be that level of meaningful input. But our feeling was that we -- at

least, I mean in Cambridge we -- I think the community as a whole thinks that the model of having the decisions being made by the Board in the very public forum is a better model. So we want it to start off in by testing a version that is -- you know, that leaves the responsibility to the developer, see how that works. We test it out for, you know, six months, eight months, and then see if it's working well, then like we can stick with it. But if it turns out that we're not getting the outcome that we wanted to see, we can tweak it and we'll have staff, we'll have neighborhood -- we'll have planners go to these meetings and take notes, and that could be at the next level, but it's still the proponent's meeting. And then kind of -- I think it will have real staffing implications for us if, if city staff are going to be

running the meetings and managing that.

And so we wanted to start with the low intensity version and then see, fees up as far as we needed to.

H. THEODORE COHEN: Well, I think this flows out of, you know, a public saying we didn't know anything about this project, they never, you know, as a lawyer, you know, you always tell your client, applicant to go knock on the neighbors' doors and talk to them. You know, and get them lined up and on board with the project. And I think this flows from people saying nobody came and talked to me. I didn't know what it was until I saw it advertised and it went up on the website a week before, I saw what they were doing. And so really the -- what came out of the conversations was that the developer, should you require to have this

early engagement, and I think it makes sense to keep -- the staff wants to observe, fine, keeping an official role because it continues to allow you to, as Jeff said, work, you know, consult with anybody. You know, talk to proponents. Talk to opponents who come in until it gets to the point where the application is filed and then it's sort of you're then telling us, you know, what's been going on and what you think is in it. And then the point of, you know, the applicant being required to tell us, call staff and tell us what they've done in terms of early engagement allows us to, you know, see whether they've done enough. And if they have, then somebody comes up and says well, I didn't know anything about this. You know. That undercuts that or somebody saying well, I think they ought to do this instead of

that. And the proponent can say well, we thought about that and we heard about that and we decided not to for this reason. I think it makes sense to keep staff's involvement at this point lower.

What I would be curious to know is, and you know, presumably as the Law Department, so much of this worded as you should do --

LOUIS J. BACCI, JR.: Should.

H. THEODORE COHEN: -- and you're encouraged to do this. How far can we push it in you must do this?

LOUIS J. BACCI, JR.: That's what I want to know, what can we require?

IRAM FAROOQ: We can have a follow-up discussion with them to see how they feel about how far we can go. But I think the real power will be in terms of is the message the Board sends to the nature of

of the engagement, the nature of the engagement and the result of it and how needy those are. And if it turns out that people have not done enough and they come to the Board and you say to them it clearly does not look like you've done enough, all these people are raising issues that you haven't even brought out, then that sends a message to proponents. And the next time I think you'll find that it's a better, better level of engagement when I mean we hope.

LOUIS J. BACCI, JR.: But doesn't the proponent come back and say it's not required?

LIZA PADEN: No.

JEFF ROBERTS: Not if they want a Special Permit.

LOUIS J. BACCI, JR.: Well, why? I don't understand -- I don't know why.

LIZA PADEN: Well, we've been able -- we've been able to --

LOUIS J. BACCI, JR.: Well, I know it's good faith and all that.

LIZA PADEN: The --

STEVEN COHEN: Go ahead.

LIZA PADEN: The explanation we always give is you want these questions and concerns to come out before it gets to the Planning Board meeting.

LOUIS J. BACCI, JR.: Agreed.

LIZA PADEN: And, you know, a lot of the developers who have come before the Planning Board, they're not, this is not the first time they've presented in Cambridge. And so --

LOUIS J. BACCI, JR.: I understand. But everything is last minute still. You know what I mean? That's what I'm -- if you

don't require them to do something, how do you argue that they didn't?

STEVEN COHEN: Well, as a proponent myself, even if something isn't required, I mean, if I get the word that this is what's expected, this is what's deemed to be good process, and this is, you know, really what a Planning Board would like to see --

LOUIS J. BACCI, JR.: I got you.

STEVEN COHEN: -- that's not a tough decision.

LOUIS J. BACCI, JR.: No, no, I understand.

SUZANNAH BIGOLIN: But it will be required as part of your application. You have to have the summary.

STEVEN COHEN: Report on it.

SUZANNAH BIGOLIN: Yes, of what you've done.

STEVEN COHEN: So you don't have to do anything, but then you have to report that you didn't do anything.

LOUIS J. BACCI, JR.: Well, I didn't do all of it or I did a little bit of it. And where is the -- and now you tell me do we go back and tell them to do better?

H. THEODORE COHEN: That's what's going to happen.

LOUIS J. BACCI, JR.: That's what I want to know.

H. THEODORE COHEN: Go out and do better, and I think there will be some --

LOUIS J. BACCI, JR.: I agree.

H. THEODORE COHEN: -- probably some people who are not --

LOUIS J. BACCI, JR.: I'm just curious where this is going.

H. THEODORE COHEN: -- you know

frequent developers in the area who may be resistant and we've had people who have been resistant to things before. And, you know, they get turned down or we get -- we're not going to operate on -- you know, we're not going to vote on this until you go out and do this and come back and report.

STEVEN COHEN: Just going a little bit off on a tangent from there. Again, I'm going to wearing my applicant hat for this discussion. And as an applicant, the one thing that I wish for more than anything else, is clarity. You know, what is expected of me? What do you want me to do?

LOUIS J. BACCI, JR.: What's required?

STEVEN COHEN: Now, I'm reading through this and honestly I'm not clear what you're asking me to do.

The first paragraph, again, refers to -- this is the apples and oranges, and I'm going back to the oranges that I talked about last time. The first paragraph asks me to initiate a pre-application early community early engagement proceeding. I'm not clear when I'm supposed to do that. Is that something different from the community meeting referred to down below? For instance, in No. 3 a meeting that's supposed to take place or I'm supposed to give notice of it, the two weeks prior to the meeting and I'm not sure. As I said, whether that's two weeks prior to the Planning Board meeting or to the community meeting that I'm supposed to give the notice.

LOUIS J. BACCI, JR.: Then you should.

STEVEN COHEN: I'm not clear if

you're just using different phrases to refer to the same kind of meeting or whether you're actually envisioning different kinds of meetings at different stages of the procedure.

SUZANNAH BIGOLIN: There is some inconsistency that came about in the terminology as different reviewers looked at the documents, and it was originally called early community engagement.

STEVEN COHEN: So it's really just one kind of meeting that you're referring to, and you're just referring to it.

SUZANNAH BIGOLIN: Yeah.

STEVEN COHEN: You want to clean that up. Just use the same term all the time.

Having said that, it does seem to me ideally that we would ask the applicants to

have at least one meeting way early, you know, before they put together their plans and proposals, just as sort of hear from the neighborhoods what are their issues and concerns. I mean I tell you, developers are no different than other human beings. Once they've started investing time and effort and money into a particular plan, they start getting invested in that plan and it starts becoming increasingly difficult to move away from it. They become increasingly reluctant to do it, and they start getting defensive about that plan. Whereas, if we can encourage them to come in early and get some more general feedback about the issues and concerns of the neighborhood, that could be incorporated into their planning and design at an earlier stage. And maybe, just maybe, you know, it would have a greater impact and

a more productive impact under design process and proposal.

So I would think it would be ideal and most beneficial to come in once very early like that, and then, again, at least one more time after they've then produced something and have something to present and get feedback from what they've actually, you know, designed and what they're actually proposing. So and, of course, they may want to do more meetings and different meetings, but it seems to me that at least those two stages would improve the process rather than simply one meeting and one meeting after their design concept is already fully made.

CATHERINE PRESTON CONNOLLY: Steve, I don't disagree with you but I think you'll have a hard time getting people to show up for that first meeting.

STEVEN COHEN: That's on them.

CATHERINE PRESTON CONNOLLY: No. I guess I think it's not on the developer, though. You know, I think people show up when there's something to react to. And just saying, hey, we have this piece of property and we don't know what we're going to do with it or who we're going to sell it to or option it to or whatever, I mean I think in some respects the community counts on us through the zoning and planning process to get that kind of what are the community concerns out there so that a developer knows what to propose.

STEVEN COHEN: Well, I hear you and you're right, maybe not as many people show up, but maybe if they do. But if they don't, they have the opportunity. If you notify or if you have that authority with the

neighborhood association, then, you know, somebody from the neighborhood association will be with you.

CATHERINE PRESTON CONNOLLY: But do you -- I mean just from my experience with this, often the piece of land and the idea come at the same time. Like, my clients when I was in private practice had the idea for the piece of land before they acquired it. And so they're not engaging the community at the, hey, I own this piece of land and I don't know what to do with it stage. They're in the, I've bought an option on this piece of land to do this specific thing. And now I want your feedback. The person who owned that piece of land had no vision for it for that specific thing and wasn't engaging the public saying it's for sale, what do you guys think I should sell it for?

STEVEN COHEN: Yes, I mean -- look, certainly there's something into what you're saying, but as a developer, I would love to get a sense of what, you know, the local concerns and wishes and politics were before I start designing. Because, you know, I may know that I want to put a hundred thousand feet on this parcel right here, but exactly how and where I lay out that 100,000 feet.

HUGH RUSSELL: That's why you hire Jim Rafferty.

CATHERINE PRESTON CONNOLLY: That's right.

I mean, I think those conversations happen but they're more informal. I mean that's my point.

IRAM FAROOQ: This was one of the points again a point of tension in our conversation and as well during the feedback

we got through the focus groups. The word meeting fatigue came up quite often, because we as a city invite people to a lot of stuff and so people did not -- I think to Catherine's point, they were concerned that they would get called to a lot of meetings with you without a lot of substance to react to. So I think maybe a way to do it is to talk about early engagement, like super early engagement, as potentially being a positive thing, and then allow the developer to kind of figure out what makes the most sense, because sometimes that may in fact be the individuals are with the --

STEVEN COHEN: They're not requirements anyway.

IRAM FAROOQ: Right.

STEVEN COHEN: That would do it for me to, you know, just to suggest it as an

option. You might want to, you know, find out. And if you can find out through staff or through your attorney or if you want to have a meeting, what have you, but it's definitely a good idea to find out what the issues and concerns and wishes are of the meeting.

CATHERINE PRESTON CONNOLLY: And I think it's great to have it as an option. I just would be really hesitant to require it, because I think it's going to vary by circumstances.

STEVEN COHEN: That's what we've said. We're not really requiring anything.

LOUIS J. BACCI, JR.: Yes, at some point what do we really require? You know what I mean?

STEVEN COHEN: We're going to determine when they come in here whether what

they've done is sufficient under the circumstances.

LOUIS J. BACCI, JR.: And --

SUZANNAH BIGOLIN: We're --

LOUIS J. BACCI, JR.: You're moving the target again.

SUZANNAH BIGOLIN: That's one meeting. That's the requirement is at least one meeting.

LOUIS J. BACCI, JR.: It's required?

SUZANNAH BIGOLIN: Yes. That's in the Planning Board rules and then we encourage other --

LOUIS J. BACCI, JR.: And it's required after the application?

SUZANNAH BIGOLIN: No, before you submit the application.

LOUIS J. BACCI, JR.: Okay, so there is something that they're required?

SUZANNAH BIGOLIN: Yes.

H. THEODORE COHEN: Right. The Section 5 says the minimum at least one community meeting hosted by the petitioner must be held at a time and location convenient to residents and in proximity to the project site.

Additional community engagement options may include dealings with blah, blah, blah. The extent of outreach and engagement may vary depending on the location of the scale of the project. CDD staff must be notified of all planned meeting and activities and consulted on outreach. See the guidelines.

HUGH RUSSELL: Steve is applying his sort of experience as a developer and I'm thinking about the three projects that I'm working on now, one of which I've been working on for 26 years, and there has never

been a community meeting, but there have been frequent meetings with, you know, the historic board. It's in a national state historical district.

And, you know, another one that we're finally filing, we started meeting two years ago with the community leaders in an area in part because we knew we were asking for a lot and we had to try to explain to them why.

And the third one is like, you know, the developer's a very powerful politician, former state senator, and so we went and talked to the Mayor, to, you know. This is what I want to do. What do you think? You know, you have a personal relationship with him there. And, again, in that one, like the 26 year one, there weren't neighborhood associations in the part of town that we were working. So it's a -- it's a variable kind

of thing, you know. It was 26 years ago. You know, my client said I bought this complex and I intend to turn it into housing but he actually, he had a party. Bobby Short entertained at the party. And so I think it's, it's different.

I'm feeling that the level of specific physicality along the guidelines feels pretty comfortable to me. If I was just trying to understand it with just this piece of paper, I would be making a huge mistake as a proponent. I would, you know, I should go and talk to the people at CD who will help me to understand it. I should have a local attorney who will say, you know, this is how things really happen. And this is in Harvard Square, I should have a talk to Pebble Gifford because she expects to be talked to. And, you know, Jim Rafferty knows that. And

I think the other thought is, the only thing I'm worried about here is that we're going to get 25 people getting up at our hearings saying, well, I didn't know about this pre-meeting and so you've got to stop everything until they talk to me.

LOUIS J. BACCI, JR.: Yep.

HUGH RUSSELL: And there's some way, I think that we can communicate what the point of these meetings are. And there's a nice paragraph at the beginning of the guidelines that seems to work on it. What's the Board -- why does the Board want to do this? It's because we want people in the community to have advanced knowledge. And in a perfect process not everybody is going to find out about it. But the more people that find out, you know, and if -- if it's a big high impact project, than this meeting is

going to get plenty of attention. I'm feeling that this is, this is worth trying more or less as we've written it.

H. THEODORE COHEN: I think the requirement of reporting to staff what they've done. I mean, obviously there will be some people that get missed somehow, but you know, like, the census and going door to door --

HUGH RUSSELL: It's in July, (inaudible) you should know that.

STEVEN COHEN: Well, does the obvious need to be stated which is you should speak to staff to figure out how best to pull this off?

SUZANNAH BIGOLIN: It is in the guidelines.

HUGH RUSSELL: It's in No. 1.

STEVEN COHEN: It's what it comes

down to. You know, all the rest of it is, like, just talk to staff, do what they tell you to do.

HUGH RUSSELL: Right.

LOUIS J. BACCI, JR.: But it's not required.

HUGH RUSSELL: Right.

STEVEN COHEN: Right.

H. THEODORE COHEN: No, it's -- talking to staff is not required, but --

LOUIS J. BACCI, JR.: I know, I understand. I understand it.

H. THEODORE COHEN: We understand that the people of the world are smart enough to know that if you want to go in and build something, you've got in and talk to somebody.

LOUIS J. BACCI, JR.: I know, but there's been a lot of talk about public,

public, public.

H. THEODORE COHEN: All right.

Do we feel comfortable enough for staff to incorporate the various comments and proceed with things?

HUGH RUSSELL: What is the process?

H. THEODORE COHEN: I think we'll get another draft.

HUGH RUSSELL: And we'll have a public meeting and solicit comments?

H. THEODORE COHEN: Yes.

I assume, I don't know if developers have seen any of this yet. And they may say they can't live with something. Or the public will say they want more.

SUZANNAH BIGOLIN: We plan to send it out to the focus group participants following this meeting and what additional changes are incorporated.

CATHERINE PRESTON CONNOLLY: Great.

IRAM FAROOQ: And then we hope that developers watch our website the same way we expect community members to watch it.

H. THEODORE COHEN: Okay.

CATHERINE PRESTON CONNOLLY: And I presume there are some developers who are part of this focus group as well?

IRAM FAROOQ: Yes.

H. THEODORE COHEN: Okay. So we will take this up again at a future meeting.

Liza, you have something?

LIZA PADEN: So last week when you voted on the extension for the First Street Assemblage, I neglected to include in the request the extension for the case that's going with it, which is the Major Amendment for case #231A. This is the 29 Charles Street being moved from one PUD to another.

I would like to have a motion to extend the period for filing the decision to July 14th.

STEVEN COHEN: So moved.

CATHERINE PRESTON CONNOLLY: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

LIZA PADEN: Thank you.

H. THEODORE COHEN: Okay.

One last point I have which I just want people to think about it, I don't want to discuss right now, the possibility of -- which I would like to attend, of putting strict time limitations on our hearings that if -- that they basically -- strict compliance with the agenda. So that if a hearing is scheduled for 7:30 to 9:00, we end at 9:00. And if we have not heard from everyone, we simply --

CATHERINE PRESTON CONNOLLY: We continue.

H. THEODORE COHEN: We continue to another date and time so that. And I know there are pros and cons in each favor, in each direction, but I think the public also then knows that they're only going to be here for a particular time. Where if something is scheduled for nine o'clock, they don't have to show up until five minutes before nine and then they know that we'll be out at ten or whatever.

HUGH RUSSELL: So I've been around here for a while and -- so there's the event that happens the night you schedule is beautiful and the 7:30 to 9:00 thing either attracts no interest or the developer comes in and says, you know, there's some fact, I can't do much tonight. And so we end up

sitting around for an hour and a half.

H. THEODORE COHEN: We've discussed that with Liza and there are, I think there are plenty of other things that we could talk about that we have not had the opportunity to or the time to talk about in the past, and that the number of times when that occurs is, are few and that, yes, that's the negatives, and that's part of the potential negatives. Although I think there are things that we never get to talk about that we could talk about and if --

HUGH RUSSELL: And if they're not on the agenda?

CATHERINE PRESTON CONNOLLY: So it's great that we're not talking about this yet and we all have time to think about it.

H. THEODORE COHEN: Why don't people think about it and we can talk about it again

perhaps at the next session about our rules and regulations.

IRAM FAROOQ: That sounds good.

If I could throw out one thing that as we've talked about, the more firm timelines. I think the challenge on the con side becomes even more aggravated in terms of just scheduling the followups and making sure that the projects keep moving. So just wanted to throw that out.

H. THEODORE COHEN: Okay.

Thank you all.

We are adjourned.

(Whereupon, at 10:20 p.m., the  
Planning Board Adjourned.)

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BRISTOL, SS.**

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Certified Shorthand Reporter, the undersigned  
Notary Public, certify:

That the hearing herein before set  
forth is a true and accurate record of the  
proceedings.

**IN WITNESS WHEREOF**, I have hereunto set  
my hand this 12th day of June, 2015.

---

Catherine L. Zelinski  
Notary Public  
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