

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, August 11, 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
Ahmed Nur, Associate Member

Iram Farooq, Acting Assistant City Manager

Community Development Staff:

Liza Paden
Stuart Dash
Suzannah Bigolin

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PUBLIC HEARINGS

Cambridge City Council Zoning Petition to rezone the area along Walden Street near the intersection of Garden Street and extending through the intersection of Sherman Street currently zoned Business A, to a newly created zoning district entitled Business A-4. The effects of the proposed change would include, but not be limited to the following: The Floor Area Ratio would increase to 2.0 for all uses, from 1.0 for non-residential and 1.75 for residential uses, and the yard requirements would decrease to a minimum of 10 feet for front, side and rear yards.	7
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GENERAL BUSINESS

Elizabeth M. Stern, et al, Zoning Petition to change the current zoning designation of the parcels identified as Lot 84 (2551 Massachusetts Avenue) and Lot 65 (7 Richard Avenue) on Assessing Block Map 186 from Business A-2 (BA-2) to Residence B (Res B) and remove both parcels from the Massachusetts Avenue Overlay District (MAOD) and the North Massachusetts Avenue Subdistrict (NMAS), and to redraw the zoning district boundary lines so that all portions of these two lots and the abutting portions of Massachusetts Avenue and Richard Avenue up to their centerlines (which portions currently lie in the BA-2 zone, the MAOD, and the NMAS) are situated solely in the Res B Zone and are not included in the MAOD or the NMAS. 93

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H. THEODORE COHEN: All right. Good evening, everyone. Welcome to the August 11th meeting of the Planning Board. We'll start today with our update from the Acting Assistant City Manager.

IRAM FAROOQ: Thank you, Mr. Chair. So today's agenda is focussed on two zoning petition hearings:

First, the Masse site on Walden and then the Stern petition. The Ordinance Committee hearings for those petitions are coming up also. So August 18th will be the hearing for Masse's -- that's at 5:30. And then on August 20th is the Ordinance Committee hearing on the Stern Petition which is again also at 5:30.

In terms of upcoming meetings on the

Planning Board's docket, the next meeting is August 18th, which will include a public hearing on 249 Third Street, and then design changes for 88 CambridgePark Drive. And those are largely looking at outside of the building where they are -- they're looking to change some of the driveway and parking and some landscaping related to that if I'm not misspeaking.

And then just a couple of updates from last night, which was the summer meeting of the City Council. So the Council has moved the Incentive Zoning petition to second reading which means that it can be enacted at their fall -- first meeting in the fall which is going to be September 21st. They also have received a rezoning petition for the MXD District in Kendall Square, which is sponsored by the Cambridge Redevelopment

Authority. And this, you had spoken to -- well, Boston Properties had done an early presentation some months ago about the work, but this is now coming actually as the rezoning petition. It's pretty consistent with the recommendations of the K2 Study, but obviously they're details they'll be discussing when the hearings are scheduled in September.

Thank you.

H. THEODORE COHEN: Thank you.

Are there any meeting transcripts?

LIZA PADEN: The July 21st transcript came in. It was certified.

H. THEODORE COHEN: Thank you.

Do we have a motion to accept?

HUGH RUSSELL: So moved.

H. THEODORE COHEN: Second?

CATHERINE PRESTON CONNOLLY: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: We'll now proceed to a public hearing on the Cambridge City Council Zoning to rezone the area along Walden Street near the intersection of Garden Street and Sherman Street.

For those of you who don't know, this is a public hearing. We will hear first from the proponent and then we will hear from -- the Board may have some questions, which we'll ask then, but then we will hear from the public. Just so you're clear, what our role is is to make a recommendation to City Council with regard to this Zoning. We do not adopt the Zoning. That is done by City Council. And so the only vote we will take presumably this evening is to recommend this,

to recommend the changes, or not to recommend it, or sometimes we make no recommendation whatsoever.

So who is going to be presenting this?

ERIC HOAGLAND: That's me.

H. THEODORE COHEN: Please come forward.

ERIC HOAGLAND: Hello, my name is Eric Hoagland. I'm the developer of context. I'm a lifelong Cambridge resident and I'm purchasing the site from as a customer of Masse's like everybody probably in this room, and I thought this was a good site to develop a piece of property.

My goal is to give some history, context of where we are. I came up with an original design. I don't think anyone liked it. Shot that down. So it's been kind of a long trip to where we are right now. But I

live here and my goal is to have a building that I'm gonna own it in the long run. This is not for condos and stuff like that. I mean, my goal is to have something really nice because I live here as well.

At first it was, you know, two different groups, myself and the other group, we weren't fighting each other but wanting to get to a better place. And if there is a single issue, there's one, it's called parking, a P-word, but it's parking. But I think there's subsequent, a lot of little issues that added up in the end to where we are today. So we have the neighborhood with us tonight which I'll let them speak, but it's been a good experience and a learning experience for myself, and I think a positive one for where we're going to be.

So the first thing we did on -- is have

a series of meetings. We've had community meetings. I don't know the exact number, but at least a half dozen, probably more, large groups and then formed a smaller group. And what we have, I believe, is a better project. There are tradeoffs. It's not perfect. There's a lot of compromise going on in here. But at the end of the day, I think it's better for everyone involved.

We put the full grade parking underground as the big headline. We put a garage underground. The water table's quite high there. A lot of flooded basements. People know what that's like. And we did a full grade parking below ground. It's cost-prohibitive. It's expensive for us to do.

A second issue we did -- a second thing we addressed is a retail store at the corner.

Having grown up here, I would like to see vibrance at the corner. We all agreed on that. And we're gonna put some type of -- ideally a cafe or a restaurant or something that can inhabit that space. Financially it's probably a lost leader as a developer, because you can't get the revenue in that area of town that would offset the costs, but I think it would make it a more attractive building for me as well. So there's some self-serving issues there.

The second issue, we had keys to doors at the street level. So there's duplexes in the front and ideally studios in the back where it's sorting out a unit count, parking issue in the back. And three studios in the back and three duplexes in the front. And you would have your key to your own entrance. So the sense of livelihood at the corner. I

think is an important livelihood at the corner. You can put a key in the door and see someone going in and out of the house.

The third issue was the mansard roof. Not a true mansard -- any perfectionists in the room, but a mansard nonetheless. And retracting the fourth floor back in net size.

So we went back and forth with the neighborhood. Originally they wanted a three-story building to reduce height, because height was a very, very sensitive issue, and we worked very hard to keep the actual building and only get at the mechanics of the actual building for the Zoning purposes, but the building is not going to be -- it's going to be 40 feet, eight inches at the corner. And there's a roof height calculation that I'm not talking about, but we tried to keep the building low. And we

looked at a three-story building, it would have a half grade garage, so you drive down halfway and park and three stories up would be 38 feet. And we traded those off. So Masse's building to the right is actually 38 feet tall, and for that extra few feet, the three feet or so, we could have full grade parking, have a fourth floor.

So the fourth issue is we retracted the roof, the mansard. So we created decks on all four -- we created decks on all four corners and pulled the top template back. So there was a shallow roof. And the net shadow was less than the previous building that was designed.

I'll move quickly to the last issues. Brick at the corners. (Inaudible). I think it's going to increase definition at the corner. I think that's an important corner.

There's a lot of traffic there, but I think it's an important place for people to realize that would be a corner in the future.

Currently now it's storage sheds, and I think that that will add to the retail that's there, Paddy's is across the street. The retail helps retail. And I think that if we can tie into what's happening at Concord Ave., the vibrance of Concord Ave., I think that would be helpful.

I'll track some of these last issues. Underground setbacks in the garage. So we -- there's some footnotes. The footnotes, it was better to create new zone to create this new garage. So if you put it underground, the open space -- I can't rattle off all the technical issues of it, but if we were able to expand the parking lot underground, which neighbors were very supportive of. To the

south there's not a lot of parking issues. Danehy Park is in the back. To the north it's very congested. So long winters and whose snowbank is whose, stuff like that. No one wants the cars in the street.

And finally, we're incentivizing -- we're tying the tenants' lease to parking, so including the parking in the tenant lease. There's issues around that, but I think the point being is that we want people to park their cars not on the street, in the garage.

Finally in terms of design, I think we did a lot of undulation and articulation, and so you'll see the bay windows protruding out. It gets a sense of community in my mind, and the classic triple decker look or bay windows.

And then finally the landscape design which we're committed to. I think will add

to the robustness of the sense of the corner.

Peter Quinn is my architect. Milton and Mark are both here to speak about the other facets of this. One is specifically because we're talking about a Zoning issue that was brought to us by the Council, and we want to break it down in two parts:

One is the Zoning change specifically. And then -- sorry, the Zoning -- I forget the -- zoning appeal. And the second issue is the design specifically.

But I think at the end of the day we worked well to create a conceptually appropriate building for the neighborhood and had a lot of beneficial tradeoffs back and forth to create something that's contextually appropriate, that serves some of the desires for the neighborhood for underground parking at the end of the day, but there's a lot of

little small issues that add up. But I'm happy with this -- where we are today. And I hope that everyone else is as well.

Mark, you want to....

MARK NIELSON: Good evening. My name is Mark Nielson and I'll be presenting the design that Eric just presented and so I'm going to keep it pretty short.

H. THEODORE COHEN: I'm just wondering if somebody's going to do the Zoning piece? Could we hear that first? Because we're not here today to approve a design. We're here today to make a recommendation with regard to Zoning and so I'd like to hear the Zoning first.

MILTON WU: Good evening. My name is Milton Wu, Peter Quinn Architects. So there's really -- for the latest amendments to the Zoning Petition, there's really three

prongs:

One is the dimensional amendments for FAR, setback, and height.

The second prong would be for review procedure, adding to one of the lists of Zoning Districts that are appearing in the area of special planning concern.

And the third prong is to have a specific requirement for the proposed Zone Business A-4 to have a criteria for the commercial space that is targeted towards benefitting the immediate community.

So if you want to talk about the dimensional requirements first. So one thing that was pretty strong in driving the language for the amendment was to tie the FAR and the setback and the height to some sort of incentive to have the parking underground or entirely underground. So the amendment

was to call for FAR bonus to -- or to change it to 2.0 across the board, but also to specifically have that hinge upon having parking entirely underground.

The second would be the setbacks, and those would be modified to ten feet all sides, and that is also contingent on having parking entirely below grade.

The third item was the building height, which is now -- the amendment was -- is proposed to be at 44 feet to -- that's a Zoning building calculation to average grade, to top of insulation. So that top of roof to 44 feet.

And also, again, all three are tied to prerequisite to having parking entirely below grade.

And just real briefly, Section 19.46 of the Zoning By-law, we propose to add another

district of Area A-4 to the area among the other districts in there.

And lastly, the specific language to add to this particular district to have a criteria for ground floor retail use of less than 2,000 which will serve an amenity for the surrounding residents in the neighborhood to be created in a building greater than 20,000 square feet which we clearly are.

H. THEODORE COHEN: I don't want to interrupt your presentation, but maybe someone from staff could help us out because we received initial petition and staff memo on that and then we received a memo from Attorney Rafferty which seems to have some slightly different terms in it. So if somebody might be able to clarify exactly what's being proposed and perhaps some changes to what's being proposed that they

might like us to recommend to the City Council, that would be very helpful.

MILTON WU: Do you have previous amendments?

AHMED NUR: Right here.

TOM SIENIEWICZ: Mr. Chair, have someone speak to the memo to compare the content.

H. THEODORE COHEN: Right. I'm hoping maybe Stuart.

STUART DASH: I'm going to try. Thanks. Stuart Dash, Community Development.

So this petition has gone through a few changes as we mentioned, and the previous memo referred to the earlier petition and the -- you have the memo from Jeff of December 10, 2014, that talked about their initial petition. And the petition that they had currently been contemplating as of the

end of July made some small changes to it, but basically included the change to become a Business A-4 designation to keep the same set of allowed uses that currently for the Business A District. For the allowable FAR, again, as was mentioned, if parking is underground, the allowable FAR goes to 2.0 for all uses, and that's a distinct change from the current Zoning which allows 1.75 for residential and 1.0 for non-residential. And when you combine them, it's the combined formula for those two, and this is the distinct formula for all 2.0 uses.

Another key difference is allowing a 45 feet height for all uses. Again, under this petition that's being proposed as for the final changes, only if parking is fully underground, otherwise 35 feet.

The yard setbacks are a distinct

difference. The current Zoning has no setbacks for non-residential. And for setbacks it's the formula -- setbacks for residential as opposed to what is being proposed which is ten feet for all sides; front, side, and rear.

Open space, the new petition does not propose any primed open space requirement. The existing Zoning requires 15 percent for residential and none for non-residential.

And probably another key change that was mentioned is the current -- they're currently under a project review Special Permit for projects under 20,000 square feet or more, and the proposal here is that there's -- it only occurs over 50,000 square feet, and under that it's a hard project review which is basically a staff project review of the proposal.

And that's -- as Jeff noted in his memo, there's a few comments that we had as staff that as we looked at it, the key things, the changes which I mentioned, the review changes, one that we take note of, and it's challenging because I think they've done a terrific job working with the neighborhood in this case and come up with, I think, a very nicely tailored design. And the question for us is on the rest of the site because this Zoning District encompasses about twice as much area as what we see in that building there. And we feel comfortable that the review procedure is adequate to the task for the rest of the area of that Zoning District that's proposed.

And the other piece is the 2.0 for all uses. And for us, and it's something that I think we've been looking at for a while,

which is 2.0 for all uses, meaning could be all office, which wouldn't necessarily be a terrible thing in this area. But actually there would be a set of uses includes a lab as well. And my guess is probably most people aren't anticipating a lab building being built in this spot with associated mechanical.

So we actually had ongoing discussions when we did the North Mass. Ave. Overlay a few years ago where we talked about some other limited set of uses. So I think it's something worth thinking about, is there a more distinct set that doesn't overly burden a property owner and makes it a more amenable set for a neighborhood area such as this.

H. THEODORE COHEN: All right. I'm still unclear in that we've received the June reference from the City Council and now if

we -- if City Council were to adopt that, would that allow this proposed building to be built that way or does it have to be changed from that June proposal to accommodate that particular building?

I mean, what we received from City Council talks about a height of 45 feet. It doesn't reference parking having to be underground. There was other -- there was a memo from Attorney Rafferty which has some of these changes, but, you know, I'm just curious if we were to make a recommendation, what is City Council going to be voting on?

MILTON WU: Do you have the version that you're referring to is July 16th?

HUGH RUSSELL: We have June 15th.

H. THEODORE COHEN: I have something -- I have the City Council order dated June 15th.

CATHERINE PRESTON CONNOLLY: The City Council order.

H. THEODORE COHEN: And we also have a memo from Attorney Rafferty.

AHMED NUR: Councillor Cheung is the one that ordered it.

CATHERINE PRESTON CONNOLLY: And the memo six days before what we got from the neighbors.

H. THEODORE COHEN: Undated.

MILTON WU: The FAR of 2.0 for all uses does appear before, but it wasn't contingent upon the parking below grade. So that was one change that we're specifically trying to add to -- to add an incentive to do that.

It says here 45 feet height. That would be enough for our design. We're proposing 44, but again, for our amendment

we're actually tying that to an incentive, to reach that number only if you have parking below grade.

CATHERINE PRESTON CONNOLLY: So that would be another change?

MILTON WU: Well, those are the changes that I started off with.

CATHERINE PRESTON CONNOLLY: Right.

STUART DASH: So to your question, Ted, the June 15th petition would be adequate to build this building. I think what they've come to a closer agreement with the neighbors is something that is more closely fitting to the building, tight fitting to the building in a way that's less -- is more constraining, because I think of concerns of the neighbors of what was allowable there. So to some extent -- the June 15th version from, as I look at it, would allow their building.

H. THEODORE COHEN: Okay. Well, so Attorney Rafferty's memo adds the following:

FAR may be increased to 2.0 provided parking is located below grade.

And then with regard to setbacks, front, side, and rear setbacks modified to ten feet provided all parking is located entirely below grade.

There's a reference to front yards and how they're measured.

Reference to projecting bays and roof decks being eligible for setback exception if the structure is greater than 35 feet.

The reference to increasing the height to 44 feet. You know, but not above 35 within 15 feet of the lot line.

I mean, just, you know, we don't really have something that we can say this is supposed to be voting on, what we're supposed

to be recommending, and that's what I'm trying to figure out exactly what that is and whether it's Mr. Rafferty's memo or it's something different from that.

CATHERINE PRESTON CONNOLLY: So I think procedurally our recommendation is based on the Council petition as it was forwarded to us.

H. THEODORE COHEN: Right.

CATHERINE PRESTON CONNOLLY: And, therefore, if we want to incorporate the changes that have been negotiated with the developer, we'd recommend "With changes as outlined below."

H. THEODORE COHEN: Right.

CATHERINE PRESTON CONNOLLY: Is that --

STUART DASH: That's right. That's the way I interpret it.

H. THEODORE COHEN: Okay.

And the changes that are in Mr. Rafferty's memo are what has been negotiated -- I take it what's been negotiated?

STUART DASH: With the neighborhood, that's correct.

H. THEODORE COHEN: All right.

I'm sorry, if you want to continue.

MILTON WU: The question I had would be does the attorney need to submit an additional, you know, piece of such and such besides the memo that he sent off?

HUGH RUSSELL: I think the staff can use his memo to make a recommendation.

H. THEODORE COHEN: Right.

CATHERINE PRESTON CONNOLLY: Right.

H. THEODORE COHEN: Yes, I had hoped that Mr. Rafferty would be here this evening,

but --

MILTON WU: He's en route.

H. THEODORE COHEN: Okay.

TOM SIENIEWICZ: So I had a question for Stuart, maybe if we're finished with kind of sorting out how the documents might get sorted out. This is relative to your comment on an issue of use that the staff didn't take issue with the fact that it could be all of the commercial building, all a lab building, all a retail building. I'm surprised that that --

STUART DASH: Actually no, I misstated.

TOM SIENIEWICZ: Okay.

STUART DASH: The staff has some concerns that it could be all land owning. I think we did not take issue that it could be all commercial, for office, but I think

there's a distinctions in actually the office uses that you might decide to include office but not technical office.

TOM SIENIEWICZ: In the memo from the 31st of July, the suggestion that actually the commercial use be limited to only half the FAR to one, right? This is an amendment to the Zoning language that's recommended by staff so that you could not build a large commercial building. In fact, it encourage mixed use which is something I'd like to get fellow board members' views on. In my opinion seems right excuse and the City is certainly encouraging that kind of instruction.

STUART DASH: Right, I think that's where we would come from, and at the same time I think be supportive of the agreement that the neighborhood worked out which I

think Jeff presents two options to approach this.

TOM SIENIEWICZ: So you are pro mixed use?

STUART DASH: Yes, right. And I think while we're -- I don't think we feel opposed to it, there could be an all, all commercial use that might work out. I think we'd rather see -- I think our preference would see that and it would eliminate some other concerns.

H. THEODORE COHEN: While you're up, perhaps you could talk a little bit about the project review procedures and how this would -- how it's the same or differs from other projects of similar sizes.

STUART DASH: It's similar across the city in that we only, as we know, the projects we tend to bring before you, are

50,000 square feet above which is our standard trigger for project review. However there are areas in the city, and this area being one of them, that was put into place a number of years ago where the trigger's 20,000 square feet. And now that's in the space that at a point where there's a project that was that size where they thought review was appropriate and the Council voted in to make those changes in certain BA districts. So, and that was voted into this district. I think on the one hand we're not -- it's -- so if the changes sort of the policy in terms of that regard, the project review is I think as most of you know, is not a discretionary kind of review. It is staff looking saying did you do this, did you do that. It's not saying do we like your windows? Do we like the form of your building? It really is sort

of a checklist form of review that distinguishes from the Planning Board review of projects. And so it is mostly at the city level of advisory. It is not if we say we don't like something, it is advisory to the applicant. As long as they're meeting the key numerical goals of the Zoning, then that would be presumptive to sort of be approved in terms of --

CATHERINE PRESTON CONNOLLY: So once this project -- once this -- if the Zoning were adopted, this project would not be back before the Planning Board for a Special Permit?

STUART DASH: That's correct, that's correct.

H. THEODORE COHEN: But if a different project that was in a BA Zone that was the same size would come before the

Planning Board for a Special Permit.

STUART DASH: Right. Not in this new zone but in a different BA Zone.

H. THEODORE COHEN: Right, not in this --

STUART DASH: It only affects this specific zone.

H. THEODORE COHEN: And the reason for doing that?

TOM SIENIEWICZ: Is that right?

CATHERINE PRESTON CONNOLLY: No, no, no, no. I think -- so a project of this size in a -- or if it's not of special planning concern also doesn't come before us. The difference is that it also wouldn't be subject to staff review, correct?

STUART DASH: Right.

CATHERINE PRESTON CONNOLLY: A project this small.

STUART DASH: No, the size of this project is --

H. THEODORE COHEN: In the BA Zone.

STUART DASH: No, it would, because actually the -- in the BA Zones, especially on the North Mass. Ave., there would be a two -- and I'm trying to think of the other zones, other BA Zones, it was reduced to 20,000 square feet --

CATHERINE PRESTON CONNOLLY: Okay.

STUART DASH: -- would be special. So actually that was put into place I think five years ago at this point.

MILTON WU: That's for large project, isn't it?

H. THEODORE COHEN: So it would require a Special Permit.

TOM SIENIEWICZ: And then it comes back?

CATHERINE PRESTON CONNOLLY: I'm getting confused. Large project review is not a Special Permit?

STUART DASH: That's correct.

CATHERINE PRESTON CONNOLLY: Right. So regardless of which BA Zone, whether it's this one or any other BA Zone in the city, a project of this size would require large project review, not a Special Permit?

STUART DASH: Yeah.

AHMED NUR: My understanding is that what he's saying is anything over 20,000 square feet of any BA would be required for a project review.

CATHERINE CONNOLLY PRESTON: Special Permit.

STUART DASH: For a project review Special Permit.

AHMED NUR: Special Permit.

CATHERINE PRESTON CONNOLLY: And here we would be less scrutiny?

STUART DASH: Yes.

CATHERINE PRESTON CONNOLLY: Oh, I'm with Tom then. I completely flipped it because it makes no sense.

TOM SIENIEWICZ: No sense.

AHMED NUR: I agree. Right, that's my understanding.

H. THEODORE COHEN: I imagine the theory they're espousing is they've already negotiated this with the neighbors and therefore it shouldn't come back before the Planning Board to consider the design.

CATHERINE PRESTON CONNOLLY: But the Planning Board does not appropriate -- especially when the zone is not just this site, the Planning Board does not appropriately consider the design in

determining whether or not the zone is appropriate.

H. THEODORE COHEN: Correct. It builds an exception into it that --

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: -- is somewhat unique.

AHMED NUR: I mean I have clouds over -- perhaps --

STUART DASH: Right, it was not -- actually, as I recall, it was just on the BA-2 Districts where that was put into place. But and, you know, principally the North Mass. Ave. Overlay District is the place where the 20,000 was reduced threshold.

H. THEODORE COHEN: Do we have other questions for Stuart right now or should we continue with their --

AHMED NUR: Yes. Could you clarify

the difference between the 50,000 that's required for the Special Permit review and the 20,000? One is the BA and the other one for residential 50,000 -- what the residential 50,000 square feet.

STUART DASH: Our current threshold or current general threshold for a special project review is 50,000 square feet.

AHMED NUR: Okay.

STUART DASH: However, some areas of the City, some specific zones -- that BA-2 is one of those zones, and I have to check, it was reduced to 20,000 a number of years ago.

HUGH RUSSELL: Typically on this site it's a Business A District and, therefore, it has a 50,000 foot requirement.

AHMED NUR: Okay.

TOM SIENIEWICZ: So if we go to A-4, and I hate to belabor the point, but

Mr. Rafferty's memo seems to suggest that this is -- as we turn this to an A-4 District, that this becomes -- he wants to add that to the litany of areas of special planning concern, therefore, it trips the 20,000 square foot threshold. This project has to come back for review, and now I'm confused about whether that's happening at staff level or at the Planning Board. I'm hoping it's happening at the Planning Board.

CATHERINE PRESTON CONNOLLY: I agree.

TOM SIENIEWICZ: That's my understanding.

STUART DASH: That's at staff is a large project review.

H. THEODORE COHEN: Right. I think the special planning concern is just a staff review.

TOM SIENIEWICZ: Just staff, just staff.

H. THEODORE COHEN: Until it hits 50,000 square feet.

TOM SIENIEWICZ: Then it comes --

H. THEODORE COHEN: -- or 20,000 in at least the BA-2 or perhaps some other --

ERIC HOAGLAND: Right. I think the desire is that we're -- we've worked for a year with the neighborhood to try to get to this design and the best way to deal with it. It's complicated. You have quadratic formulas. You have setbacks. It's not simple. I understand you guys get this. But we as a group worked to get to where we are.

Now a year goes by and we feel the best way to do it is create a new zone with the intention of building that building. And so --

H. THEODORE COHEN: Right, we get that.

ERIC HOAGLAND: Okay.

CATHERINE PRESTON CONNOLLY: But it's not just your building. The zone doesn't just hit your building. That -- that's where I think I'm having a problem.

ERIC HOAGLAND: Most of those buildings in the neighborhood have been built out. Okay?

H. THEODORE COHEN: Right. But this --

ERIC HOAGLAND: It's just not a huge swath of area. I'm not -- so we worked hard with the neighborhood to create a design as best we can --

CATHERINE PRESTON CONNOLLY: We understand that.

H. THEODORE COHEN: We understand

that, but hopefully everybody that comes before us has worked hard with the neighborhood. You know, we're not just zoning that particular building. It's larger than that. Plus it could -- it's not impossible that this particular zone might be applied to other locations in the city. And so it is a question for us whether there should be this exemption built into it that would require only staff review rather than it comes back to a future Planning Board for a Project Review Special Permit.

CATHERINE PRESTON CONNOLLY: Right.

HUGH RUSSELL: It is clear that currently in the -- in this district, which is a Business A District, there's a 50,000 foot trigger. The question is should we lower that as part of the rezoning of this particular parcel?

H. THEODORE COHEN: So I guess the question is do we want to just talk about the Zoning or do we want to hear more presentation about this particular design and this particular building that they're hoping the Zoning would be tailor made for?

STUART DASH: Actually, if you check with page 3 of Jeff's memo on project review, your project review procedures, the proposal would change the way the project provisions are applied. Currently the special project review is 50,000 square feet of gross floor area in the Business A, Business A-1, Business A-2 District only if that threshold is lowered to 20,000 square feet.

HUGH RUSSELL: It is 20 now?

STUART DASH: Yes.

H. THEODORE COHEN: So --

STUART DASH: So that's a change

from what -- so now it is 20 in this district for a Special Permit coming before the Planning Board.

H. THEODORE COHEN: All right, so --

STUART DASH: And I think to your question of could the building be built under what's currently proposed? Part of, I think, the proposal to put the constraints on that, these allowances could only be used if you're parking underground, but was part of the effort by the proponent then that the neighbors working together to say this would be the way to constrain bad outcomes in effect under this system if I can characterize how they're thinking on that.

H. THEODORE COHEN: I just want to clarify, as I read Jeff's memo --

STUART DASH: Yeah.

H. THEODORE COHEN: -- so the

reduction for a Special Permit from 50,000 to 20,000 is currently in the Business A, Business A-1, and the Business A-2 District?

STUART DASH: That's correct.

H. THEODORE COHEN: So it's all three of those districts?

STUART DASH: That's correct.

H. THEODORE COHEN: And this currently is Business A.

HUGH RUSSELL: Business A.

STUART DASH: Business A.

H. THEODORE COHEN: So this building right now, unless we were to change it, would require 20,000 --

STUART DASH: A Special Permit.

H. THEODORE COHEN: -- would require a Project Review Special Permit. And what the Zoning request or proposal is that it would be exempt from that and it would simply

go for staff review?

STUART DASH: That's correct.

HUGH RUSSELL: So, I would suggest that we need a brief presentation of the building, because if we were to be convinced that one, the building wouldn't meet our standards based -- and two, that we didn't think further development on the other four parcels was likely, we might decide to agree to that provision. If we felt that the building needed more review, then we obviously wouldn't do that. So how we determine whether it needs more review or not, we need to have more information.

H. THEODORE COHEN: All right, that's fine. The only concern, the ongoing concern that I have is once the Zoning is changed, you know, I'm not saying it would happen, but it is conceivable that --

HUGH RUSSELL: Right.

H. THEODORE COHEN: -- the owner could decide I'm not going to do this building, I'm going to do something else.

CATHERINE PRESTON CONNOLLY: Or sell the parcel to someone else who does that.

H. THEODORE COHEN: Right.

CATHERINE PRESTON CONNOLLY: Yes.

I guess my feeling is we're talking about Zoning, we are not talking about Zoning for a particular parcel. We're talking about it for several parcels, which yes, are built out right now, but could be cleared and built, assembled for something else tomorrow. I don't think it's appropriate to consider the design of a particular building. I think it is, you know, on us to decide if this is the right Zoning for the area, and to say, you know, that there's a reason why there's a

lower trigger for Planning Board Special Permits for this. And I would be loathed to say that this didn't have to come back to us or something else in this area didn't have to come back to us for the Project Review Special Permit.

HUGH RUSSELL: Well, given the scarcities of the development financing and the economy, nothing is there until it's there.

CATHERINE PRESTON CONNOLLY: That's exactly right.

H. THEODORE COHEN: Right.

CATHERINE PRESTON CONNOLLY: So it's not to say that this developer isn't proceeding in good faith. It's until, until it's actually in the ground you don't know what you're going to get.

HUGH RUSSELL: Right.

And there's no way in the Zoning thing that you can make the design review conditions to a particular design. Like this is the way Zoning works.

CATHERINE PRESTON CONNOLLY: Right.

AHMED NUR: Well, we're not here to say that the work that the developer has done over the past year with the abutters and everything else, which we're very happy about, is going down. By all means, we just need a little bit more clarification on what's standing in front of me. I mean, I've been away and I have to catch up with this. I've never seen anything like this where, you know, a year has been going on with the proponent and come up to the conclusion where all of these are forgiven and new zone is being proposed, it's not coming to us. So I -- I'm a bit worried to go forward and

recommend this as it is presented to me.

H. THEODORE COHEN: All right.

HUGH RUSSELL: I mean, I think you can argue that the Zoning with the particular conditions creates a situation which is at least as good as the present requirements. That if the FAR pump accompanied by the underground parking means the bulk of the building doesn't have to be less. And the height limits not changing -- is not changing, but changing from formula to literal setbacks is something that we routinely do every place else in the city. We've got to get rid of all those formula setbacks. Maybe the citywide planning would have an opportunity --

TOM SIENIEWICZ: Yes, I'm just taking an eye level philosophical view of this. You know, there is a way of doing

Zoning where you come up with a form and then you work backwards. It's called Form Based Zoning. It's a perfectly legitimate way to draft by-laws, to regulate form, but that's rarely over one lot or one parcel, right?

H. THEODORE COHEN: Right.

TOM SIENIEWICZ: It's over a district. And it makes me uncomfortable to say okay, we're going to fashion a zone based on one development proposal, because that sounds like, you know, a word that's never supposed to be uttered here. It sounds like spot zoning to me frankly. I'd so like to keep it a districtwide -- not a project review. Districtwide review.

And I would also say further that I've been impressed with how articulate the neighbors have been, how focused they've been on this particular development. I remember

distinctly the last hearing we had, this is an area of special planning concern that there's very, very strong focus on this important stark intersection in our city appropriately I think. And I for one, find the Planning Board has taken note of that and so I want to be very, very careful of what we do here, Mr. Chair.

H. THEODORE COHEN: I definitely concur with that. And so do I take it -- well, I personally am not that interested in the design of this particular building. Which, you know, as we've done in other Zoning, this is, you know, a proposal that could be built given this Zoning. It doesn't mean that this is what will be built. This is just an example of something that could be built. So if we want them to run through that very briefly, but, you know, I

understand what the Zoning is and I, you know, just as well move on and hear from the public.

CATHERINE PRESTON CONNOLLY: Public comment, yes.

H. THEODORE COHEN: Public comment.

So I guess unless you have something very specific to talk about with regard to the Zoning, I'd like to move on to the public comment.

MILTON WU: With regard to the design you mean?

TOM SIENIEWICZ: The Zoning.

H. THEODORE COHEN: The Zoning.

ERIC HOAGLAND: You want to skip to the Zoning?

H. THEODORE COHEN: The Zoning, and not the design of this particular building.

So if that's the case, is there a

sign-up sheet?

And when I call your name, please come forward and spell your name and give your address for the stenographer. And, again, we're interested in the Zoning, not in this particular design other than this is something that could be built under this Zoning.

I'll call two people at once. The second person could be on deck.

Steve Bardige.

STEVE BARDIGE: Can we reverse Bardige and Zucker?

H. THEODORE COHEN: If you like, surely.

ANDY ZUCKER: Where would you like me, here?

AHMED NUR: State your name address for the stenographer.

IRAM FAROOQ: The podium might be more comfortable.

ANDY ZUCKER: Hi. My name is Andy Zucker. I live at 35 Winslow Street in Cambridge. I will make my remarks short and try to make them germane to Zoning. I'm one of the signatories on the memo that you received. We represent actually a much larger group of neighbors. We just didn't go canvassing to go get more signatures.

First a thank you. This group encouraged the neighbors to meet with the developer because there were concerns expressed by you about the design roughly a year ago. So we appreciated that.

I share your pain of the difficulty of tracing the documents and the changes. I wish it were different, but we don't -- it isn't.

It is my understanding that the building in question could not be built under current Zoning. The underground parking creates special difficulties. I'm not an architect or an engineer, so I would defer to others on the details, but the neighbors believe this building is a much better building and, therefore, we support the idea of a Zoning change that would allow a building such as this one to be built. In particular just to mention that one again, the underground parking is huge and we understand that it's very expensive to build it, you know, in a waterlogged area, and we would like for that to be possible. So I'll just stop there.

H. THEODORE COHEN: Thank you.

Mr. Zucker? I'm sorry Mr. Bardige. I apologize.

STEVE BARDIGE: We trade identities periodically. Thank you.

My name is Steve Bardige. I live at 55 Stern Street in Cambridge. I'm one of the people in the neighborhood who over the last nine, ten months have met with Eric and his team around this project. The Zoning was an important element to that because we looked at the original plan that could have, as we understood it, could be built as a matter of right. It was a much larger building without the setbacks, without the underground parking. So from a neighborhood point of view, whether the wording in this Zoning is precisely what is needed, I'll leave that to you and to others. But we felt that as a Zoning change would be appropriate in order to get to this building. We have constructed with Eric and his team a detailed memorandum

of understanding about what this thing looks like. Everything from materials to height to number of units, to all of those kinds of things. It's very detailed. The conversations have been very candid, professional, straightforward. There's a lot of trust between the developer and the community around this. And one of the things that was changed in the Zoning was a height from 45 feet down to 35 feet unless, you know, you make the investment which is not insignificant of putting underground parking. So we increased the setbacks, we reduced the height. We think those kinds of things. Again, whether that's worded correctly, I'll leave that to you, but we think that's a lot of changes that have been made in order to facilitate a building that like this, that we think will add to the community and conform

to the neighborhood.

So, thank you.

H. THEODORE COHEN: Thank you.

Heddi Siebel.

While we're waiting, I just want to be clear that we don't distrust the developer or the owner and we don't distrust the -- all the neighbors who have worked so hard on doing all of this thing. We're just aware that economy changes, the world changes, lots of things change that none of us anticipate at any given time and we just want to make certain that once the Zoning has been changed, that the neighborhood ends up with the type of building that it really wants to end up with and that this Board and the City Council thinks is what is appropriate for that location and for that district, if the district should at some future time be

expanded here or into some other areas of the city.

HEDDI SIEBEL: Hi, thank you for listening. My name is Heddi Siebel, S-i-e-b-e-l. I live at 41 Stern Street. I was the one that initially sounded the alarm on the neighborhood on the building and I'd like to say that we've had a year of incredible conversations and an incredible learning process and I'd like to talk about process.

The developer has really, and the architects have really been diligent about discussing with us the details of what they wanted and listening to what we wanted. As to Zoning, I just like to say this: The building that could be built as of right is -- would be a terrible detriment to the neighborhood. I mean, I suppose the

developer could go and build that building tomorrow if he wanted, the Zoning changes. While they may not be perfect right now, could be amended I think to really be a benefit to the neighborhood, and not just for this particular building, but in the future should there be changes with other, other buildings in that little district. So, I think that the amendments that we sat and discussed just last week really reflected a lot of thought about what would work best for the future of the neighborhood.

And a couple of things that I'd like to talk about would be the height. I think we discussed that, you know, the height of this building is around 44 feet, probably a little less. I'm not sure how height is measured, but we think that, you know, in the neighborhood if we had a cap of 35 feet in

the Zoning and with the incentives that you could create a better building with parking underground or some other architectural elements of the building that were incentives to raise the height just as the FAR could be treated with incentives. And I think the whole incentive-based development, it seems like to me, a common sense good direction for a neighborhood because then there's negotiation and there's collaboration. And I think, you know, it's worked really well. Now we're in the sticky point of the Zoning so I'll leave that to you. But I'd just like to say that I'm very supportive of all the work and I hope that you will consider a rezoning with the amendments that have been suggested.

Okay, thank you.

H. THEODORE COHEN: Thank you.

Dennis Carlone.

COUNCILLOR DENNIS CARLONE: Dennis Carlone, C-a-r-l-o-n-e. Nine Washington Avenue.

I think the Board is correct in your analysis. Tom was correct in that the building was designed and that neighbors asked for a setback on the main streets, asked for a good relationship to the neighboring house, which by the way, has to have access off the same driveway. There's an easement. And where there was give and take in the back, the developer with the setbacks on the upper floor addressed those issues. The neighbors originally wanted everything at 35 feet to match the houses up the block, and although not matching the existing Masse building but closer to it. And over time the developer, as you know,

because you know the history, the developer and the neighborhood folks learn from each other. And I was involved and we picked up on the Council exactly what this Board said. In fact, I think it was Hugh Russell who said work together, work it out, and come back. And what we recommended was tell us what buildings you like, the developer and the neighbors, and they had that dialogue. And the end result is maybe not what I thought or maybe what you thought, but pretty darn close on the screen. So, it is Form-Based Zoning as Tom was suggesting. It's what do we want?

Now urban designers think that should be the way all Zoning is. I'll be honest with you. In fact, we're doing that in Winchester now, downtown Winchester. I am. So you're right.

Now, you've raised good points. Do we

want commercial or heaven forbid labs in the middle of a residential area? I don't think anybody wants a commercial building. I'm looking to my colleagues. So that might have been something you caught that we didn't catch. Not might, it was. And the goal is really what you see, is to make a building that's big enough to work economically given that everybody wanted -- not everybody, the neighbors wanted parking below grade and the developer saw the wisdom in that, but he needed something back from that. And I can tell you that there was some things that the developer was willing to do that we said no, that's too much. The setback at the top floor or certain things, because we understand the economics. And so in the end there might be some difficulties -- the design review wasn't necessarily intended. I

think -- for the whole site. I think -- I know what it is, the developer is under pressure this whole year and he wants to get in the ground and we understood that. Now we didn't necessarily mean that to be a slap in the face. That was not our intention. You know how I feel about design review, I would rev it up so it's not like we wanted to rev it down. But it is a team now. It is a team that respects each other. And as imperfect as it is, this process that we went through, and Stuart helped in the last few meetings in particular in saying what can work and what can't, what the design review was. I have to admit I was surprised what the Zoning recommended, the old Zoning, but I didn't know that. But it's the best effort. And Jim Rafferty, who clearly must be in the Bahamas, he -- we gave him a direction. I

don't think there's any reason to believe that this is sort of trying to sneak something through. That is not the intent. In fact, I was surprised, I'm sure the rest of the team was, that you saw things that we didn't see.

So, I can tell you that the Council is excited about this project. Councillor Cheung has been active in it as well, and we think that it's -- for these sites that are really difficult, it's a great way to come to you with something that you can work with we hope.

Now do I have concerns? Sure. The old materials, what will it be? The things that architects talk about. Tom's shaking his head. And you know exactly what I'm talking about, Hugh. But this project has come so far. The developer has been willing to work

in an impressive way, and I -- he said it and it's absolutely true. He's a Cambridge resident and he cares about that. Bob Wolfe said the same thing on the bakery site. I think that makes a difference.

Thank you for your patience.

H. THEODORE COHEN: Thank you.

AHMED NUR: Can I ask the Councillor a question?

H. THEODORE COHEN: Sure.

AHMED NUR: Councillor Carlone, may I please just ask you a question?

COUNCILLOR DENNIS CARLONE: Sure.

AHMED NUR: Do we know how this came about -- not just picking up -- normally if you were asking -- and I appreciate the way you put it, that the neighbors and the, and the proponents came together as to what kind of building they wanted, so on and so forth.

You know, we've had many proponents that come and say, you know, similar situations, if you want an underground garage, let's ask for the Variance as opposed to rezone. Not just that building, but several other properties. So do you know how this --

COUNCILLOR DENNIS CARLONE: Let me -- there's two ways of looking at it and there are other issues that you could relate to this. If we tell people what the Zoning means, including let's say underground parking, I'm just saying the Zoning says that. I know it doesn't. But -- the developer then comes in and the land value and he knows he's got to deduct that premium cost from what the land is worth. And the landowner or the former landowners here -- I'm not suggesting that happen. I don't want that to happen. So it was a balance. I

think we have to ask for more. I mean, you -- we had a meeting with the Council about affordable housing. If the landowner knows 20 percent is going to be affordable housing, that lowers the price. If Eric knew that the town -- the neighborhood wanted certain things, that might have affected him. So that's why the neighbors got it, and I give them a lot of credit --

AHMED NUR: Okay.

COUNCILLOR DENNIS CARLONE: That there were some things they didn't want initially that made sense.

AHMED NUR: Thank you.

H. THEODORE COHEN: Carolyn Mieth.

CAROLYN MIETH: I didn't realize.

JOHN HAWKINSON: Wrong hearing.

H. THEODORE COHEN: You want to speak on the other hearing?

CAROLYN MIETH: Sorry.

H. THEODORE COHEN: All right.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: All right, none appearing. Then are we ready to discuss the issue?

CATHERINE PRESTON CONNOLLY: Yes.

TOM SIENIEWICZ: Yes.

MILTON WU: I have a question.

H. THEODORE COHEN: Yes.

MILTON WU: Is this an appropriate time?

H. THEODORE COHEN: Yes.

MILTON WU: Something I wanted to point out was that what was the big departure from the existing Zoning would be that if you were to develop residential on the BA, you

would be -- you would use C2-B District guidelines for residential. So then what would happen is, it's a very obscure footnote, but there are setbacks that would apply to underground structures as well.

H. THEODORE COHEN: Right, we do understand that.

AHMED NUR: Thank you for your clarification.

MILTON WU: And also the concern about having a strictly commercial building, the added language that where we're trying to amend to actually keep the ground floor retail to under 2,000 square feet.

CATHERINE PRESTON CONNOLLY: But that's just retail, not other uses.

MILTON WU: Oh, I see. Not all commercial?

CATHERINE PRESTON CONNOLLY: Right.

AHMED NUR: Right.

H. THEODORE COHEN: You want to start?

CATHERINE PRESTON CONNOLLY: Sure.

So let me start by saying that I'm really impressed with all the work that has gone on here. It's really heartening to see both the neighbors and developer of how much you have come together. And please don't take my insistence on sticking to the Zoning as a lack of respect for your work. I really appreciate it a lot and I'm glad to see that you have come up with Zoning that would allow you to do a building everybody seems quite content with. If not, you know the usual story, no one gets everything they want, but you've come to a point where people seem genuinely supportive and that's great. And, therefore, the Zoning as proposed -- I have

to be careful here. The Zoning as proposed by the Council with the changes detailed in Mr. Rafferty's memo are almost entirely ones I'm supportive of. The only thing that I would say is I do think that this needs to -- this or anything else that's built in this Zone that is of this size, should come back for a Special Permit. And I would say the groundwork you have laid means that you could probably set a ground speed record for how fast a Special Permit could go through here. But I --you know, I worry about when it's not this developer. When it's another site or something, God forbid, happens that you can't do this project right now or you have to sell. Someone else comes in and at that point for the neighborhood to get this building or something like it, there needs to be something that says it has to be this way.

And I think that is the role we play. And I think that's why these areas exist where the lower threshold is. So the only part of what's being discussed by -- and supported by the developer and the neighbors that I would take exception to is the idea that this, that this Zone would be exempt from the lower Special Permit threshold.

H. THEODORE COHEN: Tom?

TOM SIENIEWICZ: Thank you.

The only thing I want to make sure that we do is, you know, for instance, looking at the Masse site which was a hardware site, imagining that site turning into a commercial, which is not something I would like to see. As Stuart suggested, would like to see and staff would like to see the suggested changes in Jeff's memo that say that notwithstanding provisions of the

proposed Zoning would be impossible to build a fully commercial building with FAR to review for half that square footage with the underground parking and FAR wanted. I think I want to memorialize that, that notion to the proposed Zoning that we send eventually to the Council.

H. THEODORE COHEN: Ahmed.

AHMED NUR: Yeah, I too, would tell you I never really -- I congratulate the proponent. I have never seen anything like where we are asking for more questions and the public and the community are saying we do support this. This is what we want. So congratulations and that's a really great job that you all did. And the way I acted is because I've seen things that, you know, in terms of FAR increase, height increase, setback forgiveness, and all that and saying

no, it's not going to be a Special Permit, it's going to be staff review and that just sort of caught me by surprise. And so that now that I have a clearer understanding of this, I second what Catherine, the Vice Chair was saying, is that I would like this to come back, not this particular obviously language, but this Zone here, this new Zone, we'd like to have a control of what the proponents may go forth in the future, in the distant future, instead of just giving it a green light once and for all.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: Well, I'm on board with the rest of my colleagues here. I would just say to the developer that I think this is -- I'm sort of also in concert of Carlone's camp. I am a designer. I feel that it's the design that is important. And

the lawyers feel that the words have to be right, too. So I feel that the Zoning is fully developed and sufficient for us to make a judgment if it was submitted, you know, to us for a permit. Once the Council votes this, I would -- myself I would support it. I would not -- I don't think the work that's been done in conjunction with your, with the neighbors and the interested parties has really borne fruit. So I understand that it takes a while to go from this kind of set of drawings to construction drawings and you could, I think, seek the Special Permit simultaneously with that. So you might not be held up at all even if it will take you a few months to get our Special Permit.

ERIC HOAGLAND: And that's not accurate. I don't mean to be disrespectful. We worked very hard because time matters, you

know. And I'm the developer, so I -- everyone usually thinks the developer is a bad guy. I might be the good guy in this case once, you know. And time matters. And I understand what you're going through and I appreciate it because you don't want someone who doesn't care in the future to show up. But it takes a lot of work to get to where we are right now and it's hard. And we want to dig when it's dry and hot outside, not when it's snowing and raining. You know? And those things matter. And it will take us a long time to get to where we are. I understand why. I'm respectful of that. I care about it as you do. But it's frustrating because we took a lot of time to get here. And I think it's important to have a Board where time doesn't matter. That's good. But time does matter. You know, it's

a balance, I understand that. But I just want to -- sorry for interrupting. I'm a little emotional because I care. So I'll stop talking.

HUGH RUSSELL: Well, I think you've got a very skilled counsel. I think he would be able to work with you and work with our staff to make sure that the formal review of the Special Permit happens quickly. I think you could in fact apply for a Special Permit next week. We wouldn't grant it until the City Council acts.

CATHERINE PRESTON CONNOLLY: Acted on the Zoning.

HUGH RUSSELL: Which is not going to be next week because it takes the Council two readings. They may do that in the next meeting, sometime in early September.

CATHERINE PRESTON CONNOLLY: Right.

HUGH RUSSELL: So I mean once they vote it, we have the ability to grant a permit under the Zoning. We -- I think we have the ability to precede the permit because this is a district that requires there now. You could start the process even before the Council votes I think. But that's why --

ERIC HOAGLAND: That would be great. Anything you guys could do to help time wise we would appreciate it.

HUGH RUSSELL: It's basically what, you know, what Mr. Rafferty and staff can work out that fits the present laws. And I think -- because I mean, I -- you sound a little defensive as a developer. Since I work mostly for developers doing mostly housing, I tend to think of developers as sincere, nice guys who are trying to do

something good.

ERIC HOAGLAND: The public doesn't
it see it that way. You've got one running
for president.

HUGH RUSSELL: Yes, I won't comment
on that. So anyway, I would propose, based
on what we've heard, that we send a favorable
recommendation to the Council with the
amendments and conditions that we have
discussed and were outlined in Mr. Rafferty's
memo. And if there are more amendments to
that motion, we could put those forward. I
think Tom mentioned one thing and may or may
not be in his memo.

H. THEODORE COHEN: Right.

So I do concur with everything my
colleagues have said and I really do
appreciate all --

JAMES WILLIAMSON: Are the mics on?

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: And I do appreciate all the work that the owner/developer and the neighborhood have done to come up with, you know, what looks like a very nice design. So I concur with everything that the proposal as sent to us by City Council, as proposed to be amended in Mr. Rafferty's memorandum with the exception of the exemption from the Special Project Review Special Permit for a building over 20,000 square feet.

And, Tom, I'm not 100 percent clear on what you suggested also be included.

TOM SIENIEWICZ: Just quickly, I think it's on page 3 of Jeff's memo. And it -- it's on page 3 of Jeff's memo. Density of non-residential versus residential uses. It's a little bit archaic, but if you build

parking underground say on the Masse site, if that site was clear, you could build a commercial building at 100 percent. I want to encourage mixed use both provisions for retail, but also to say only you can still have to build half of the housing which is I think is what Jeff's -- as I read it, Jeff's memo was trying to suggest that we recommend and I'm in favor of that.

HUGH RUSSELL: So his first suggested paragraph is the one that you want to support?

TOM SIENIEWICZ: Yes.

HUGH RUSSELL: And that's the one I support.

H. THEODORE COHEN: An alternative approach that allows a maximum FAR up to a mixed use building.

HUGH RUSSELL: That's one, two,

three, four, fifth paragraph on page 3.

H. THEODORE COHEN: Okay, and I guess the other question I have is, there was some discussion about the possibility that this could just be a lab building which I guess is -- Stuart, is allowed now in the district?

STUART DASH: That's correct.

H. THEODORE COHEN: And is it allowed in other BA District?

STUART DASH: That's correct.

HUGH RUSSELL: So it's --

H. THEODORE COHEN: So do we leave it in or do we make a suggestion that --

CATHERINE PRESTON CONNOLLY: So I think Tom's suggestion is if you wanted to do just lab, you would only get the FAR of one.

H. THEODORE COHEN: Of one.

CATHERINE PRESTON CONNOLLY: Is that

correct?

TOM SIENIEWICZ: That's correct.

H. THEODORE COHEN: And it includes mixed use of commercial or lab or residential --

CATHERINE PRESTON CONNOLLY: Right. You could go to two, but only --

H. THEODORE COHEN: But only if you had the underground parking?

CATHERINE PRESTON CONNOLLY: Correct.

H. THEODORE COHEN: But otherwise comply with the other setback requirements --

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: -- and height requirements. So I guess we're comfortable enough with that?

CATHERINE PRESTON CONNOLLY: Yeah.

AHMED NUR: Yes.

And one way or the other, if we had that Special Permit returned, we would determine then.

H. THEODORE COHEN: Okay.

Are we ready to vote on this?

AHMED NUR: Yes.

H. THEODORE COHEN: And, Iram, you or Stuart clear enough on what we're doing?

STUART DASH: Yes.

IRAM FAROOQ: Yes, we are.

H. THEODORE COHEN: Okay.

So somebody want to make a motion?

CATHERINE PRESTON CONNOLLY: I'll move that we recommend the Zoning with the changes as outlined in the Rafferty memo and as the Board has discussed here tonight.

HUGH RUSSELL: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands) .

H. THEODORE COHEN: Unanimous.

Thank you very much. And thank you all for the hard work you have done. We really do appreciate it. And I hope you don't see this as criticism of what you've done, we just want to make clear that you end up getting the building that you really want.

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: But thank you very much.

Do they need to set up for the next hearing?

CATHERINE PRESTON CONNOLLY: We have to wait five minutes anyway.

H. THEODORE COHEN: It's set for 8:30?

CATHERINE PRESTON CONNOLLY: It is set for 8:30.

H. THEODORE COHEN: We will take a five minute break.

(A short recess was taken.)

H. THEODORE COHEN: All right, folks could you sit down, please.

So we are now going to have a public hearing on the Stern et al Zoning Petition to change the current designation of the parcels at 2551 Mass. Avenue and 7 Richard Avenue.

Who is making that presentation? Is there a proponent?

Please come forward and use either microphone.

ELIZABETH STERN: I'm Elizabeth Stern and I live at 20 Cambridge Terrace but I own 7 Richard Avenue. And I'm -- put my name first on the Stern Petition, so obviously I support it. And I just have a short written statement which I'd like to

make.

The Planning Board -- you know what? I need my glasses. I'm sorry.

AHMED NUR: They're on your head.

ELIZABETH STERN: Three senior moments in one. Or I should I take yours, right?

AHMED NUR: Yes, I'm feeling very generous tonight.

ELIZABETH STERN: Okay.

JAMES WILLIAMSON: Is the mic on?

ELIZABETH STERN: It is on. And I'll try to speak right into it. Okay.

The Planning Board has noted in its memo regarding 2551 Mass. Avenue, that was the Planning Board meeting of last Monday, I believe, that as 2551 is the end of the Overlay District, it should be considered a terminal point, not a connecting element. In

addition, that site is problematically small. It's too small for underground parking or so the architect maintains.

It holds the possibility of soil contamination from prior uses.

Parts of it are subject to different height and setback restrictions.

It's a terminus site surrounded by Res B but it is subject to the same overlay zoning requirements which apply along the avenue, ground floor commercial, and allowance for up to 50 feet in height in some areas.

In the Planning Board meeting to consider the Special Permits requested by the developer for this site, these were some of the comments made by Planning Board members:

One member stated, "The biggest problem is that you're trying to do too much. You

can't do it all. Something has to give."

Another member asked, "How firm is the retail requirement?"

And I would add, "How necessary is the retail requirement given that we are at the terminus of the overlay zone on a small site."

Another member commented, "If you just got rid of the fourth floor." And I believe this member was referring here to compatibility of the scale and character which are guidelines for development along the avenue from the Planning Board.

I concur with the Planning Board member who said, "This project is trying to do too much."

The result on this problematic site is a disaster for the neighborhood, a disaster in terms of compatibility and scale, a

disaster for the abutter at 7 Richard Avenue who will overlook commercial trash and lighted outdoor parking. A disaster in terms of loss of sunlight and air for the entire side of the street. I believe the problematic site is also difficult for the developer, but the reason for this is not the neighborhood's or the developer's fault. What we have here is a failure of the Zoning. It fails because it is indiscriminate, arbitrary, and makes no provision for difficult conditions or for collaboration between neighborhood and developer to reach a nuanced agreement satisfactory to both parties. We support commercial development, but must it happen regardless of site conditions at every site along Mass. Ave.? For these reasons, we the Richard Avenue neighborhood, support a down zoning for

Residence B to provide the protection for your neighborhood which the current zoning does not afford it.

Thank you.

H. THEODORE COHEN: Thank you.

Do we have any questions of staff now or we'll proceed with public comment?

AHMED NUR: Just finish the public comment, please.

H. THEODORE COHEN: Is there a sign-up sheet?

MICHAEL BRANDON: Elizabeth wanted to enter this into --

JAMES WILLIAMSON: Can't hear you.

MICHAEL BRANDON: Elizabeth wanted to enter this statement into the record.

H. THEODORE COHEN: Richard Clarey.

RICHARD CLAREY: Richard Clarey, C-l-a-r-e-y, 15 Brookford Street.

There is no reason in any architectural sense of symmetry or planning why the business zone should extend on Mass. Ave. as far west on the north side of Mass. Ave. and terminate well to the east on the south side. If there was symmetry, the business zone would have terminated at least Clarendon Ave. which is roughly opposite Cottage Park Ave.

On the south side, the result of this extension of this asomus of the business zone so far west is that if the proposed building is built, it will tower over all the surrounding buildings, nearly all of which are in Res B. That's why this zoning petition is, is very well suited to conforming the -- all the properties in this block to one another.

Thank you.

H. THEODORE COHEN: Thank you.

Carolyn Mieth.

CAROLYN MIETH: Good evening,
Planning Board. I'm Carolyn Mieth, M-i-e-t-h
of 15 Brookford Street.

Brookford Street is directly across
from Richard Avenue. You could drive
straight across Mass. Ave. and onto Richard
Ave. And I sympathize wholeheartedly with
the residents of Richard Ave. which are
two-family houses at the most. The project
you saw proposed at your last meeting was
four stories high, could be allowed by the
Planning Board if the neighbors were so
unlucky, and I believe that for the
conformity on Richard Ave. that this proposal
should be passed.

Thank you.

H. THEODORE COHEN: Thank you.

James Williamson.

JAMES WILLIAMSON: Thank you. My name is James Williamson, 1000 Jackson Place. I live in the neighborhood but because there's no way to get through Linear Park, I really don't feel like I live in the neighborhood. I don't know how many of you are familiar enough with the area to know if you go from the Rindge Avenue side to the pathway, it's very difficult to get to the other side and I don't know why it was made so difficult. I maybe -- that might be something for some of you to think about in the future.

When I look at the comments, I presume developed by Mr. Roberts in conjunction with perhaps some other members of the staff, I see one sentence that makes me ask the question: At the bottom of the third paragraph, he says: (Reading) If any future

change to the property is considered to be an expansion or change of a non-conforming use, it may also require a Use Variance.

I would think it would be important to determine whether it must, will it absolutely require a Variance or it just may? That's the kind of a clarification that I think could be important in something like this.

I also find myself without really understanding the details of this very well in sympathy with the comment in the final paragraph about the removal of public review. Of course these, these petitions can be amended or amendments can be suggested, and I would wonder if the proponents would be sympathetic or in agreement to an amendment that would somehow keep the public review dimension of this going forward.

I'll also say that it strikes me as

interesting, there's a -- I forget her name now, she's a one of these globetrotting professors at the Graduate School of Design who recently wrote a book called "The Just City." Who told me that she was campaigning to try to get the Zoning modified along the stretch of the Mass. Avenue between Harvard and Porter. With the idea you could have buildings along that stretch of Mass. Ave. That's a no, no apparently in Cambridge. The idea that you could have three-story buildings there and that there could be retail on the first floor, and the owners in renting the second and third floors could make income that would make these projects feasible, that apparently is a no-go for reasons I don't fully understand for the official City of Cambridge. I'm not sure why we have to have commercial development

further out along Mass. Ave. if we're not allowed to do it where it makes more sense in my opinion, which is along that stretch between Harvard and Porter Square. So those are my comments.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

Councillor Carlone.

COUNCILLOR DENNIS CARLONE: I'm going to talk about Zoning and not the building. I haven't seen the building. That previously was -- we had a previous meeting tonight and it was the other way around.

I am a big advocate of retail on avenues, especially grand avenues, and many of you know that active ground floors need certain things. Retail in particular needs

continuity. And in fact anything more than a 50-foot road between active retail is viewed as a negative. And here we have Clarendon Park, we have four residential buildings next to Clarendon Park, that's between -- off of Churchill Avenue, that had a BayBank or whatever it's called now, Bank of America.

JAMES WILLIAMSON: Cayman Island.

COUNCILLOR DENNIS CARLONE: Bank machine. I can't think of it.

JAMES WILLIAMSON: ATM.

COUNCILLOR DENNIS CARLONE: Thank you.

And that went, that closed down. And then we have a gas station. And then we have this site. And as has been mentioned, across the street there isn't retail. And one of the basics about urban design is you want -- you don't want to stretch out retail. You

really want modules. You want nodes of it. And the comments that Dick made earlier about not having retail across the street is really critical. I know there are spot retail, but I'm talking about a strong retail, and especially in a new building, the rents are not going to be what it is in an old building.

I also think that -- and I was a consultant to the city during this work. I did not work on this directly. Indirectly I was asked about it. But one can make an argument that truly at the end of the district, especially if it's only on one side, perhaps it doesn't always make sense to extend it. And given that the depth of the site is not your standard 100 feet, which is usually what a zoning district is, it's less than that, I think you can make a big

argument that supports the neighborhood's contention about retail, about active ground floors. That this is not an ideal site. It would have to be a destination retail to work, meaning people come from all over to go to this retail. And, you know, maybe that's in the plans, but I haven't heard that. But I think the primary thing is that this is a strange site from an urban design point of view, not from the proposal which I haven't seen, as I said. It is at the end of the track and the track has only one rail, it's not even two rails, both sides of retail. So the notion of rezoning this site, at least from a retail point of view I think is strongly supported by just good urban design.

Now if there happened to be a strong retail presence there that was succeeding, that might be different, but that does not

exist.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

SCOTT ZINK: Hi. I'm Scott Zink.

I'm the owner of the property. So when my father and I bought the property back in January, we looked at it and said gee, this would be a really nice property to renovate. I think the neighbors would consider this an eyesore, and wouldn't it be great to put a nice building here? The fact is that, you know, this petition to change it to Residence B would virtually guarantee that building as is would stay there because the lot would be almost unbuildable without a significant amount of Zoning relief. And you know even if we did get that Zoning relief, we might be

able to do one or two units. But again, it might be, you know, by virtue of the fact that it's an old gas station, again, almost unbuildable because really I would just leave that existing building and try to find, you know, a viable tenant for it. So I feel this petition to change it to Res B is really not viable for the site. If it were something else, maybe we could consider it. But, again, to Res B, it would make the property virtually worthless. I wouldn't be able to sell it to anyone. And, again, I'd have to keep that building there. And that's just the reality of it.

In terms of, you know, the retail, you know, whether to have ground floor retail or not, I don't want to get into that debate. You know, a lot of people in the neighborhood have said we don't want it there. And I

respect that opinion. But also, you know, at the last meeting I turned around and somebody in the crowd said we strongly, you know, disagree with that. So there's contingency, you know, on each side. And in that scenario I kind of default to what the Zoning Code is and what it is now, you know, requires retail. So we're trying to work within that. And I think, you know, our plan, you know, I agree we need to work on some of the design elements for sure based on the feedback that we got at the last meeting and we're gonna do that. But, again, you know, again, I feel, you know, we're almost as an as-of-right project there -- and I think the term is sort of de minimus in terms of what we're looking for relief. Again, I do respect the neighborhood and I want to create a design that everyone's going to be happy with at the

end of the day.

So, thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak? If not, then --

CATHERINE PRESTON CONNOLLY: You have a hand.

H. THEODORE COHEN: Sorry, I didn't see.

ATTORNEY SEAN HOPE: Good evening, Mr. Chair, members of the Planning Board, attorney Sean Hope for the owners of 2551 Mass. Ave. I'll be brief.

I would just like to talk about the Res B Zoning and how it would impact this site. As Scott said, if the Res B Zoning was passed, it would make that site almost unbuildable. And he mentioned a few reasons. But specifically for the Zoning, and I

actually went and talked to the Building Commissioner about this. The Res B Zone, as the Board is aware, allows for on this site one, a single-family and that's because it's 2500 square foot per unit and it's less than 5,000 square feet. What I did emphasize to the neighborhood group, and specifically the Richard Ave. Neighbors, is that because this side is less than 5,000 square feet. If you change the Zoning and then to build a single-family, it's questionable to get a Variance because of the lot size. And if this was a residential use, that residential use could be grandfathered and you could build, and it could be grandfathered and build a single-family potentially as of right if you met the Zoning. This site has a commercial history. If you're going from commercial to residential, under a Res B you

have to comply with all the Zoning and so it's not dispositive. The Commissioner told me, you know, we'd have to look at it but it's likely we might have to have a Variance. You're taking a site that under the Overlay District would allow for eight units and now down zone it to put in a question whether you could build a single-family. In our conversations, and I tried to urge the proponents when they proposed this Res B, I said do you really know what you're doing? You know, what are you trying to accomplish? Part of what I heard is we want to make this site more like our neighborhood. I said, just for instance, if you actually applied Res B all along Richard Ave., to the proponent she has a three-story multiunit. I said, you have three units. You would be allowed to have one and a half units at 35

feet. And I went down the line with the various members who were at that meeting, and showed them what they think they have of Res B actually is not. It's closer to a Res C1-A. Much more dense. So the idea that a Res B would replicate what they have, is not true. Most of that neighborhood was built 1880s and 1920s, this predates Zoning. So you actually couldn't replicate what's in the neighborhood now if you had a Res B. The Res B is really inappropriate for the neighborhoods that's there, and it's really not appropriate for the site.

This site as everyone knows, is front Mass. Ave. It's a major thoroughfare. I'm not an urban design expert or planner, but if you see the Overlay District was meant to connect the avenue, this is at the end, but I also think it's an important piece. Part of

connectivity is about having a bucket -- I did take Councillor Carlone's point that it's standalone. Well, I think part of the whole Overlay District was to incentivize projects as this. Right now today this might be standalone. But if the overlay is kept intact than I think you will see possibly Jack's Gas and other commercial sites that would be -- have this mixed use concept. So I think this is a dangerous down zoning petition. There are lots of streets along the avenue that may have wished they were in different places and didn't connect to Mass. Ave. but they do. And I think that the Zoning Special Permit is in process. We have -- we have lots of work to do. I think we're going to be doing that. I did tell the proponents we are going back to the CDD and go back to the neighborhood and show the

plan. Ultimately we may come up with a project that's closest to what they propose. But as a Res B what is an unsightly and dangerous conditions for who knows how long.

Thank you.

H. THEODORE COHEN: Thank you.

Michael.

MICHAEL BRANDON: Thank you, Mr. Chairman. My name is Michael Brandon, B-r-a-n-d-o-n and I live at No. 27 Seven Pines Ave. in North Cambridge. I'm also the clerk for the North Cambridge Stabilization Committee who has been working with the Richard Ave. Neighborhood Subcommittee around their concerns about the proposed development that was presented to the Board and also the rezoning that neighbors in that vicinity overwhelmingly seem to believe needs to be changed to something more, most more

appropriate.

The petition before you was drafted as a modest change to the Zoning. It was conceived as simply a redrawing of the Zoning map boundary so that Richard Ave. itself, the street becomes the terminus of the BA-2 Zone and the Overlay District rather than having it end to the side of these two properties on Mass. Ave. on the lot line which to us seems irrational.

The staff's report indicates that those boundaries go way back to 1943 and that predates the Overlay District. And I was around when the Overlay District was created. And as he said, there was never any consideration about what the general outline of the BA-2 Zone, the base zoning would be. And it resulted in this anomaly where rather than ending at a street or rather ending at a

street farther up the avenue that -- where it ends on the other side of the street, it was just retained, carried over, in the more recent subdistrict creation that created requirements along this section of the avenue for ground floor retail. Again, there was no careful consideration about whether that made sense at all those previous sites. And we believe that the proposal that's come forward, without going into the specifics of it, but it illustrates the problems with trying to squeeze a building in there to fit all the various dimensional requirements of the Overlay District and the transition zone and creates the unintended consequence that you get things like the step down, the height setback that causes development to step down to the neighborhoods which are mostly Res B behind the Mass. Ave. corridor. Instead it

creates that at the side of the building on Mass. Ave. where you want a really good looking facade. So although, you know, the Overlay District guidelines called for modulating the roof line, this wasn't the sort of intention that was there.

CATHERINE PRESTON CONNOLLY: Can you wrap up, please?

MICHAEL BRANDON: Oh, sure.

Well, let me skip to -- as far as the context, I just emphasize that on three sides of this property -- of these two properties you have Res B. So for the sake of uniformity, it seems to us the more rational designation is the Res B.

Also, there's a history of failed retails on this part of the avenue. If you go and look at the context yourself, you'll see vacant -- these bump out stores up there.

And Councillor Carlone talked about the need for a critical mass.

CATHERINE PRESTON CONNOLLY:

Mr. Brandon, you really need to stop.

MICHAEL BRANDON: I'm sorry.

CATHERINE PRESTON CONNOLLY: Thank you.

MICHAEL BRANDON: All right.

H. THEODORE COHEN: Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: If not, then we'll have our discussion.

I guess I will start since I'm on this end and since I walk by this site almost everyday. I don't think -- I personally don't think that rezoning this Res B is a good idea. I think that the concept of promoting retail and mixed use on Mass. Ave.

makes a lot of sense. That we saw with the overlay that unanticipatedly promoted residential use on the first floor, that we have several large buildings that are all residential on Mass. Ave., and I think that was unfortunate. And that the recent amendment was to try to get us away from that.

I think there is quite a bit of retail going all the way down on Mass. Ave. to this point. It's historically been a retail use. There's a gas station across Richard Street -- Richard Ave. from it.

The building next to it is at least an office building, and part of it, if not office and mixed use, there's a sign in front of it.

There are retails directly across the street from this on Mass. Ave. So every

district has to end at some point. And, you know, it's been there for 60, 70 years at least as a retail use. The property at 7 Richard is a very large brick three-family multi-family building that as staff has pointed out, would become non-conforming under this change and, you know, don't particularly want to get into the virtues or lack of virtues of the proposal that was before us, but strictly speaking in terms of the Zoning I don't see the -- really the rationale for down zoning this to a Res B. You know, it may be a difficult lot and it may be hard for somebody to come up with the use that will comply with Zoning, but I would prefer to see something that has at least some mixed use with retail on the first floor continuing on Mass. Ave.

Ahmed.

AHMED NUR: I'll be very quick because -- and having said that, I'm a hundred percent behind you on this. That I don't see -- it goes against everything you worked hard along avenue on Massachusetts Avenue. And on Massachusetts Avenue we decided that after study after study that the retail area on the first floor would work and residential floors above it. And even scaling back and being open minded to second floor, so on and so forth, if there was multiple floors on top of that, but I do agree with you that I don't think it's a good idea to change the Zoning into a Res B or excavate and go through that whole thing and put residential on Columbia Avenue. I think it would be a public use and continue to do it, you know, commercial.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: So, in one way to think about this is, like, what's the scale of building that you'd like to see there? And would you like to see a single-family house replace the former gas station? And it seems to me not particularly. I would agree that someone's going to have to take a big financial loss to do that. Someone could -- so I think having a small structure, maybe three stories in height, that, you know, set back from Richard Avenue and fills the lot on Mass. Avenue would make sense. I think we learned from looking at the zoning proposal last time, that parking is probably going to have to be at grade under -- partially under the building. If I had to pick what I would do, I would want it entirely inside the building. That would leave a small amount of space facing the avenue. Yes, people have

plenty of apartments that are like former add-on storefronts, but it wouldn't be particularly desirable for that. But I also agree that it's not a very -- it's not a hot retail site and so you might get, you know, somebody who would put an insurance office there or, you know, even architect's office. You know, if there was a 500 square foot storefront in my neighborhood, I would be happy to make an architect's office out of it.

I consulted the zoning map from 1924 which is when zoning was instituted, and so there's the strip that goes along Massachusetts Avenue in North Cambridge that's 100-foot wide and ultimately in 1924 between business districts, which I believe stops -- at that point stopped at the same place on both sides of the avenue. And then

in 1943 it was extended out a couple of blocks on the north side or the east side of the avenue. It was the right side probably because it was a gas station on this corner, and maybe where Jack's Gas there was also a business use at that time. And then it was a district called R-1 which was a higher density residential district for the rest of it, and it didn't get built out (inaudible).

So, there's no zone that we could pick that would accomplish this goal. If the -- because I think the floor area ratio would be -- because you have to count out the parking. It would probably be one and a half or so. We'd like to have a height no more than 35 feet. And how you -- you know, so you'd have to invent an entirely new zone for one lot. I think that's called spot zoning.

H. THEODORE COHEN: Wasn't that our

last hearing?

HUGH RUSSELL: Well, there were --

CATHERINE PRESTON CONNOLLY: There were five blocks in there.

H. THEODORE COHEN: Right.

HUGH RUSSELL: And so I don't think we want to extend the last case's precedent in this case unless you think of the procedural precedent which was to have a discussion with the owner of the lot and the neighbors about what would be a mutually agreeable development? In a way leaving the zoning the way it is and having that discussion gives the Board the greatest ability to allow a negotiated settlement. I think you're not going to -- I mean, to me -- well, I was a little surprised on the Walden Street project, that they managed to make four stories to be no taller than most of the

three-story buildings around it. And they did it by keeping the floor-to-floor heights very low. So could you come up with a design that would be a scaled down version of the -- of what we saw last time? Yes.

Would it be economically feasible and would it satisfy the people who are concerned who think apparently that single-family house is the best use for this parcel since they're supporting President's Peak which as attorney Hope pointed out, that's what you could do with a single-family house. I suppose you can convert the filling station to a micro-house and a beautiful garden. It's just finding someone who wants to pay Business A-2 price to do that which is not -- it's not -- so I think I mean, I'm sort of talking and thinking out loud, but maybe Tom wants to take over and help me with that.

TOM SIENIEWICZ: Well, I'll pick up on the last thread which was actually, okay, what's the process to get the best solution here for the neighborhood and for the property owner? And I've got to tell you I have some sympathy for property rights. And that's what we're facing here, somebody who has bought a piece of property and in good faith is trying to develop it in the way he purchased it. And the down zoning is an attempt by the neighbors to control that. But it's bracketed in such a small way. In fact, we couldn't help ourselves to talk about the lot, right? And that makes me very uncomfortable, even though Councillor Carlone very carefully built a planning case, it still was focussed on one particular piece of property, and that's just not fair. I'm sorry, it's not good planning. And it's not

fair fundamentally.

However, that notwithstanding, the last thread that you were talking about, which is the real politic of this, how do we both have -- find the wisdom of Solomon here so we could respect the property rights of this gentleman's attempt to do what he feels is right with his property, plus address some of the very good concerns that have been raised by the neighborhood in terms of consistency? And I don't think it's in a down zoning effort. I think it's properly through a negotiated settlement in the Planning Board and a Special Permit which I have the advantage of actually not having seen the proposal, not being here at that hearing, which would properly happen here. So I guess I would be not in favor of sending this to the City Council with a favorable

recommendation but rather use the good processes of the Planning Board to see that we couldn't come up with a solution here that wouldn't make everybody completely happy, but might solve the problem. I'm confident we can do that by the way.

H. THEODORE COHEN: Catherine?

CATHERINE PRESTON CONNOLLY: I'll just add that rather than thinking that we're going to come up with a solution here, I think by not -- by forwarding a not favorable recommendation to the City Council, I think we encourage the parties to come up with their best solution and then we tweak it. But other -- I agree with my colleagues. I don't think the way to achieve the best solution here is by forwarding a favorable recommendation for Res B Zone.

H. THEODORE COHEN: All right, does

someone wish to make a motion?

CATHERINE PRESTON CONNOLLY: I move that we forward this to the City Council with a recommendation that this not be adopted.

H. THEODORE COHEN: Is there a second?

AHMED NUR: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands).

H. THEODORE COHEN: It's unanimous.

Thank you, all. We appreciate your efforts and hope that the neighbors and the developer of the property can reach a solution that makes everybody content.

ELIZABETH STERN: May I ask a question or is it not protocol at this point?

H. THEODORE COHEN: Maybe you can ask a question.

ELIZABETH STERN: I don't understand how your -- I mean, I understand your reasoning, but how does that promote us moving forward with the developer? They have so far been adamantly sort of no to everything. So I don't understand how we're supposed to move forward as two different parties.

H. THEODORE COHEN: I would say that if you -- I assume you were at the hearing a week or two weeks ago. I don't think they got a very favorable notion of what this Board thought about their proposal.

ELIZABETH STERN: Right.

H. THEODORE COHEN: And so I think that presumably, and, you know, attorney Hope said that, you know, he told his clients to work with the neighbors to come up with something.

MICHAEL BRANDON: They've refused to meet, Mr. Chairman.

H. THEODORE COHEN: Well, unfortunately that's not something we can do to force them to meet other than to say that if they come back to us with revised plans and we will presumably ask them what have they done with the neighbors and what do the neighbors think? And we will have further hearings about that and --

ELIZABETH STERN: Okay.

H. THEODORE COHEN: -- and they act at their own peril if they choose not to speak to you. Then it's, you know, a crap shoot basically whether they're going to come up with something that leaves you content.

ATTORNEY SEAN HOPE: Mr. Chair, I just have to comment. I talked to them yesterday on the phone and I told them I

would speak to CDD and the neighborhood. I said it again on the record and we're committed to doing that.

For you to say that we won't talk, that's a lie. Okay?

MICHAEL BRANDON: I didn't mean to lie. Maybe I mischaracterized -- can I correct the record.

H. THEODORE COHEN: How about we -- I would suggest --

MICHAEL BRANDON: He just called me a liar.

H. THEODORE COHEN: We have other business. If you --

MICHAEL BRANDON: The neighborhood's position is that we remain ready to meet with them, to compromise on the zoning proposal, and on the project and we've asked them to do that several times. We talked about

supporting them for a Variance. You know, a small -- you know, so -- I'm sorry, I'm not -- I agree, it's not true that they've refused to talk. They've been to us before, but they decided to proceed with this and have the Planning Board --

ATTORNEY SEAN HOPE: The conversation is ongoing and I told you that before. I told you we would meet with CDD and the neighborhood.

H. THEODORE COHEN: All right. Why don't we ratchet down to disagreement and see if you can go outside now, you can have an opportunity to talk or you can schedule a meeting at some time in the future and see if you can all try to reach something that makes you content.

ELIZABETH STERN: Thank you.

MICHAEL BRANDON: And thank you to

the Board for your efforts to promote a compromise.

H. THEODORE COHEN: Thank you, all.

We now have I believe one Zoning Board of Appeals matter to discuss.

LIZA PADEN: So Anne Reynolds is here to discuss the Board of Zoning Appeal case. It's a telecommunications antenna. I would actually, actually before Catherine leaves the room, I'd like to do the --

H. THEODORE COHEN: Should we take the other matter first?

LIZA PADEN: The vote for the extension first.

CATHERINE PRESTON CONNOLLY: Okay.

H. THEODORE COHEN: Okay.

LIZA PADEN: So Mr. Rafferty's case for First Street, which is the First Street Assemblage which includes -- excuse me.

Which includes the repackaging of a piece of Planning Board Case #231A, they've asked for an extension on this case until October 13th to come back with their final development proposal and the continuation of the public hearing which is open.

H. THEODORE COHEN: And does that timing create any problems for you?

LIZA PADEN: It just extends it out for another two months and we'll see how we go with this.

H. THEODORE COHEN: Okay.

CATHERINE PRESTON CONNOLLY: I --

H. THEODORE COHEN: Any objection?

LIZA PADEN: Thank you, Catherine.

H. THEODORE COHEN: All those in favor of extending it?

(Show of hands).

LIZA PADEN: Thank you.

Now Catherine can go home.

H. THEODORE COHEN: Now Catherine can go home.

CATHERINE PRESTON CONNOLLY: Thank you. Have fun talking antennas.

LIZA PADEN: So the Board of Zoning Appeal case in front of you is for No. 14 Arrow Street which is a building that was formerly or originally used as the collar factory. It has very large brick smokestack on it. It's between the theatre and the Saint Paul's Church. Anne Reynolds is here and she can walk through the materials with you.

H. THEODORE COHEN: Thank you.

ATTORNEY ANNE REYNOLDS: Before I start, I will give you copies of the photo sims.

H. THEODORE COHEN: Thank you.

ATTORNEY ANNE REYNOLDS: So this is -- for the record, my name is Anne Reynolds on behalf of T-Mobile. T-Mobile currently has, as you can see from the photos, a wireless facility listing the property consisting of three panel antennas. What they're looking to do is to add three additional panel antennas and three supporting our RH antennas, which are the smaller attachments at the bottom of the antenna which is a booster for the antennas.

They are going to be located directly adjacent to the existing antennas.

They will be painted to match the brick facade, the color. And I know that often this Board and the BZA requested that the grout lines are not included. So to the extent, and I don't believe they have been to in these photo sims, but to the extent that's

a condition of any approval, that's fine with the carrier.

That's the extent of the proposal. And you can kind of see the difference on the photos. I'm happy to answer any questions that you have.

HUGH RUSSELL: So I'd like to open the comments with two contradictory remarks:

First is on the photo sims. This is really gross. And I go by this site or Massachusetts Avenue on an almost daily basis, and I have never noticed the existing conditions.

TOM SIENIEWICZ: I have exactly the same -- I looked at the existing conditions, Hugh, and I said this is outrageous and then realized this is existing.

H. THEODORE COHEN: I agree with that. Because I went and looked at it today,

but I think it's one of those situations that once you see it, you can't unsee it.

TOM SIENIEWICZ: I'm sorry, I saw the photographs.

H. THEODORE COHEN: And you --

HUGH RUSSELL: That's it.

H. THEODORE COHEN: What's your second point?

HUGH RUSSELL: The point is, one, it's gross. And, secondly, it -- I haven't seen it until I saw these photographs.

H. THEODORE COHEN: Right, right.

HUGH RUSSELL: I think it's probably because it's so high, you don't look up.

H. THEODORE COHEN: Right, but when you're there, it's very evident from Mass. Ave. It's incredibly evident from the end of Arrow Street by the church.

HUGH RUSSELL: Yes.

H. THEODORE COHEN: And from Mount Auburn Street. And so are these -- is the existing your installation?

ATTORNEY ANNE REYNOLDS: Yes.

H. THEODORE COHEN: Well, now having seen it and become aware of it, I would say it's my No. 2 most disliked array in the city.

HUGH RUSSELL: No. 1 being the University hall.

H. THEODORE COHEN: No. 1 being University Hall, the Sears building, yes.

Is there any way that the length of the new antennas can match the length of the old antennas? I mean, this is just creating, you know, a visual pollution.

ATTORNEY ANNE REYNOLDS: Right, clutter. I've posed the question and have been told that they may be able to use the

smaller antenna on this site. It would affect the coverage, but -- and it's not ideal, but to the extent that this is as you say, relatively visible and because of the position to the smaller antenna, that they might be able to make that work at this particular site.

HUGH RUSSELL: You could also put a false on the smaller one.

H. THEODORE COHEN: Right.

ATTORNEY ANNE REYNOLDS: To lengthen the other. I mean I can propose that. They may prefer that. I don't know given the existing technology. I told them they have to see what they can do. And I, again, like I said, the smaller antenna for the technology that they're proposing with this upgrade doesn't work as well and would affect their coverage, but, you know, if that's what

the Board's looking for, I think they can make that work. But, you know, to that effect if I can go back to them and say, hey, maybe put a longer cover on the first one and that works better for them and they prefer to work it that way, I'm happy to work with them to pick one or the other.

H. THEODORE COHEN: One thing you can't unsee once you're there if you're on Mount Auburn Street is the -- this corner that has, looks exactly like a crucifix when you're at the right spot, and it mirrors the crucifix on the back of the church. I actually took a picture of it today. I was, like, did somebody plan this? Because it looks so, you know, artificially planned. You know, I really don't know what to say. I think it's -- it's unattractive the way it is now and this just makes it even more

unattractive. I mean it's just....

AHMED NUR: You know, I use these opportunities to see how, you know, a light's being shown on this. This existing condition, if I've seen it, I would have been really upset. And now to add on to this, it seems further upsetting. Honest to God, we live in this -- you got this brick here, an architect designed this smokestack to satisfy the city architectural and the scenery of the abutters and whatever in the community and we have this communication that we have to have, and I get it, but I think it's about time that an architect gets involved, just like building a house, a building or anything else that we care about, instead of this thing getting thrown into our face and saying, you know, you can ask them, but maybe not, maybe they can do it, coverage won't be the same.

Really nothing against you, but it's just a mess. This is a mess. You know, if there's an architect involved in this, that's what they get paid for. They'll find out where the shady side of the chimney is. The sun always rises the same side. And six months down the year maybe they'll put it in the shadow side. Try to blend it in. Try to create some sort of smokescreen or something to do this stuff, but they're just going to keep coming at us. And, you know, they'll send a nice person who cares about this stuff and, you know, I don't know what to tell you, but this isn't -- I wouldn't let this fly.

HUGH RUSSELL: So I'm an architect and I will rise to that challenge.

AHMED NUR: That's fine.

HUGH RUSSELL: So what you do is you take the top 18 feet of brick off the chimney

and you take the flue on the side and make it metal and then you put a brick faux surround and in the annular space between those things you could put as many antennas as you want.

AHMED NUR: Bingo.

HUGH RUSSELL: I don't think the Historic Commission would think that was a great idea. I think it would be very difficult to do. But you could actually make it look almost like it was just a chimney. Would you, could we recommend that, I don't know?

AHMED NUR: It's not about whether we recommend it or not. We're concerned about the architectural design.

H. THEODORE COHEN: Right.

ATTORNEY ANNE REYNOLDS: I should say I've spoken with Sarah Burks and I ran this by her. This actually was approved by

the Historic Commission.

AHMED NUR: Yeah.

ATTORNEY ANNE REYNOLDS: And I don't know if this is active or not in terms of it. But that might be a --

TOM SIENIEWICZ: Here's how I think about it, and it goes back to the opening statements, and I couldn't agree more, it's exactly my reaction. I was so outraged I printed these at my office and I left them there. They're sitting on the printer. And then I thought why haven't I never noticed that before? And there's kind of an industrial vernacular, the junk on the roof, right? And you see it separately, there's the building and the architecture and it's considered. And then there's junk on top. I guess my brain tends to turn it off and that's the necessary junk that runs the

building and you're not supposed to focus on it so I don't. And I think that this is -- this junk probably falls into that category.

Yes, what I'd like to do is something akin to what Hugh would suggest. I would strip the brick down, put the flue in and put a metal or screen kind of cap or form a metal cap on the top and organize it all. Or I would say it's the industrial vernacular. It's roof junk. It's the vernacular as roof junk. I see it as separate, and it's a necessary part of our world that antennas are going to fall off and come off long before the brick chimney ever comes down I think. And I guess, I get kind of liberal about the antenna, I don't tend to focus on them.

H. THEODORE COHEN: Well, I --

TOM SIENIEWICZ: It's the distortion of these photographs, frankly, that change my

whole view of it. I think as it exists today, no one notices it.

H. THEODORE COHEN: I agree. You don't notice it till you look at it, and then I think you can't not notice it. And, you know, I can't in good faith say this is something that should happen.

TOM SIENIEWICZ: Okay.

H. THEODORE COHEN: I mean really, it's -- and I don't know what the solution is. You know, whether the ones you propose make sense.

TOM SIENIEWICZ: Yeah.

H. THEODORE COHEN: But I just, you know, we've sent other people back saying we didn't like this --

TOM SIENIEWICZ: Right.

H. THEODORE COHEN: -- come up with something better and remarkably they usually

do come up with something better.

AHMED NUR: Yeah.

H. THEODORE COHEN: And, you know, I understand the Historical Commission said it was okay, but, you know, what went up initially, you know, is unfortunate that went up. And yes, I use my cellphone, and yes, we all have to have coverage, but, you know, this is right at the entry into Harvard Square. You know, it's right next to the steeple of the church. You know, it would have been great if they put the antennas inside the steeple, you know. They do that with a lot of churches and then you don't see anything. But I just, you know --

AHMED NUR: And then you get that argument -- sorry, to interrupt you. We can't get the signal going. It has to be -- they're so precise about the magnetic field

of this antenna that never mind that, they can't shorten it, they can't -- the angle has to be, you know, so on and so forth. You know, I think it makes sense to say you know what, when you build a building, you have to have an architect -- let architects design these things, not just communication guys. And, you know, see what it -- because this is just -- how many of us have gone out and look out the windows. Look at all the steeples? They're like the beacon to the city, they're beautiful. You don't see this stuff. There's more of them coming.

ATTORNEY ANNE REYNOLDS: In terms of the length of the antenna, I think we can make that work if that's what you're looking for. And, you know, I don't know when this was initially approved, but comparatively to what's already up there, I mean A, these

photos are designed to show you what's up there. Like you said, when you're on the street when you're actually in your day-to-day life, you're not looking up at that it's not line of sight for, and anyone walking by on a regular basis --

AHMED NUR: Right.

ATTORNEY ANNE REYNOLDS:

Obviously --

AHMED NUR: We're trying to improve on what's there. What's existing. Trying to improve on what's existing. And like the Chairman said, when a smoke -- when a beautiful piece historical brick of Harvard is brought to our attention that this was already existing and not only are we willing to improve on it, but we're going to put these new antennas on it and it's going to look like that, you can understand how we

feel. So, I mean, if that's what the Chairman and my colleagues want and they're worried about just the heights of these antennas at the moment, and just make sure that, you know -- but I think what we're asking for is a better proposal for these things to look better. We know exactly what we're looking for. We're looking for something that's uniform. Hugh has given some suggestions of what it should look like.

ATTORNEY ANNE REYNOLDS: Taking the smokestack out?

AHMED NUR: Yeah. No, the --

HUGH RUSSELL: There's also another suggestion. I gather the antennas are in three sides of the chimney, not on the fourth?

ATTORNEY ANNE REYNOLDS: That's correct.

HUGH RUSSELL: Is that correct?

ATTORNEY ANNE REYNOLDS: Correct.

HUGH RUSSELL: You could put a shroud, rectangular shroud that covered all of the bumps of uniform size on three sides. I think that gets very heavy and.... Yeah, I can vote for that because of the way you're celebrating it.

TOM SIENIEWICZ: Well, and then organize it as you suggested, Hugh, I think -- scrimp and then, you know, put 50 of them behind there, whatever.

H. THEODORE COHEN: There's the building on -- in Newton right on Washington Street that had a steeple and they just covered it with antennas, although they put them in a nice pattern and it, you know, sort of looks somewhat like a crown on it --

HUGH RUSSELL: Yes.

H. THEODORE COHEN: -- which I think is okay. There are people who think it's the worse thing they've seen in their life. But I just, I think this is too awful.

AHMED NUR: So what are we deciding? What are we deciding on this particular recommendation?

HUGH RUSSELL: We can not support it as we view it.

H. THEODORE COHEN: That's correct. We cannot support it and suggest that they go back.

AHMED NUR: As opposed?

ATTORNEY ANNE REYNOLDS: Is there something -- I mean, I understand the -- and I can work with that. Is there something -- I don't know that -- I can -- I mean, are we looking for a box out of the antennas as you suggested? And my concern is that it's going

to look very top heavy. I'm not sure how else the location of these are. A box out to go back and do that, that's my -- just, we just done it on another one where I think it looks a lot bigger and more obtrusive than just the antennas themselves. So I'm just trying to -- I guess I'm looking for what you might be looking for other than, you know, to make the -- which I understand the antennas themselves more symmetrical and line up so that they're lengthwise similar. I'm not sure how else to improve given the structure that exists and what's actually on there.

HUGH RUSSELL: I have to say that the faux brick doesn't help them.

ATTORNEY ANNE REYNOLDS: I can get those repainted. That should not be a problem.

AHMED NUR: The paint actually makes

it worse.

H. THEODORE COHEN: I mean, I don't know that it's really our role to redesign this for you.

ATTORNEY ANNE REYNOLDS: No, I know that. I'm trying to --

H. THEODORE COHEN: I think them being of equal length and somehow more symmetrical all around would be helpful. I don't like what's there now and I don't like putting more up, but if it's going to be some -- you know, I think there are probably other solutions that I don't know how to do it, and maybe an architect and engineer together can come up with a solution that's fine.

STUART DASH: You could just visually structure these so they have some sense of pattern and consistency that's -- it

will have not -- it will look far off from what you can work with.

ATTORNEY ANNE REYNOLDS: Without anything covering or rearranging.

STUART DASH: There are a variety of things you can do to go in that direction.

ATTORNEY ANNE REYNOLDS: Right. My concern is or my feeling is that I can probably get them to change the length. I don't know, I don't know how else to hide them without creating -- and I can go back to -- and I know you can't tell me how to do it, but I can go back and talk to the carrier. So I guess thinking in the future coming back in a week and a half and, you know, given I've done this on a lot of sites and trying to figure out ways to do it.

TOM SIENIEWICZ: Okay, so it's Harvard Square. It's the threshold of

Harvard Square. It's the second most visited site in the Commonwealth.

H. THEODORE COHEN: Is that true?

AHMED NUR: Even if they serve, I don't know, just the boxes underneath them. Something symmetric, something that you put energy into trying to fit into that --

ATTORNEY ANNE REYNOLDS: Okay.

AHMED NUR: -- as opposed to long, short, not measuring in between. These guys, what they're doing, they're running around with this beeping thing and this is the best spot for it.

ATTORNEY ANNE REYNOLDS: Right, they do, I mean, they are -- the technology work in a certain way where it has to be, I understand.

AHMED NUR: And trying to put it somewhere else.

ATTORNEY ANNE REYNOLDS: I can go back to them and see if we can make this look something similar to that in that way.

AHMED NUR: Going forth and not just individually. Not just this particular case but we just need help from the city to figure out maybe a change in the language and trying to figure out maybe an architect should be involved in that way we don't have to put you through this and spend the time, you know, in trying to either come up with a design or saying we're not happy about this. You know, I think it's straightforward. They're going to put up -- especially in areas that are historical and important to us, not industrial but very nice Harvard Square or any other place, just say you know what, this is what the Planning Board is going to -- if you want a good recommendation, they want a

good architect to come up and try to fit in the existing facades. At least put some time, energy into not just declaring this a magnetic field and, you know, cell technology but the architectural facade satisfaction. My opinion of it, not talking to you, talking to the staff. I'm just saying going forth I think we need help with these antennas. It's coming, 4G, 6 -- I don't know where we are now. Are we still in G's? Are we still in the G's?

JOHN HAWKINSON: H's.

AHMED NUR: T-minus?

H. THEODORE COHEN: Okay, are we --

TOM SIENIEWICZ: I think we're done.

We flawed this one.

LIZA PADEN: Okay.

H. THEODORE COHEN: Liza, you know what to say?

LIZA PADEN: I'll decide.

H. THEODORE COHEN: Thank you.

Is there anything else to come before
us tonight?

LIZA PADEN: That's it.

H. THEODORE COHEN: That's it.

LIZA PADEN: See you next week.

H. THEODORE COHEN: We are
adjourned.

(Whereupon, at 9:45 p.m., the
Planning Board Adjourned.)

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ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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C E R T I F I C A T E**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

I, Catherine Lawson Zelinski, a
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 21st day of September, 2015.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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CERTIFYING REPORTER.**

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