

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, December 15, 2015
7:20 p.m.

in

Second Floor Meeting Room
344 Broadway
Cambridge, Massachusetts

H. Theodore Cohen, Chair
Catherine Preston Connolly, Vice Chair
Hugh Russell, Member
Mary Flynn, Member
Louis J. Bacci, Jr., Member
Thacher Tiffany, Associate Member

Community Development Staff:

Liza Paden
Jeff Roberts
Stuart Dash
Swaathi Joseph

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7:00 p.m. (Continued) PB#306, 136-138 Cushing Street, by Duncan MacArthur to construct two single family homes on a corner lot in Residence B district pursuant to Section 5.53, paragraph 2. The special permit would allow more than one structure containing a principal residence farther than 75 feet from the street line. The applicant is also requesting Board of Zoning Appeal dimensional relief for gross floor area.	10

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8:00 p.m. Major Amendment to PUD and Project Review Special Permit #231A. The proposed amendment would enlarge that Development Parcel to encompass sites at 85 First Street, 107-119 First Street, 121-139 First Street; 29 Charles Street and 14-26 Hurley Street for a proposed development including a total of 213, 885 square feet of residential Gross Floor Area and 186,085 square feet of commercial Gross Floor Area within six buildings, of which two buildings (at 159 First Street and 65 Bent Street) have already been completed pursuant to PB#231A. A total of 251 dwelling units are proposed, of which 115 have been completed. This special permit will be reviewed pursuant to the Planned Unit Development process outlined in Section 12.30 and 13.50 PUD-4B Development Controls; the applicant also requests the following Special Permits: Section 19.20 Project Review Special Permit, Section 6.108.1 Bicycle Parking Distances modification and Section 6.35.1 Reduction of Required Parking, and Section 10.40 - Special Permits. The applicant is First Street - US, LLC, also requests a special permit to allow a reduction in the required public hearings pursuant to Section 12.30 Planned Unit Development. A Preliminary Determination from the Planning Board was made on September 29, 2015.

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P R O C E E D I N G S

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H. THEODORE COHEN: All right, well, welcome to the December 15th meeting of the Planning Board. Is someone making a status update? Jeff, is that you?

JEFF ROBERTS: Sure, I'll do that, Iram is on a much deserved vacation.

So the good news is that this is the last Planning Board meeting of the year. So enjoy the next two weeks off. And the even better news is that we have Planning Board meetings scheduled every week in January. So January 5th, 12th, 19th, and 26th. Kicking off the year will be the second public hearing on the PUD proposals for MIT's Kendall Square development, and that will be as before, we'll be hearing both cases, what

they call the NOMA and SOMA cases. And the materials are on our website and we'll be sending them along.

January 12th we had moved the hearing that had previously been scheduled I think for tonight on a case for 9 Donnell Street. It's a Planning Board Special Permit for a rear yard unit dwelling, separate dwelling. There may be a hearing on the Milford Medicinals zoning petition. I'll have update on that later. That hearing might come off the agenda.

We have January 19th, the public hearing on the re-filed Stern petition, which is, which relates to the section along North Mass. Ave., the corner of Mass. Ave. and Richard.

And on the 26th we at this point expect

to be able to bring back continuation of the MAPOCO or the Kroon, et al petition on Mass. Ave. between Porter Square and the Common and that is also the date when we hope to bring back rules and regulations which was, which we didn't get to the last time.

The last point is that February, February 2nd, the first meeting in February, as always, is dedicated to the Town Gown reports. So that's the night when institutions will be making their presentations, they submit their reports. I believe usually they are submitted by the end of the year. So sometime around the end of the year or early January you can expect to, and members of the public, can expect to see those Town Gown reports going up on the website.

So that's the upcoming Planning Board schedule. I'll just mention briefly in the world of zoning that the last City Council meeting of the year, regular council meeting is December 21st, and there are three zoning petitions; the ones that the Planning Board has heard that are passed with second reading, have the potential to be acted upon by the City Council on December 21st. One is the Cambridge Redevelopment Authority for the MXD Zoning District. Another is -- which the Planning Board had a positive recommendation on.

Another is the car sharing zoning petition which the Planning Board also had a positive recommendation on.

And the last one is the Barrett petition which addresses accessory apartments

and basement floor area, and the Planning Board did not recommend adoption. It recommended looking at some other issues, but the Council could pass it to a second reading and they may take action on part or that whole petition or an amended version of it.

I think that's all I have on updates.

H. THEODORE COHEN: Liza, any meeting transcripts?

LIZA PADEN: Yes, we have the November 1st that's been certified.

H. THEODORE COHEN: Do we have a motion to accept it?

CATHERINE PRESTON CONNOLLY: I move that we accept the certified transcripts.

H. THEODORE COHEN: Second?

MARY FLYNN: Second.

H. THEODORE COHEN: All in favor?

(Show of hands.)

H. THEODORE COHEN: They're adopted.

Request for an extension of time?

LIZA PADEN: We have a letter from Mr. Rafferty who represents the applicant for 1718-1720 Massachusetts Avenue, but which is also the site -- part of the discussion about the Kroon petition, and he's requested an extension of that hearing process to March 21, 2016.

H. THEODORE COHEN: Is that for the hearing itself or both the hearing and decision?

LIZA PADEN: It's the full 90 days. We'll extend the 90 days until then and see how it goes after that.

H. THEODORE COHEN: I'm sorry, and you said that's March?

LIZA PADEN: 21st.

H. THEODORE COHEN: I have to start writing '16.

Any discussion about that?

(No Response.)

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

(Show of hands.)

H. THEODORE COHEN: That's all set.

LIZA PADEN: Thank you.

H. THEODORE COHEN: We are now scheduled to take up a continuation of the hearing in Planning Board No. 306, relating to 136-138 Cushing Street.

As you can see, we are only five members of the Board this evening. The petitioner is entitled to a larger Board, and so the question for the petitioner is whether

you are willing to go forward this evening or whether you would like to have this continued to a time when a larger Board is present?

DUNCAN MacARTHUR: Do you know when that time would be?

H. THEODORE COHEN: Liza?

LIZA PADEN: Well, January 5th is the MIT petition and I think that's going to take the whole evening.

January 12th has two public hearings and it has the Porter Square Hotel design review.

Now Milford Medicinals may be -- that's the third item on that agenda and it may come off of the agenda for the 12th, but we won't know for a while.

JEFF ROBERTS: Mr. Chair, I didn't explain that fully in the update, but I'll

explain it now since it may have some bearing.

So the Milford Medicinal petition had a hearing at the Ordinance Committee last week, and at that hearing the petitioner came forward and stated that the intent of the petitioner is to spend some additional time on community outreach and to submit an amended petition because they felt that there were some deficiencies in the petition, the way it had been submitted. So it was their request that the Ordinance Committee leave the subject matter and committee, not schedule any further discussion, and essentially just let that petition effectively expire.

We can't guarantee that's what's going to happen, but I think the expectation is

that petition in its current form will not be considered for action. So we may -- we haven't fully discussed the -- we may decide to push that hearing off since there's really no purpose to having it. So that may free up time on January 12th.

H. THEODORE COHEN: And that petition relates to medical marijuana?

JEFF ROBERTS: Yes. It's a petition that's seeking to expand the areas where registered medical marijuana dispensary can be located.

H. THEODORE COHEN: Okay.

So if that were to be continued, then there's the Donnell Street hearing and the Porter Square Hotel design review. So presumably we could have some additional time.

LIZA PADEN: Yes.

H. THEODORE COHEN: So just to advise the petitioner, it could be on the 12th. Just, you know, I want to make clear that you need five affirmative votes to grant a Special Permit, so if we went forward with just the five members, it would need to be unanimous.

HUGH RUSSELL: I mean we have occasionally discussed the petition in circumstances with the understanding that if we are not unanimous in our point of view, that we would then not make a decision. So that means that there's a chance that we could -- if we are, if we do agree about this case, we could deal with it tonight.

H. THEODORE COHEN: But if it were -- if we weren't obviously not unanimous

in our discussions.

HUGH RUSSELL: Then we can just say well, we ought to wait until somebody else comes.

H. THEODORE COHEN: But then we can't add another member because they would not have been --

HUGH RUSSELL: Part of the discussions?

H. THEODORE COHEN: -- part of the discussion for the hearing today.

LIZA PADEN: Right.

H. THEODORE COHEN: So until the City Council in its wisdom adopts the state statute which would allow someone to --

HUGH RUSSELL: Yes, I see.

H. THEODORE COHEN: -- someone to miss a session, it would either be, it would

have to be just the five who were here this evening. There were nine at the last session. But for a variety of reasons, there are only five of us here this evening.

DUNCAN MacARTHUR: Does that mean I could present and if it was -- sort of went the direction we want to postpone it, I could reapply all the material and just hear it in front of a new Board?

H. THEODORE COHEN: Well, then that would become a repetitive petition and then we would have to be -- there's a procedure for repetitive petitions which in theory are only based upon a change in -- in theory you can't bring back a repetitive petition within two years unless the Board votes to allow it to come forward, and by ordinance and state statute it supposedly just if there's been a

change in --

DUNCAN MacARTHUR: Is that if you
vote?

H. THEODORE COHEN: Pardon me?

DUNCAN MacARTHUR: Is that only if
you vote tonight?

H. THEODORE COHEN: Well --

HUGH RUSSELL: Once we take it up
tonight --

H. THEODORE COHEN: Once we take it
up tonight, you're stuck with the five
members who are here. We cannot enlarge the
Board beyond those who are hearing it this
evening. You know, so we're sorry to put you
in this position. It's not fair to you, it's
not fair to the public that's here, and not
certain why some people have not shown up.
But it's, you know, it would appear that we

could take it up -- it would look like we could take it up on the 12th.

And if you want to take a minute to consult.

DUNCAN MacARTHUR: I think we'll proceed. And if it doesn't happen on the 12th, then, yeah, I think I'm ready to proceed.

H. THEODORE COHEN: You're ready to proceed?

DUNCAN MacARTHUR: Yeah.

H. THEODORE COHEN: Okay.

All right, well, do you have any presentation you wish to make this evening?

DUNCAN MacARTHUR: We do. The only thing I just want to say first that this is the second meeting we've had with Planning Board as you're aware. We've had a meeting

with the BZA. We've had a meeting with the Historical Society. We've had a meeting on the site with the community, and I've posted my number at the site and I've met a handful of families individually in the neighborhood to go over the plans, many of which, some of which you've seen letters of support.

And what we've heard in these meetings, there's concerns over massing and there was concern over parking and concern over the tree. And regarding massing, we were going in front of the BZA to get an increase of FAR of about 400 square feet. We're no longer gonna do that. So we're just doing FAR by-right.

And regarding parking I think we've come up with a great solution and Robert will illustrate that when he gives you the slide

show.

And regarding the tree, we haven't changed our position, and unfortunately having to take down the tree to develop the site in a way that we think best suits the neighborhood.

In reaching out to a lot of the neighbors when I was talking to them and other people in general, you know, the question did come up, you know if you have the right to take down this tree, how come you haven't taken it down already? It would seem to simplify your life a lot. And in a way it would simplify it with you, too. The reason I haven't done it is because I know it would simplify things and it would also make a lot of people very angry. And my goal is not to make people angry. I'm trying to go

through a process here. I have conviction in the plan that Robert has come up with. I do honestly believe it is the best way to develop the site. As you saw by some of the letters and talking to people, people are actually very excited about this, excited about seeing a new chapter. So it was nice for me to at least hear that. So I just wanted to point that out. And Robert, I think last time was asked to go through, you know, sort of the progression of how we ended up where we ended up with the plans so he can go through that now.

H. THEODORE COHEN: Could you give your name to the stenographer?

DUNCAN MacARTHUR: I'm sorry.
Duncan MacArthur.

H. THEODORE COHEN: Thank you.

ROBERT LINN: I'm Robert Linn.

While it's warming up, I'm not going to go through the whole spiel again showing the existing site because I feel like --

H. THEODORE COHEN: We've had the hearing very recently.

ROBERT LINN: And so Mr. Russell at the end of our last hearing really specifically asked, and we heard him ask, how did you get to where you were and did you consider doing something that was away from the tree. And so what I want to do is now just go through our process very quickly of how we ended up where we were and show you the schematic designs and the sketches that got us there.

So starting off the project, one of the things that's allowed in this district is the

townhouses. And so we thought about what would happen if you really put the townhouses in the center of the lot. It allows for less open space and it really kind of allows to even max out the massing on the site with parking underneath. And in this particular case roof decks and other pieces, but what we quickly identified with these schemes was that it really made this, where you had the private open space, that the back side of the lot really became a driveway, a roadway. It was a bad, a bad design. It was not good for the neighborhood, not good for the initial abutters, and it created a wall between those abutters and Cushing Street that would block light and views and so we dismissed this relatively quickly.

Our next thought was well, if we want

to do something that takes the -- some of the form, in fact, maybe even, we even considered moving forward potentially the footprint of the existing structure that's there, and that square is the same footprint as the Santa Lucia Society, could we make it work with dormers and articulation pieces to have a two-family structure, preserving what would be that zone of the tree but still also giving parking. And what we quickly realized even here is that in order to make this even come close to working, we had to not just go with the 15 feet from the setback, but that we thought we might be able to do 10 because we could use the average of the setbacks in the neighborhood and was really trying to work with maxing out that zone of the site because you don't have very much buildable

area once you eliminate that circumference of the tree.

And the other piece that once we sort of came up with this and realized that we have two entrances facing Vineyard Street; one's obstructed by the garage and neither one is really facing a street and it felt like we'd be turning our back to Cushing and turning our back somewhat to Vineyard and it didn't feel that good urban design to us.

So as I mentioned in our earlier scheme, one of the things that we wanted to do was to create a structure that took cues from the neighborhood, and it has a lot of the same scale and the same forms and but do it in a more contemporary way. So as you can see we sort of thought maybe you take that mass and you shift it and you create two

structures that may have some gable roof and, you know, it's tricky to deal with two gable roofs side-by-side dealing with snow and, you know, there's a cricket. And potentially you could make something like that happen. But again it felt like we didn't have any real private open space, that we were really having this strange kind of shared garage with kind of a labyrinth of circulation to get to the two back doors and entering from the back and we dismissed this also as a viable solution.

So our next thought was we take the two pieces and we break them apart and we turn them side by side. So this way this is when we first started thinking that maybe it made sense to have the two separate components. And in this case you have the circulation

around, you have more of the light and air and kind of the sense that each one had some breathing room and all of, you know, you could have all four facades fenestrated and this felt like, okay, maybe we're moving in the right direction, but then building B is still set back from really either street. And in fact, in this case it actually would be violating, I think, what the Ordinance was asking for when they said no -- nothing more than 75 feet back from the street line, because it's really sort of building to the back of the lot.

So then we started thinking well, maybe we bring -- we put the two together. And we put them back together again. We thought about this single access drive off of Vineyard Street, you know, because we didn't

want to have to have the cars necessarily coming off of Cushing at first, but then it brought us back to where we were with the townhouses where the private open space really became a driveway.

And so then you can see we start getting closer to where our final solution was, where we have the two pieces and this one is connected to a garage off of Vineyard, but two coming off of Vineyard, the two houses start to have a little bit more of an independence, the circulation starts to feel a little less convoluted to get from the garage to the houses. We then thought, you know, maybe you don't need to build a garage, or maybe you had more open space and it's a little bit more friendly to the immediate abutter to not have a garage but still having

the two curb cuts off of Vineyard.

And then finally we came to the conclusion that really if we really care about open space, we want to have these two independent structures, we want to deal with the parking in the most efficient way, we want to be able to get from your car immediately to your house, that it made a lot of sense to bring the cars in off of Cushing Street, and you can see all the space behind, is really unprogrammed open space.

And so that was the original piece that we brought to you last time we talked. But this was our fallback position, which was put the two together and have the garage right between the two. But after our hearing on the 15th or whenever -- or the 1st, I'm sorry. We started thinking that well, maybe

having the two car garage on Cushing Street was really not a very nice way to connect the two, sort of it didn't feel maybe the scale was quite right. So that maybe we have a one car garage coming off of Cushing Street, and also we heard quite a bit of feedback that maybe having a double wide parking coming off of Cushing might not be safe for students walking to Haggerty. So we thought this idea of splitting the two might be a good viable solution. And at first we actually thought we needed to get a Special Permit to do this, that a lot would require a Special Permit for two curb cuts. We dug into it a little more deeply and we found that for every 100 feet of frontage, you're allowed of curb cut or part thereof. And so where we thought we needed 200 feet of frontage for two curb

cuts, by-right you would just need 100 plus or some additional amount. We confirmed that with Ranjit and he said yes, that's the case. So it's a by-right to have the two curb cuts.

We then thought well, all right maybe we don't have to necessarily connect them, you know, if the Planning Board saw fit to allow the 75 feet from Vineyard Street, that maybe the two pieces could be entirely separate. And then as Duncan said, we decided that it made sense to shrink the two, because we're not going back in front of the BZA for any sort of a Variance, and in order to make it work and to feel like there's some compensation for losing the 400 square feet, we thought, you know, we should probably put a garage attached to the Cushing Street piece which really kind of compensates for the loss

of square footage on the two and then still leave the one on the closest to the immediate abutter on Vineyard open so not to sort of block her views and her, you know, her sense of space.

And then Duncan actually met with her and walked her through the different solutions, and she told him that she was really interested in making sure that she had some diagonal view off through Vineyard Street toward Cushing because she liked to watch -- to see if the bus is coming for her kids to run out. So she asked that maybe we crank that somewhat so that she could maintain that view and then also have the view between the two structures to Cushing in that direction.

And so, at this time this is the scheme

that we feel the most -- like, this is our strongest scheme. We feel like we're dealing with our abutters. We really feel like both of these structures are doing the right thing for the site, they're to the right scale, and you know, we're very comfortable putting forth this scheme as, you know, as what feels right for the neighborhood.

H. THEODORE COHEN: Great.

Do any board members have any questions right now?

HUGH RUSSELL: I just want to get out on the table that we did get a communication from the Traffic and Parking Department and they basically said that they -- this scheme was okay and having the double driveway was also okay.

H. THEODORE COHEN: Right.

HUGH RUSSELL: Either one was okay with them.

H. THEODORE COHEN: They said either was okay. I think they thought this scheme needed a Variance for the curb cut, but --

MARY FLYNN: He's saying no.

H. THEODORE COHEN: But you also had the communication with Ranjit has indicated to the contrary. And I think a Variance -- well, but I think that's Traffic and Parking was -- found both acceptable.

No other comments now? Why don't we go to the public. I don't know if there was any sign-up sheet.

Mr. Linn, the one question I had, the earlier drawing that showed the two houses connected with the garage, you determined that that was an as-of-right configuration.

ROBERT LINN: That was as-of-right and both of the two houses met the FAR requirements so that would not be going back to the BZA.

H. THEODORE COHEN: Okay.

If you're interested in speaking, please come forward to the podium and state your name and address. If you haven't signed up on the list, we will give you an opportunity to speak.

Lori Gains. Ms. Gains, please come forward and in general speak for three minutes. We're keeping time and we'll let you know when three minutes are up.

LORI GAINS: Okay, thank you. I'm sorry I missed the last meeting. I didn't get to write a letter as well. I really am not happy with the design.

H. THEODORE COHEN: Could you state your name and address, please?

LORI GAINS: Lori Gains, 34 May Street, Cambridge, Mass.

FROM THE AUDIENCE: Could you lift the microphone a little?

LORI GAINS: How's that, okay?

I've been -- I've lived in the Haggerty community since the 1980s. I started working there at the school, and this particular corner has been a huge community gathering place over the years. It's hosted not only festivals but weddings, birthdays, graduations, Sunday breakfasts, and a long time community center. And it just feels like this is another overdeveloped plan. That the street is a very busy street with students and teachers and families that walk

to the Haggerty School everyday and to the youth center. As it is, visibility isn't great when there's a lot of snow even, it makes it really difficult to see at the corners. And we take groups of students, quite a few of them, up the street a lot to use the playgrounds and students are walked everyday to the youth center. I bike, my family bikes, we walk. There are many families that walk dogs. There are strollers. There's handicapped. It's such a busy corner. And to have two huge buildings on what was a community gathering place with a magnificent tree and a magnificent yard and a clear open view of what's around the corner, just seems too large for the area. I just feel it should be scaled back. It would be nice to keep it even as part of a

community -- as part of the community to develop it back into another community center. I feel like, you know, I heard him say that if you really cared about open spaces, with his design, well, then if you really cared about open spaces, then develop with that open space in mind, with a yard and a tree for a family to come in and have a beautiful space to be able to play and see your neighbors instead of two gigantic buildings on another lot. It just seems very out of place.

So thank you for your time.

H. THEODORE COHEN: Thank you.

(Thacher Tiffany Seated).

H. THEODORE COHEN: Is there anyone else who would like to speak? Please come forward.

PAT SOFRIO: My name is Pat Sofrio (phonetic). I'm from 143 Cushing Street. And, Robert, I have a question for you.

H. THEODORE COHEN: No. You address questions to us.

PAT SOFRIO: To you, okay, great. I think there is a solution. And it's something that has escaped this team of developer and architect, and to me the solution's simple: The tree remains, the open space pastoral setting remains, the footprint of the existing structure, okay, so they need to tear it down, they could remove the foundation, but you can use that existing footprint. Where the roof slopes, you can open that up. You could extend in the direction of Haggerty School which you're doing anyway. I mean, with building B, now

you have a massive structure. It's larger than 26-28 Vineyard Street that had an estimated value of a 1,025,000. You have your two townhouse solution. You have the open pastoral space. You have this magnificent tree, and it would be more valuable to perspective buyers to have that and an opportunity to purchase into that solution than these gigantic structures. And, you know, I question also the scale of the schematics because, you know, 15 feet from the property line from Vineyard, I mean, we're taking into account the slopes. This land does slope. So when you get to level land, how far away is it from a building structure which is going to go up two and a half stories, it's gonna take much of the length of the Vineyard Street side. Why do

that? I mean, why not leave that open space, provide for the tree. My solution, you know, uses the existing structure's footprint, opens up the second level, expand it toward Haggerty. You've got your massive two townhouse solution. You can make it pretty and elegant and yet you retain the open space pastoral setting and the tree.

So why aren't we seeing that here? I'm asking you as board members, why isn't that -- it seems such an obvious solution to me. Where is it? And that's all I have to say.

H. THEODORE COHEN: Okay, thank you.

Is there anyone else who wishes to speak? Yes, please come forward.

CLIFFORD ANDERSON: Thank you, and I also have a letter from another neighbor who

would like this to be read into the record if that's possible.

H. THEODORE COHEN: That's fine, yes.

CLIFFORD ANDERSON: Okay. Shall I read that first?

H. THEODORE COHEN: How long is it?

CLIFFORD ANDERSON: It's a one pager.

H. THEODORE COHEN: Why don't you just tell us who it's from and we'll enter it into the record. We don't have to read it.

CLIFFORD ANDERSON: Sure. The letter is from Ronne Saroff of 139 Cushing Street, directly across the street.

H. THEODORE COHEN: Could you spell her name?

CLIFFORD ANDERSON: R-o-n-n-e

S-a-r-o-f-f. And I could summarize the primary point perhaps rather than read the full thing.

H. THEODORE COHEN: That's fine.

CLIFFORD ANDERSON: The heart of the letter is despite requests made by the Zoning and Planning Boards to explore alternative plans that would preserve the tree and limit overcrowding, Mr. MacArthur did not present any best proposals when he met with residents last Tuesday. When asked about alternatives, such as a duplex or attached townhouses, Mr. MacArthur said only that it would, quote, break his heart to build such a structure. The maple tree and the surrounding open space have survived the changing of hands for over a century. To see it then torn down now despite overwhelming neighborhood opposition,

truly would be heartbreaking. As a community, we do not have an obligation to ensure that all speculators make a profit. We do, however, have a moral obligation to be good neighbors and responsible stewards of the land. At the meeting, referring to last Tuesday's meeting held on the site, Mr. MacArthur offered to sell the property to the residents of Strawberry Hill or another sympathetic buyer at the sale price plus costs incurred. As there was significant interest in acquiring the property for public use, I ask that a decision regarding Mr. MacArthur's request for a Special Permit be deferred while funding opportunities are pursued.

So that's the heart of that letter.

H. THEODORE COHEN: Okay.

CLIFFORD ANDERSON: And I have two copies I can provide for that. For my own remarks, I'm Clifford Anderson of 139 Cushing Street. I would also echo the question about whether the plans that we've seen presented really get to the heart of what was requested at the last Planning Board meeting to reconsider preserving the tree and presenting alternative plans that would keep something similar to the current footprint and the current open space. I'm not sure that we actually saw that adequately tonight. I'm not sure that the Board feels that we saw an adequate explanation of that topic as well, but I don't feel that it really presents much of an opportunity to see why that design couldn't be possible.

At the meeting that occurred last week,

the petitioner, again, did make that offer to basically back out of the deal if he could break even on it, if there were another buyer that would be sympathetic, perhaps a community group or something like that. And also stated that his initial intent in buying the property was that he intended it to be a single-family development and he thought that he would be able to obtain such a buyer and he speculated and, you know, made a business decision to pay the price that he did for it and there wasn't such a buyer that materialized and was going to proceed. So sadly there was no buyer that would pay the price that he imagined he could get in order to yield a profit that he desired, and so if I understood the petitioner correctly, it's at that point that they began considering the

two-unit variations that we've seen. And these are plans that are really no one's first choice. I mean, any letters of support, notwithstanding, this is not what anyone wants to see for the property if it could be avoided. And it seems that the problem is just that the petitioner paid more than he can make out with well in trying to sell it as a single-family.

I think it's sad that after misjudging the market, he now plans to externalize the cost of that risky business decision by sacrificing something of unique and irreplaceable beauty. Something beloved by the whole community would be lost under the plans that we've seen here and that would be Mr. MacArthur's legacy in this neighborhood. It would be to be known as the person who

brought that about.

So given that there is interest among the community in perhaps organizing or trying to take the petitioner up on his request to sell the property, if he could break even on it, and is interested in putting together a group and exploring that option, I ask that the City place its support behind that plan, and I request respectfully that the City withhold signing off on any demolition proceedings while the matter is pursued further.

H. THEODORE COHEN: Okay, thank you.

Is there anyone else who wishes to speak? Yes.

MAGGIE BOOZ: Good evening, my name is Maggie Booz. My address is 27 Lawn Street in Cambridge. I want to speak about two

things:

One is the intent of the 75-foot rule. And I believe that that rule was largely developed around our neighborhood, that is there was a tremendous amount of construction in going on by developers and backyards of elongated lots, and the point of that 75-foot rule was not just pertaining to long, deep lots, it was also pertaining to an overall densification and loss of open space. And so I think the 70-foot -- the 75-foot rule is pertinent to this property not just because it's a rule, but because it's -- it would prevent a certain over-densification. There's been, there's been reference in this, not tonight, but I know in a previous presentation of this project, there's been reference to retaining a kind of fabric that

the neighborhood has in the design of the project, and while I really don't have a lot of objection to the buildings themselves, I find them attractive and well-designed buildings. I do have an objection to it being called the fabric of the neighborhood in that this particular site is of very specific fabric of an older time in the neighborhood, of an agrarian past that the neighborhood is well known for and the loss of that fabric is extremely sad and extremely important to consider when you're making your decision.

My second point tonight is in a different role, I come to you as the Chair of the Public Planting Committee for the City of Cambridge. While I know you have no jurisdiction over a private property tree, I

do want you to consider the fact that Strawberry Hill has a real dearth of street trees, we don't have a lot of them. We're just a neighborhood, our sidewalks are too narrow, it isn't possible to increase our street tree inventory as much as it can be increased in some neighborhoods. And that tree is super important to the street life, the shade of Vineyard Street and Cushing and is a real icon in the neighborhood. It's sad because it's in an open space. And that over-densification of that lot prevents that from occurring again. I want to echo that I -- I should say I'm an architect. I have a residential firm in Cambridge, and I do think that there's probably a solution that builds upon the existing site. I don't know if it's exactly on the foundation of the existing

buildings, but certainly in that sector, that quadrant of the land, and probably, you know, a two, a two-unit building in a single structure would work better.

Thank you so much.

H. THEODORE COHEN: Thank you.

Anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: If not, we will go to our discussion, but before we do that, Mr. Tiffany has joined us. Could you very quickly run through the sketches you showed before so that he can see, and while you're doing that, if you could also address the issue whether you had considered building a structure, a single structure just on the site of the existing building.

ROBERT LINN: Sure.

So after the last meeting we were asked to go through this progression and we started out by thinking well, if you were going to really try to maximize the buildable area, think about townhouses because they're allowed in this area. But we dismissed quickly because it was really using the most private open space to the back of the -- as roadway and so, and it was over-densifying we thought because it was creating this wall between what was -- what is the abutters and Cushing Street.

We then thought if you took the footprint, the square at the front and moved it forward, moved it toward Cushing Street and built something behind, that there may be a way to get the allowable gross floor area to work within the two, the two structures

using dormers. I mean, I think the idea of moving up and out, I think in a sense we thought there would be a series of dormers, what we didn't want to do was create a big box, something that was a big mass on the site. We were really trying to somehow articulate it in a way that we felt was part of the scale of the neighborhood.

So our next progression from that was to do something much more like we're proposing now with the two smaller gabled pieces and shift it so there's some differentiation between the two. We dismissed both of these -- the last two schemes because it felt to us that one, really there's no, there's no sense that for sure you'd be able to preserve the tree the way that we were getting close to the

circumference. But also that we left it almost no private open space. Our thought is that the unit on the front would probably build a fence around the corner of Cushing and Vineyard because you don't want to be barbecuing in your front yard and the people in the back because we've had to shift it back are really using just that small little dog leg that would be their own private open space. And then both would be parked from the corner of Vineyard and then taking a securitas route to get to their backyard that would be their primary entrance.

The next step was to take those two pieces and we shifted them. But in this case, I actually think this is more of the back lot scenario where the building B really isn't fronting the street, isn't in keeping

with what I interpret as the design objectives of, you know, the urban design guidelines of the city. So having that back lot to us felt like, you know, it wasn't the right positioning for that building B.

So we thought about attaching the two, having a single access off of Vineyard with parking from the back so that you're not seeing the parking, but it felt, again, like the townhouses that we really created a -- taking the most valuable usable open space and turning it into a roadway. We divided the two pieces thinking that maybe the building A would be attached to the garage and building B would front Cushing, building A fronting Vineyard, starting to feel a little bit more like the scheme that we ultimately ended up with.

Here we took away the garage up against the most affected abutter thinking that that might be better for them. And then ultimately this got us back to the scheme where we ended up pulling the parking off of Cushing Street and really maximizing what we understood to be the private open space on the back side and what felt to us that would allow the most light and air to both of these structures but also to the abutter. And that's what we presented the last time we were here.

This is the version that's the by-right version that doesn't require the 75-foot which I don't think any of us feel is a better scenario, a better solution than what we are proposing. But after our last hearing we did hear and also from our community

meetings that we held in the chapel of the society building, that having the double curb cut off Cushing was problematic. They're worrying about children walking through and that was a long expanse with cars pulling in and out. We thought maybe we'll shift the -- split the parking and we found -- we determined that would be something we would be allowed to do by-right. And so in this case we have the two attached, but we also were thinking, and I forgot to mention this before, that we would be proposing to add two trees on Vineyard Street -- of the certain caliber, I don't know -- to compensate for the huge tree, but it would be adding some trees back to the streetscape.

This was a sketch looking at the two separate parking with no garage, and the

scheme that we actually started to develop and feeling really good about was the garage attached to building B with access across from Cushing and the other garage with parking off of Vineyard Street so that we could be the most accommodating to the abutter. And actually after speaking to her further, she suggested that we could crank the building like we had in our previous scheme, that that would actually allow her to maintain some sight lines that are important to her.

H. THEODORE COHEN: Could you go back to the previous? I see, okay.

DUNCAN MacARTHUR: She had asked us in looking at the one by-right, if you go back to that, that's where she saw that, she asked -- she liked how that little addition

was off that side and she liked the siting of that minus the garage. That's what we ended up doing there.

FROM THE AUDIENCE: Is it possible to still say something?

H. THEODORE COHEN: Not at this time.

Okay. Board members have any questions or comments?

HUGH RUSSELL: I guess I'd like to -- since the show of the development options was something I asked for, I'd like to give my reaction to them. Which it seems to me it's a pretty comprehensive study of the various pieces. The, you know, the one that shows a footprint of the school moved forward and trees stand for what -- they said well, we want to leave the school where it

is, but we can do something similar, and I think we could see that that meant that all the open space was in the public visual realm and none of it on the private realm.

(Inaudible).

I think this particular scheme, you know, has a kind of a -- has a minimal amount of paving. It -- there's a, you know, significant setback from Vineyard Street.

The ability to plant two new trees.

Significant private open space that joins with the other private open space between the houses. So I'm pretty convinced that this is probably the best scheme we've seen. Coming from mid-Cambridge I don't see these houses as huge. But I think these are smallish single-family houses. There are some really tiny single-family houses in this

neighborhood and in other parts of the city. But I think I could easily agree with the finding that we have to make, that going more than 75 feet from Vineyard Street results in the superior design. So that's sort of my -- what I'm seeing now.

H. THEODORE COHEN: Lou, did you want to speak?

LOUIS J. BACCI, JR.: I guess similar comments. I kind of like the previous design, actually, but this is just -- it's another good job. I mean, they're both -- I guess the two separate driveways kind of make some sense. There's a lot more open space and, yeah, everyone's concerned with the trees. Caliber size, can we have an idea?

DUNCAN MacARTHUR: You know, it's

sort of what's available at the time, but something sort, I don't know, caliber size. I'm thinking 20 feet high. You know, a good size tree.

LOUIS J. BACCI, JR.: Right.

DUNCAN MacARTHUR: And indigenous. That is a Norway maple. They're canvassing the neighborhood to get the pods away so they don't blow away any of the street trees. They're eliminating them. It's silver maple, something that's indigenous in the area.

LOUIS J. BACCI, JR.: Sure. That was some of the concern someone putting in some sticks. Sizable plantings would be good on that corner, and I think that would help ease it. Yes, either one of the designs is fine with me actually.

One thing, why did you add the garage?

DUNCAN MacARTHUR: It actually creates a nicer buffer from that house when you're looking out. The garage, it sort of defines the line between the two properties and breaks up the fence that will be going back. And visually from that house looking over just looking at the clapboard walls as opposed to the car.

LOUIS J. BACCI, JR.: Thank you.

H. THEODORE COHEN: Mary.

MARY FLYNN: Yeah, I have a question first. I just wanted to follow up on the -- some of the comments from the neighborhood about your offer to potentially sell the property back if you can break even. Do you have a sense of what -- a timeline would be for the neighborhood to have in order to get that organized?

DUNCAN MacARTHUR: Well, I guess I would ask that it wouldn't impact this decision tonight just because I would be willing to listen to that for sure. And, you know, time is important. I mean, I'd be willing to meet with them as soon as possible to discuss more in depth of what their plan is and see how serious the offer is and what. You know, it's going to take a while before we get permitted here so there's time and it's winter. So I mean there is time to discuss that option.

MARY FLYNN: Okay.

My sense is similar to that of my colleagues'. I personally think that this plan is a good one. I understand the concern about the tree. I drove up there the other day and I looked at it. It is a glorious

tree, there's no doubt about it. But I do think we need to recognize the fact that it is on private property and you have a solution as-of-right that, I think, you know, as Hugh said last time, you know, it's not as good a solution as the one that requires the permit.

I do think that as part of this, you know, I want to follow up on Lou's point, we would want to see substantial landscaping. And I think one of the requirements for the permit would be that you would need to come back with a landscaping plan and have that approved by the Board or certainly with staff at a minimum. So I'm inclined to support this but I would urge you, and I think, you know, you are headed in that direction, you've stated tonight that, you know, the

reason you haven't taken the tree down is because you don't want to cause unnecessary anger and that sort of thing. So I would just encourage you to keep on with the dialogue, and if the neighborhood is able to figure out a way to make another option come to fruition, you know, terrific. But in the meantime, I think this is the best solution for what we have.

H. THEODORE COHEN: Anyone else?

Well, why don't I run through the findings that we have to make under Section 5.53 which would allow for two structures on the lot being further than 75 feet from the street line.

We have to find the Special Permit in the regular conditions of a Special Permit, that development in the form of two or more

structures on the lot will not significantly increase or may reduce the impact of the new construction should it occur on a single structure.

Or, that two or more structures may provide identifiable benefits beyond that provided should all construction be within a single structure.

In making its findings the Board shall consider the impact of the new structure the following:

The extent to which the preservation of a long contiguous open space on the rear of the lot or series adjacent lots is achieved through the provision of the rear yard setback significantly greater than that required.

And through the dedication of that rear

yard as green area as defined in this ordinance.

Two, incentives for the location of buildings and parking facilities on the front half of the lot and patterns compatible with the development pattern prevailing in the neighborhood.

Three, the extent to which two or more structures provide an enhanced living environment for residents on the lot.

Four, incentives to retain existing structures on a lot, particularly any structure determined to be preferred by the Cambridge Housing Historical Commission which has already determined that this is not. The structure that is preferably preserved.

And the opportunities presented to reduce the visual impact of parking from a

public street and adjacent lots.

And the increased opportunities to reduce the height and bulk as new construction is deeper into a lot or closer to structures on abutting lots.

I think, you know, if we were to go with A, that's the only finding we have to make which is that development in the form of two or more structures on the lot will not significantly increase or may reduce the impact on the new construction should it occur in a single structure.

You know, personally I think the as-of-right possibilities are much less appealing than this plan or the immediately preceding plan.

Yes, the tree is magnificent and it would be wonderful if somehow it could be

preserved, but we have no jurisdiction over that. And as has been noted, it could have been cut down at any time. So I personally think that this is a preferable project than the as-of-right projects, and I think that the small increase from the 75-foot line is warranted in this situation.

Catherine? Thacher?

CATHERINE PRESTON CONNOLLY: I'll be brief. I concur that this is preferable to the single structure. I do think that the fact that the proponent has dropped the request for an FAR Variance further makes it a scheme that fits in with the neighborhood and doesn't lead to the undo over-densification of the neighborhood.

I am also pleased that Traffic and Parking was able to find that either this or

the other driveway schemes were allowable and didn't have an unnecessary negative impact on the traffic in the area.

So overall, I think this meets the criteria for a Special Permit and, therefore, I think that those findings can and should be made.

H. THEODORE COHEN: Thacher.

THACHER TIFFANY: I don't have anything to add. Thank you.

H. THEODORE COHEN: Somebody like to make a motion?

Well, I think before we do that, I think Mary's concerns are valid and that the landscaping plan should be significant, new trees planted and landscaping to block the abutters as much as possible, and to -- within the realm of what is safe for the

driveways and for getting in and out should be as much landscaping as possible. And I say that the landscaping, ultimate landscaping plan should be reviewed and approved by staff.

And as always, that the final -- formation forms of the houses should be approved and -- reviewed and approved by staff.

HUGH RUSSELL: There's a project that's subject to the tree ordinance, there's a standard that if a tree is removed, new trees have to equal the sum of the new trees has equal caliber of the removed tree. That's a standard we might want to apply to this.

LOUIS J. BACCI, JR.: I don't know how many trees he can get in there.

H. THEODORE COHEN: The existing tree is --

LOUIS J. BACCI, JR.: At least 30 inches.

H. THEODORE COHEN: Is quite huge. I mean, I don't know --

CATHERINE PRESTON CONNOLLY: If it's realistic.

H. THEODORE COHEN: -- what it would take. I mean, I think perhaps we could suggest to staff that it should come as close to that feasible --

MARY FLYNN: As possible.

H. THEODORE COHEN: -- or is reasonable.

CATHERINE PRESTON CONNOLLY: While still having healthy trees.

LOUIS J. BACCI, JR.: Yes.

CATHERINE PRESTON CONNOLLY: Because there's, you know, as much as I like to see as many trees as possible planted, I see no value to, you know, planting ten trees and having seven of them die because they are all planted too close together in order to meet some specified number.

MARY FLYNN: Right.

H. THEODORE COHEN: Okay.

LOUIS J. BACCI, JR.: I think substantial planting.

CATHERINE PRESTON CONNOLLY: Yes, I think it's -- we can leave that to staff, and if they have questions about whether or not the plantings are adequate, they can obviously bring that back to us.

H. THEODORE COHEN: Would somebody like to make a motion?

CATHERINE PRESTON CONNOLLY: I would.

I move that we approve the Special Permit based on the finding that the plan presented is better than could be achieved in a single structure and with the condition that significant landscaping be undertaken subject to staff review.

Did I get everything? Yes.

MARY FLYNN: And the building review.

H. THEODORE COHEN: And the building review.

CATHERINE PRESTON CONNOLLY:
Building review is -- I didn't include it only because that's for all Special Permits.

MARY FLYNN: Standard.

H. THEODORE COHEN: And then we can

make the findings in accordance with Section 5.53.2 and all the usual findings with regard to the issuance of a Special Permit.

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: Is there a second?

MARY FLYNN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Anyone opposed?

(No Response.)

H. THEODORE COHEN: Then it is unanimous. Thank you very much.

DUNCAN MacARTHUR: Thank you for your time.

H. THEODORE COHEN: We would welcome you to continue your discussions with the

neighbors, and if there is some further resolution that can be worked out, that would be good.

DUNCAN MacARTHUR: Thank you.

H. THEODORE COHEN: Thank you.

We'll take a break until 8:30 to set up for the next hearing.

(A short recess was taken.)

H. THEODORE COHEN: Okay, we're back. We're now going to hold a public hearing on the request for a Major Amendment to PUD Special Permit No. #231A as well as a project review Special Permit.

Briefly, the proposed amendment enlarged the development parcel to encompass sites at 85 First Street, 107-119 First Street, 121-139 First Street, 29 Charles Street, and 14-26 Hurley Street for a

proposed development including proposed development. We have commercial and residential and retail. This -- and there's also a request for Special Permits under Section 19.20 Project Review Special Permit, Section 6.108.1 bicycle parking distances modification, and Section 10.40 Special Permits.

There's also a request for a Special Permit to allow reduction in the required parking pursuant to Section 16.35.1.

This is the second of the two required hearings under Section 12.30 relating to PUDs, and a preliminary determination from the Planning Board was held on September 29, 2015.

Jim, if you want to.

LIZA PADEN: Can I interrupt for a

moment and ask if the applicant's willing to be heard by less than seven members.

ATTORNEY JAMES RAFFERTY: Yes. For the record, James Rafferty. I have discussed this with the applicant and he's prepared to go forward with the members present this evening.

H. THEODORE COHEN: Fine, thank you. You can proceed.

ATTORNEY JAMES RAFFERTY: Thank you. Again, for the record, James Rafferty appearing on behalf of the applicant, First Street US, LLC. Paul Ognibene is the principal. Dave Notter is with him from Urban Spaces. The project architect is Christopher Boyce, and his associate is colleague John Pears from Perkins and Will --

JOHN PEARS: Eastman.

ATTORNEY JAMES RAFFERTY: Perkins and Eastman. I'm sorry, that's the other Perkins. My mistake.

Mr. Chair, we've been here a long time. If you look at when we first began this, I was going through the file here, our first hearing was in March of 2015. Or was it 2014? But we've had snow days. We've had natural disasters. We've had some changes, but throughout it all we've really been focussed on the same parcels that you see here today. The change that you last saw in our strategy at the last hearing was you'd recall that this was going to be two separate PUDs, and we came to the conclusion that for a variety of reasons, the project worked better as a single PUD. So preliminary determination allowed for this portion of the

site to be added to the adjoining portion so -- on the other side. So what we've been talking about really from the beginning are parcels A, B, C, and D. That's never really changed. Tonight there's a model that Mr. Boyce has prepared that really I think allows the Board to really understand the massing and the distribution.

I must say it wasn't until recently when I went to a project meeting at the offices of Urban Spaces which is now in a building they now own on First Street, and we were sitting in the conference room, and -- on the third floor and I looked across the street and had a full appreciation of the challenge that First Street faces. The blank wall of that mall is a very imposing facade that runs the length of that street and it's

then joined by a five or six-story auto garage for nearly its entire length. And for all the effort that we've been doing here and trying to understand how to make this succeed, we've always been mindful of that, to make this street succeed. And it's our hope, really, that this could spur some additional thinking about how the mall is organized and perhaps some day in the future openings into that facade would be seen as popular. But I know Mr. Pears has spoken about it repeatedly, about the benefit of having a two-sided street and an active street. We've talked to the Traffic Department about the potential of perhaps relocating some of the metered parking from the blank side of the street to our side of the street, but it's not without its

challenges. But from the beginning we have really sought to get a mixed use project here that incorporates active ground floor uses. And retail that's a little more engaging, frankly, than some of the typical cafe-style retail that we've seen on Third Street. So, as you know, we've spent a lot of time on-site related issues and the necessary evils of parking and how to make parking work and how to have enough of a parking supply to attract a certain type of tenant. And we've said -- we've been asked from time to time well, who is the ideal tenant? And it's hard to say who the ideal tenant is, I think we all have a sense of what, what there is plenty of, you know, and I'm not knocking mattress stores or cellphone stores or banks, but we have a lot of that. And the goal here

is to have something different than that. So, we have struggled with trying to get the right mix between open space and really active ground floor retail. So the PUD preliminary approval that you granted us in September identified five areas that you wanted us to work on. Four of them involved the design of the building, and the fifth involved the site issues on the surface. And tonight Mr. Boyce will take you through those changes.

We've had productive exchanges with both the Traffic Department and Community Development. And Community Development on the design issues, and I think you'll be able to see the benefit of those changes and I think we feel they're highly responsive to the issues addressed in the preliminary

determination.

Similarly with the Traffic Department we had a very thorough exchange of a two-hour plus meeting where we candidly shared some of the challenges that we were facing in terms of the type of tenants. We talked specifically about certain retailers that have expressed some interest and what we needed. So at the end of the day we've come up with a site plan that we believe provides the necessary amount of surface parking, but also sets an aspiration that some of this parking, and you'll see the areas that I'm talking about in Mr. Boyce's presentation, but some of this parking could transform into something other than parking as the pedestrian counts on this street increase, because right now we shared the pedestrian

counts with you in our last submittal, and they're just not as strong in this area as they are in other urban locations. By comparison Central Square and Harvard Square have pedestrian counts five and six times of what's here. But the potential is here.

We've learned about a lot about the mall. We've studied the mall. And the mall we've learned frankly is more of a retail draw than a local draw. It doesn't have a lot of neighborhood-based activity. So we think there's an opportunity for a different type of retailer who could service the more immediate neighborhood here. And there's a strategy about what type of retailer that might be. It wouldn't be someone who simply doesn't want to pay rent in the mall would come here, but someone who sees a different

shopper with a different experience. So we've looked at a number of strategies to make the retail succeed here.

Our goal tonight, of course, is to see if we can convince you that we've met the criteria set forth in the preliminary determination, allow us to proceed here. The sequencing here would involve -- the first phase would involve the construction of the building on parcel A. You'll recall from our previous presentations, one of the lead factors here is the 21 Charles Street building, it is owned and operated by PetCo. And Mr. Ognibene has been able to bring PetCo into this joint development. They need a new home. And they've agreed to a new home. They had specific criteria on the size of their building. Essentially they want a

building about the same size as they have now. They want the same parking they have now. And with enough financial incentive, they're prepared to move and allow the rest of this to take place. So our objective here is to be able to begin by the springtime with the removal of the building there, the PetCo building and to create the new building.

Building A and building D would be built simultaneously in the first phase of the project. And once they're up and completed and PetCo is out of its location, the site occupied by building B would become freed up and then the multi-residential building could be built continuously.

Having said all of that, Mr. Boyce will walk you through this. You'll recall that at our preliminary determination we had our

traffic engineer here. So these are concurrent public hearings, and as the Board knows, under Article 19 part of the use Special Permit, the facts and information from that earlier hearing would be acknowledged as part of this record for the Board to make the necessary findings around no adverse impact on traffic.

You may recall that the TIS submitted here in the certification from the Traffic Department indicated only a minor exceedance, and we have a largely agreed upon memo with the Traffic Department around mitigation. There was one area where we have a slight divide over how much of a contribution would be appropriate for -- towards a Hubway station. So we ended up offering 30,000. The memo from the Traffic Department suggests

that offer should be 50,000. So the decision was that we could leave that to the Board's discretion. We thought the 30,000 was reasonable because the bicycle, the Hubway was seen as a mitigation against the office building. The office building portions of the site isn't that much, it's 45,000 square feet.

But I made it very clear in terms of setting client expectations that my fee should not be in any way tied to the outcome of the 30,000, 50,000 negotiation because I have a hunch that we don't have the strongest position here in negotiating. And I always tell my friends the Traffic Department, it's great to negotiate with them, they get what they want. The one exception of the 20,000 delta of the other mitigating factors,

particularly around TDM measures and ways to make the traffic supply and those surface parking lots work effectively, we're in complete agreement and their memo I know has been submitted to you.

So, thank you.

CHRISTOPHER BOYCE: Thanks, Jim.

Chris Boyce from Perkins Eastman, for the record.

So I wanted to walk you through first of the many significant changes we made here. Maybe some site changes and maybe the building design. I think in our change and scope that we actually had the added benefit of getting a lot of design comments and critiques the last time we were here. I speak for myself and John and Tim, I think that helped to improve the buildings

significantly from our perspective, so I'm going to walk you through where we are currently.

This is the last site plan you saw on September 29th in our development proposal.

The major change you'll notice is in how we're treating the surface parking. Surface parking's been a conversation of ours for probably about two years, and I think I've learned more about the retail need for surface parking than I ever knew before this project began.

What I want to show is a close up of this area. So this -- we previously had five full-size spaces north of this elbow. We got some great comments last time about reorganizing and shuffling the parking. And we studied that really in depth, but the way

we anticipate loading to work for this retail environment, you know, backing in with anticipated box truck of that size, those spaces just weren't feasible for us. So what we then shuffled around is those five full size spaces that become three compacts. So there's only three spaces north of that elbow bar and those are now treated with the same paver pattern that we were treating a lot of the pedestrian pattern site with. You'll notice that concrete paver look is, and there's kind of this loitering space outside the bike parking on Hurley Street right as you connect to the mid-block path. And it exists where the amenity space kind of bleeds out on to the building and on to Charles Street -- on the Charles Street side. So that style has started to evolve as a

pedestrian-friendly zone.

So we've incorporated here is this aisle, this which is a drive aisle, it has become paved, and those three parking spaces are there. Now the reason we really explored that option is we think putting three compact parking spaces is kind of a necessity for our retail. And we kind of hit a wall and realize we need to meet their count to make the retailers feasible to come to this site. We wanted to make an area that was also feasible for future use, that sometimes the amenity space -- as you remember, we in the last time reduced by three spaces under the building, so now the amenity space in the building will bleed out to the exterior. And we wanted to open up a zone in off hours, nights, weekends, that

some of the clients or residents could start to bleed out into this area that's now paved.

In a lot of the conversation we had with Traffic and Parking, they were concerned about how safe that pedestrian zone felt. And there was two comments what we really studied is a bollard area by the loading and another bollarded zone illuminated for safety that exists beyond these three compact spaces that provides at least an eight-foot buffer for pedestrians to walk safely beyond the bollards and out to the building and allow us backout space for the cars. But the real focus for us, is that this is going to be a zone that we want to explore for a future opportunities and future use. And these tables and seatings will start to bleed down

into that space. As the building progresses in the neighborhood density starts to increase.

The pink line here that you're seeing shows the extent of our parking zone before this change. One of the other benefits, we have our landscape architect here tonight that we felt this presented for us was we now have kind of this soft scape zone that has more of a buffer for that mid-block path, and really starts to encourage pedestrians to cut from Charles and Hurley and vice versa and they're separated from the potential of any cars or automobiles being parked. Yet by putting a large tree and planter there, it offers that we still have two kind of balanced soft scape green zones.

Some of the comments made last time

were about site setbacks and how we were accommodating, you know, the future retail uses and pedestrians that were going to bleed out of the site. We had a lot of extensive conversations with our future client PetCo and how the site would work. And so what we've really changed, and just to walk you through the depth is the building is set back about 22 feet from the edge of the sidewalk at Charles Street where the main residential entrance will exist. The Hurley Street building is set back 13 feet from the sidewalk, so it's now kind of -- it becomes more of the park with plantings in front of it and it's not directly abutting the public way.

Both parcel B and D have 11-foot sidewalks. So that's for multiple retail

entrances and for people to enter and exit with an additional -- and you kind of see it on the 3-D model, an additional setback where the doors would be which would give more loitering out in front.

Their office building based on retail depths has an eight-foot sidewalk, but we made a change that we cut the corner of building to match the corner on parcel B so that the retail exits would be at the corner and offer a lot more space for pedestrians to turn the corner freely and not be encumbered. That took on kind of a structural change to move columns and up open this corner to really get to a true corner entrance which is one of the ECaPs goals.

So I wanted to walk you through some of the design changes of the building as they

stand now and where we came last time. This is parcel A highlighted in pink here.

So on the left you'll notice the building as designed for September 29th when we came and where we've kind of arrived. A lot of the comments around this existed and the top felt heavy. It felt it was sitting on top of this fourth floor. The metal material was dark. The corner felt kind of dark and ominous. And I think, I mean as you really sat back, sat down and we went to the drawing board, I mean a lot of those comments were valid and brought us to another place of study.

So we kept some of the building. The building intent as you saw it from our perspective and our client's perspective, was successful and we needed some major

rethinking. The office grid that exists with a long linear masonry bar existed relatively on September 29th, and what we've done is lighten the masonry up.

The samples are up here that we can kind of look at after I go through the presentation, but it's kind of a light blizzard stone with kind of a rough finish to give a true texture to the building. And that stone will feel heavy within the grid but a light color that the texture will start to really show shadow lines and play with light.

The major change we had is we -- the fifth floor in the corner of Bent Street have become predominantly transparent glazing. It creates real penthouse atmosphere, lightened the top of the building, and creates a

cornice line, a significant cornice line main building office mass from this kind of lighter area.

I know that we've explained or tried to talk through several times and seen on the site plan how dramatic that this Bent Street corner is, but that's kind of why we brought the model in today. That Bent Street corner is, you know, like a 30-foot bar. To make that transparent and more glassy, we feel really becomes a pretty dramatic feature of the building. So that conference rooms and cafes and life within the office space can start to bleed out to the streetscape.

Here's some closer-up images of some of the major changes. So you'll notice how this stone has some reveals and shadow lines, and we start to play with not just texture but

where the masonry will be set to define these data lines and the facade. And then here's the cornice. And the cornice took some study and it's a more contemporary feature, but we really studied some classical precast and some cornices.

The reason we explored this idea, and you'll see it on the next slides, is that it starts to frame the entrance which we thought was a successful moment for the building that the entrance was recessed, that it was well illuminated, and it was this kind of all glass moment that really signified the office entry moment. So to frame that you'll notice that when you come around with the frame, it starts to bring brick up above that last fourth floor grid. We felt that the previous iteration, this fifth floor felt very heavy

and it was really sitting on top of the window frames of the fourth floor. So by reintroducing and completing the grid of the masonry on top of that fourth floor window, it started to now make the fifth floor feel smaller and turning it into all glazing and increasing the glazing height, the building started to feel a lot lighter. That I think in conjunction with a material feeling in change, really started to feel much different than it did previously.

You'll notice that the cornice line starts shallow and increases in depth as it gets towards the (inaudible). So it kind of sculpts and changes in shape. The goal for that is to kind of guide your eye towards this entry moment and guide your eye towards this thin, glassy corner. To become a real

identifiable and signature building. As Jim pointed out, draw your eye across the street.

Here's another image of that same corner where you can start to see how the cornice sculpts and changes. It's more clearer in the model, but it also you can start to see how this retail corner was cut away and provides a moment free of columns where that could be illuminated and offers pedestrians kind of an area of refuge.

Some more images to show the reintroduction of the masonry grid above the fourth floor windows. The office entrance remains true to the design and intent of our September conversations. And then kind of the section of the building that shows how that fifth floor interacts with the rest of the building and that's still being studied.

The cornice line would stick out from this moment.

Another significant area of change for this building which underwent probably the most dramatic redesign of all the buildings on the parcel was the Bent Street interior corner. We got some comments last time that the fifth floor felt like we were just wrapping it with the material. Like a duct tape I think. So the dark material's now been replaced by a much lighter metal. The glazing that was windows is masonry facade has been replaced with large glazing openings that really from Bent Street starts to show you the life of this building from the inside. And then those windows have been framed with a colored frame. The goal at the moment is a powder coat pre-patinated copper.

So it wouldn't be copper, but that light green color. We want it subtle and sensitive but to really bring color to that side.

I noticed that this is kind of this light silvery metal material. The reason we think this is successful, you can notice in the rendering that sometimes these light silvers take on an entirely different life when the sun hits it at different times of day. Even though these two facades are at 90 degrees to each other, where the sun hits they'll almost feel like different colors and take on different life as the sun revolves around the site. So even this facade we feel will have a lot of life and bring a more kind of more of a style that's similar to what we're seeing evolve around Kendall Square.

Parcel B is the next building we're

going to discuss. And parcel B we had a lot of comments on the color and we realize through studying this and then looking back through our earlier submission package, how much a rendering can influence the mood of a building itself. And you'll start to notice some major color and pallet changes and material samples that we brought that's to express a new direction and a lighter building. The dark charcoal metal has been replaced with a lighter silver metal. The brick is now, now this is -- we don't want to say any brand, but this is, you know, the idea that we're looking at, so that even the brick is water struck and has multiple colors within it. You know, so you'll start to see that texture evolve on the front of the building.

In addition to the coloring changes to the parcel B building we really studied how the brick detailing will kind of interact with the material itself. You'll notice that vertical bays are, this rendering probably shows it more clearly than what we expressed last time, but the vertical bays now start to have this recessed course that creates a shadow line and texture that you start to notice how the bays through the building gather themselves in the spaces and identify and exist through the units behind them. In addition to that metal panel weaving the windows together. It's kind of weaving behind the brick. So the windows create like (inaudible) and living rooms and bedrooms and the units behind.

This image also starts to show more

clearly the balconies that we envision on the recessed moment on First Street, and this is our goal to kind of really encourage and bring life and domesticity of this out to that First Street facade and encourage the tall retail space and these balconies to really start to give a vibrant street life.

You also notice in addition to the corner that we talked about on parcel A that the corner here on B is cut with a column coming through so it will ask people to pass through that building and experience that primary retail entrance.

In the new submission package and here I kind of wanted to show some of what I thought were the primary facades and elevations and in a larger scale so they could be more easily understood. What you're

looking at up top is the First Street facade of the residential building, and you can see the brick bays and how they define those spaces as well as how that moment of the building kind of being pulled back towards the neighborhood exists on First Street.

If you turned and go down Charles Street, this is the Charles Street facade where you start to see the division of forms. You know, so the large masonry bar that exists on First Street is now divided and then separated from a lower more domestic form that exists on Charles Street. We've been playing with some varying coloring and textures of fiber cements which will detailed to look like long, almost residential cladding and the textures with a ripple effect will start to bring life to this

facade along with kind of a composite wood that will join the windows and the balconies together. The balconies will be of that same material to kind of further emphasize the domestic nature of the building by bringing that wood cladding and vernacular.

This is an example of what I was trying to say in terms of how the mood of an image we felt could really start to change the perception of these buildings. And as the materials lightened, we started to notice just how dark some of the images felt and this shows the lighter materials on the top, the lighter and kind of less contrasting materials along Charles Street. And the main feature here is the glazing and the light amenity space that sits below. So we wanted to make this Charles Street bar almost feel

what is being pulled off First Street like it cantilevering out into the open space. We did some studies and we had comments on the conners of these buildings. We felt that the masonry building really needed to be grounded and sit firmly on First Street while this was extending back toward the open space. We wanted to encourage not just the pedestrians on the sidewalk, but the viewer's eye to be guided down the street and around the building and feel as though it's floating what would be a very active lobby space for the residential building.

This gives some further detail. I apologize, this is kind of blurry but some further detail of the composite wood cladding that we anticipate would join some of these bays together, also expressing the units and

how they are gathered and exist on this facade and how those joined to the balconies that start to litter this kind of Charles Street facade.

Parcel C is the Small Hurley building and I think if you've gone through and presented this project in the past, I think sometimes it's hard just from these renderings to understand the scale of these buildings and how we're stepping down to the building, and that's one of the reasons I want to create -- the parcel B building stepping down to the neighborhood and then C is kind of this boutique unit that sits almost in the park.

The parcel C building is now predominantly two buildings. So you're going through some revisions there and so it's very

oriented towards, you know, multiple bedrooms and families even. And we're really starting to study the material textures. So you'll see a lighter metal material that starts to take the place of the charcoal metal that existed there previously. The brick has now been pulled up to the sill of the windows below and those windows on certain floors have even gotten a little taller to greet that brick for a pleasing massing and scale. And then the metal has been separated from the brick with kind of a brick cornice and detail light to further accentuate almost this townhouse feel with voids that exist amongst it.

This further starts to show how some of the balconies will function that are facing the green space, and with the main ground

floor entrances and exits. Also how the brick has kind of been raised and the details explored.

And this is simply another view looking up Hurley Street at the parcel C building where it's kind of been shielded by a row of street trees that's existing along Hurley Street.

The parcel D building is the small single-story retail and we've -- sorry, I know that we've explored and played with the mood of some of the images. And this, we're showing at dusk purposely to show how illuminated this building will feel, that you'll be able to see the retail space at night or dusk or, you know, the frequent winter days and how that parcel will create in itself the transparency from the retail

connection to the outside, eleven-foot sidewalk, and the pedestrians passing by kind of this interactive environment where pedestrians feel, feel encouraged to walk up in this space.

And this is the back side of the parcel D building showing as Jim pointed out, which is one of our challenges for the site of the garage that exists just beyond this.

This building, the extent of the green wall is still being explored and it will have to determine on the size of it of what retail tenants have to occupy this space and those retail tenants are still being explored at the moment.

So that really takes you through the major site changes and design changes of the buildings and where we are and where we feel

pretty comfortable and confident with the changes based on the comments with the CDD staff, Traffic and Parking, and I think we really benefitted from having one meeting here where we got to talk design.

ATTORNEY JAMES RAFFERTY: Could you speak about the potential -- we addressed in our application, potential enlargement of the parcel D building?

CHRISTOPHER BOYCE: So as I said, we're still kind of exploring who those retail tenants will be, and we have a note in our memo that that kind of addresses that. We would like to reserve the option to expand the parcel D building with the available GFA within our PUD which would be about 2500 square feet. That 2500 square feet would allow us to expand the building to reduce a

row of parking and have the single row of parking in a larger single-story retail building, and that I think will be explored to really know how comfortable retailers feel with that environment and this building and coming to this site.

ATTORNEY JAMES RAFFERTY: We should make clear that our studies are showing a single retailer might be attracted to a slightly larger building and not require as much parking, but right now it's envisioned that that would accommodate between three and four retail stores.

CHRISTOPHER BOYCE: Correct.

ATTORNEY JAMES RAFFERTY: And individually they would have a parking demand, but a single retail with a freestanding building, it would serve the

benefit of reducing the parking ratio, it would get a slightly larger building, and there is about 2500 square feet of GFA that's not being utilized. What we've asked for in the application and suggested for the Board's consideration that such a potential move might be viewed in the future as a Minor Amendment, and the test between a Minor Amendment and a Major Amendment, as the Board knows, is generally whether it was contemplated at the time the permit was approved. So we're asking to -- the Board to consider that as a potential that would be contemplated in your decision.

CHRISTOPHER BOYCE: So I think that concludes our presentation.

H. THEODORE COHEN: Actually, I have a question for Jeff and Jim. So Jim was

talking about, I guess, we would be adopting the traffic study and the information that had been provided at earlier hearings, and I know we talk about traffic in the preliminary decision and it indicates -- well, first I guess the question is can we simply adopt what was provided before?

JEFF ROBERTS: Well, the original material provided is still is in the record of the case, so it's part of the application materials. But you're correct that in the previous hearing, in order to make the preliminary determination, the Board did not have to make the Article 19 traffic impact findings, but to grant the Special Permit, if the Board were to grant it, you would need to make those traffic impact findings.

ATTORNEY JAMES RAFFERTY: And I

think what we're saying is that the testimony provided on -- to allow you to make those findings was given on the September 29th hearing. We had our traffic engineer present. He went through the typical traffic analysis, identified the criteria, and we also have the certification and the memo from the Traffic Department.

H. THEODORE COHEN: Right. I know we got that. And there were some questions in the preliminary requesting additional information pertaining to traffic and parking and Mr. Barr and Mr. Shulman are here so they can confirm whether they received everything they wanted. So I just want to be clear that we could make those determinations based upon the materials that had been submitted and the hearing we had in September. And you're

nodding your head yes.

JEFF ROBERTS: Yes.

H. THEODORE COHEN: Okay.

Do board members have any questions right now?

HUGH RUSSELL: At some point I'd like Mr. Barr to make the case for the \$50,000. Maybe after the public has commented.

H. THEODORE COHEN: Right.

If there are no other questions right now, then why don't we go to public testimony.

LIZA PADEN: Nobody signed up.

H. THEODORE COHEN: Nobody signed up.

Is there anyone who would like to speak? Ms. Hoffman, would you come forward.

HEATHER HOFFMAN: Hello. Heather Hoffman, 213 Hurley Street. As I noted during the last hearing, somewhere in the middle of Third Street a whole lot of numbers on Hurley Street disappeared. So I'm actually on the next block from the Hurley Street residential building.

I'm still skeptical about that particular building. I will admit that unlike the architects in this room, I have very little ability to visualize what it's actually going to look like, but I still bet you that it could look better.

Also just, I suppose a silly little thing, if per chance the applicant owns the alleyway, passageway, whatever, between building D and David Shoes, I would take it as a gesture of good faith that it be cleaned

up. It is a total dump. Worse than it has normally been.

And then I'm going to get to the thing that you've heard me speak of more and more recently, and that is the number of affordable units. And I'm gonna suggest that everyone here, the most math-phobic person in this room knows that 45, which is given as the number of inclusionary bonus units, is not a multiple of two. So this whole calculation is fantasy. It also doesn't comply with the words of the Ordinance, and I would also note that there is more and more talk that I think is becoming less and less hot air and more and more something that is actually going to be acted on about increasing the affordable percentage, maybe even making the calculations something other

than special Cambridge math. So, again, I would take it as a gesture of good faith for the applicant to reconsider the number of affordable units to comply with what the Ordinance actually says. And I'm going to hope that such traffic, as there is, that goes down Hurley Street is not heading for Third Street because that's a mighty nasty intersection and I don't wish that on the people using these buildings. So I guess -- I was sort of hoping that some of my neighbors would show up and have something to say about this, but perhaps they're waiting until there's a decision and then they'll wake up and notice that it happened.

I think that this is not a bad project and I hope that it will be something that isn't a burden to the neighborhood while it's

being built. I've -- I have heard a lot of wailing and gnashing of teeth about -- from neighbors of other projects from this developer about what life is like during construction, and I can assure you that during construction of some other buildings in this neighborhood it's been pretty unpleasant. So I hope that a whole lot of thought will be given to being a good neighbor before, during, and after.

Thanks.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: None appearing, then perhaps it would be an appropriate time for Traffic and Parking to address the issues

they wanted to have addressed from the preliminary plan and whether that's been met and perhaps they could talk a little bit about the traffic issue in general.

JOSEPH BARR: Sure. For the record, Joseph Barr, Director of Traffic, Parking, and Transportation. Always a pleasure to be here and I will try to continue my reputation for brevity.

I guess just to start by specifically answering Hugh's question about the Hubway station, I think what we -- what we originally had asked for was actually to have a Hubway station located on-site. And after discussions with the applicant, we determined that there really just wasn't space. There is an existing Hubway station sort of in the triangular park whose name I don't think I've

ever known, across from the Cheesecake Factory which is very well used from personal experience, it's either completely empty or completely full which neither are desirable conditions for a Hubway station. So we would like to have more capacity there. We acknowledge that it's not possible for the applicant to provide it on-site. The \$50,000 request was an amount that could actually fund a small station in another location if we're able to find a location nearby, and that's certainly our goal so that it would serve the needs of this project as well as the surrounding neighborhood and other businesses. \$30,000 would just be -- would sort of be a contribution, but it wouldn't allow us to get to even a small station. So I think that's why we feel fairly strongly

that it needs to be set at \$50,000 level. It's not just a random amount that's higher than what the applicant offered. There's actually is a logic to that. So that's kind of our rationale for that request.

So I guess going beyond that just a few points I'll make regarding transportation generally. One is that as I think others have said, I think, you know, generally this is a good project from a transportation perspective. You know, it's a mixed use development which is always good. It's the impacts that Mr. Rafferty mentioned in terms of improving the streetscape and the walkability and the connections along First Street I think are very positive and hopefully does eventually lead to other changes on First Street. I think we give the

applicant a lot of credit for sort of coming with this type of a well done project in this corridor which really needs it, and so I think that's a, that's a very positive aspect to it and adding those retail uses will really help a lot.

As Jim referred to, we had some thorough I guess is a good word, discussions about different aspects of this including the parking supply. And I think we feel -- we felt pretty strongly that those -- particularly those extra three parking spaces associated with building B were sort of problematic. I think the back and forth we had with the applicant, I think convinced us that it's necessary at least in the initial version of this project to have that parking in order for them to be able to get the

retail tenants that they're looking for. And I think the benefit of having good retail on First Street and in general in this neighborhood outweigh the negatives that we saw of those parking spaces. So in the end I think we came to agree that's what it takes to make this work, then that's a necessary evil I guess is the way that I put it.

Hopefully over time there's an opportunity to the retail mixed changes and the as Jim said, the number of pedestrians and the walkability of the entire area increases where that parking becomes less necessary or maybe is only necessary at this time of year but not necessarily in the middle of the summer and some of that space can be repurposed for other more or less problematic uses. So I think, you know, we had a long discussion. I

think it was a positive discussion. In the end and I think we're comfortable with where we ended up.

And just a couple other things. I think, you know, we looked at the bike parking. There is no one else to grant them relief in terms of where that's located, and, you know, again, we have the good discussion about that. I think we understand where they're coming from and the plan that they've come up with is reasonable. And we don't have -- and we're supportive of. And similarly with the parking in general and what they're proposing to do with that for vehicular parking, we're comfortable with and there's a fairly extensive list of TDM measures in our most recent memo. And, again, we feel very comfortable. We had a

good discussion with them, and they certainly came to the table with some things to offer in terms of offering it on the residential side and on the commercial side.

I think, you know, as Jim referred to there's this one outstanding issue, you know, that we hope to -- we can resolve tonight, but overall I would say it's a very positive project. You know, generally and certainly from a transportation perspective and, you know, certainly generally very supportive of this moving forward.

I'm happy to answer any questions.

CATHERINE PRESTON CONNOLLY: Can you speak to the proposal Jim brought up at the end where the building D would be enlarged and we'd lose that row of parking? Is that something that you feel comfortable with,

that flexibility?

JOSEPH BARR: Yeah, I think that upon potentially those three spaces associated with building B, that we would, you know, I think it's appropriate from a process perspective to have it come back to the Planning Board in some form, not just necessarily -- I mean, you know, it could be a staff review, but this may particularly the larger amount behind building D I think, you know, it's appropriate to have some level of review of that. But I think that, you know, if that's what the retailers feel comfortable with, we certainly are, you know, always looking particularly in a location like this to reduce the supply of parking. There are other parking options around. There's really at this point particularly with the

courthouse being closed, there's plenty of metered parking in the neighborhood. There's a parking garage that I own, that if you want to come park there, that's great. You know, so there's -- I don't think there's, there's not a lack of parking in the area. I certainly do understand that we -- the discussions we had with the applicant is the availability for parking nearby is important for some retailers. Again, hopefully, you know, because of the retailers that come to the table or over time as the characteristics of the neighborhood change, the demands for that parking is goes away. Everyone is in agreement I think that it's not economically productive for the applicant either, other than if it's absolutely necessary for the retailer, if there's other purposes to put

that space than everybody is happier at the end of the day. We're fine with that proposal.

H. THEODORE COHEN: Could you remind me of the -- what the parking percentages are going to work out to be as proposed?

JOSEPH BARR: I'm going to ask Adam to speak to that because he's the master of the details.

ADAM SHULMAN: Well point, I mean the -- we'll let Paul or Jim correct me if I'm wrong. I think for the residential the request is for about a 0.75 or a 0.74, 0.75 or 0.74.

ATTORNEY JAMES RAFFERTY: That's correct. My understanding is the Special Permit relief under Article 6 for the reduction applies to the residential parking.

We're meeting the requirements for the commercial parking, and it's a 0.75 ratio, but there's a condition that we do have an opportunity for shared parking.

ADAM SHULMAN: Right.

ATTORNEY JAMES RAFFERTY: If the residential demand exceeds the 0.75, the office parking would generally be available evenings and weekends. And we have -- we feel that would be an appropriate safety net on the 0.75.

We did collect some data from the building next-door which is nearing full occupancy, and we learned from that building that the parking ratio there is about 65 percent of the tenants have vehicles. So it's very consistent with what we're talking -- what we're projecting here.

H. THEODORE COHEN: And the commercial parking complies with the statute and so you don't need any relief for that?

ATTORNEY JAMES RAFFERTY: That's right. Commercial parking meets the -- for the office meets it. And the retail parking is set forth in the surface parking lots.

H. THEODORE COHEN: And there's going to be arrangements made so that people who are in the offices cannot be parking in the residential?

ATTORNEY JAMES RAFFERTY: That's correct. We are required to restrict access so that the commercial parkers, the office parkers cannot exceed the amount provided here and that the -- in operationally the building would want to create a separate access, those residential parkers will have

an elevator that goes directly to the residential building. Both residential buildings will be serviced by that building B and building C. So there will be -- if you see the garage floor plan, there are separate elevators to building B and building C out of the garage. And there will be an area set aside for the office parkers. And there's a, you can see that small atrium at the top. Do you have your pointer? That's the glass atrium where the elevator out of the garage will allow for the office parkers to exit there and then walk down to the First Street.

H. THEODORE COHEN: So the office parkers and the residents in B and C would have their own separate elevators?

ATTORNEY JAMES RAFFERTY: Separate elevators. All access on the same ramp on

Charles Street but separate elevators with office parkers exiting into that head house and the residents directly into the two buildings.

H. THEODORE COHEN: And loading spaces?

ATTORNEY JAMES RAFFERTY: Chris.

CHRISTOPHER BOYCE: Loading for parcel B is on the back side of the retail space on this building. We anticipate that there's loading doors, through conversations with PetCo for parcel A. Even we're under 10,000 square feet, there's not a loading requirement but that's something they'll need for certain deliveries.

And parcel D currently is, and even with the expansion, we'll still be under 10,000 square feet.

ATTORNEY JAMES RAFFERTY: So there's not a separate offset parking.

H. THEODORE COHEN: So loading for parcel B --

CHRISTOPHER BOYCE: Parcel for loading B --

H. THEODORE COHEN: -- will come in off of Hurley Street?

CHRISTOPHER BOYCE: Correct.

ATTORNEY JAMES RAFFERTY: And pull into that spot and back down. And they're right in the elbow of the building.

H. THEODORE COHEN: And, Joe, you're comfortable with that arrangement?

JOSEPH BARR: Yeah, I think given the size of the retail, we don't think it's going to be a constant activity and that shared use is a more efficient way to do

things. And then on weekends and other times that could be more of a -- have a feel to it. Although we were very specific with the applicant to make sure there were bollards protecting areas to make sure people didn't run into their building, but also to make sure there was a space where pedestrians did in fact could be certain they wouldn't have a vehicle interacting with them.

LOUIS J. BACCI, JR.: That also handles their trash pick-ups and move-in and move-out, all that. Right? Busy place.

ATTORNEY JAMES RAFFERTY: Yes.
Trash will be stored in the building.

LOUIS J. BACCI, JR.: Right. Right beside the walkway.

ATTORNEY JAMES RAFFERTY: But it could be brought out to the street depending

on the contract.

LOUIS J. BACCI, JR.: Another question. The three compact spaces that used to be five, is there any conversation about putting a Hubway station in one of those spots that were removed?

CHRISTOPHER BOYCE: Putting a Hubway station up north here?

LOUIS J. BACCI, JR.: Right.

CHRISTOPHER BOYCE: It wasn't. I mean, I think --

ATTORNEY JAMES RAFFERTY: To be candid, we looked at that location closer to the street and we weren't encouraged to do it.

LOUIS J. BACCI, JR.: Did we have any thought about those other areas, that other area?

ATTORNEY JAMES RAFFERTY: No. We kind of talked about the tradeoff between open space and Hubway, so, no.

CHRISTOPHER BOYCE: They want to be proximate to a street edge and come in and get a bike.

LOUIS J. BACCI, JR.: Well, basically at the street edge you have a loading dock there.

JOSEPH BARR: I would say that from the cyclist in terms of the location near the loading dock or close to the building or the cyclist perspective to go through a parking lot like that is not ideal because the backing in and out, particularly with a fairly regular use it will get as retail parking spaces, you know, people don't, people have trouble enough backing out of a

parking space without cyclists going back and forth behind them.

LOUIS J. BACCI, JR.: But there will be cyclists there already because pedestrian walkway and there will be pedestrians and cyclists.

JOSEPH BARR: You mean the diagonal pathway?

LOUIS J. BACCI, JR.: And the other path that's connected to it.

CHRISTOPHER BOYCE: This here?

LOUIS J. BACCI, JR.: Yes. It just seems a -- it seems like a good alternative -- space to put a Hubway station in that site. For some reason doesn't seem to be sited there.

JOSEPH BARR: Yes, and I guess we didn't -- it's not that it's necessarily a

bad idea, it's just not something we talked about.

THACHER TIFFANY: Just to follow up on the Hubway. It is surprising that you weren't able to find a place for one. It seems like, maybe it's not something that Hubway wants or the City wants, which is a different issue. But if it is something that we want, it seems like kind of a missed opportunity to not find a place here. You know, nothing's built yet. It's, it's a large site. It seems like the kind of place we could find a space if it was important to the City.

JOSEPH BARR: Like I said, from our perspective it is important to identify additional Hubway space in the area, and you know, so if we can, if there was a space on

the applicant site, that would be great. But we didn't want to -- there are, I think as Jim said, there's concerns about open space and other issues and we didn't want to sort of force it if it didn't seem like it was gonna work, but we're certainly open to possibilities.

H. THEODORE COHEN: Any other questions for Traffic and Parking?

The bicycle parking will be where?

CHRISTOPHER BOYCE: Short-term bicycle parking, so we have short-term spaces in the office, adjacent to the street next to the primary residential entrance that will service both Hurley and retail of this here. And another space that will service the retail along the street and then another area will be here that will service this retail.

So short-term is spread throughout the site pretty evenly we felt, and then the long-term will be in an enclosed area directly access to that elevator.

H. THEODORE COHEN: So it's at street level --

ATTORNEY JAMES RAFFERTY: All the long-term is in the garage. It's covered.

H. THEODORE COHEN: In the garage.

ATTORNEY JAMES RAFFERTY: And long-term for the office and residential.

H. THEODORE COHEN: And access to it is through --

CHRISTOPHER BOYCE: The elevator.

H. THEODORE COHEN: -- through the elevator.

CHRISTOPHER BOYCE: And that goes --

ATTORNEY JAMES RAFFERTY: Elevator

goes directly into the bicycle area.

H. THEODORE COHEN: Anyone have any further questions for Joe or Adam?

(No Response.)

H. THEODORE COHEN: Okay, thank you.

JOSEPH BARR: Thank you.

H. THEODORE COHEN: I have a couple of questions. They're in no particular order.

The -- what we've seen in our renderings, on the rooftop, will we be seeing any other mechanical equipment or is everything screened behind the screens that you're showing?

CHRISTOPHER BOYCE: Everything is currently screened behind the screens that we're showing in the renderings and in the models there.

H. THEODORE COHEN: In the models. So what we see here is what we ought to be seeing. Obviously there will be things inside, but from the street you're not going to see anything?

CHRISTOPHER BOYCE: That's correct.

H. THEODORE COHEN: Okay.

The building B on, I guess, the Charles Street side, where you were -- where in the renderings it looks blue to me and you were talking about sort of a coppery color. I'm sorry, am I wrong, it's on the office building? I'm sorry, it's on the office building?

CHRISTOPHER BOYCE: So it's shown as a light green and, you know, so the idea is a best example in Cambridge when you go down Memorial Drive and MIT has those large bays

that kind of stick out, they're this penny copper color. So the color is obviously not entirely chosen, so the color of that frame, the idea is that it's a subtle accent, not a bright red or a bright color. I mean, it's a subtle accent to complement the metal.

H. THEODORE COHEN: It's only on that side of the building, not on any other facades?

CHRISTOPHER BOYCE: The first place it appears is the first corner of Bent Street and then only to here. That's correct, only that interior.

H. THEODORE COHEN: Is there a reason why you're not doing it elsewhere on the building?

CHRISTOPHER BOYCE: We don't have the same language where it's a large metal

facade on these buildings, so the rest of it, of the building, best image, kind of comes back to these, this more traditional office bay and enlarged openings and then this kind of glazed top and corner. We didn't want to make the cornice a bright blue or whatever color it might be and we didn't want to color these. It's just to kind of bring life to this interior courtyard space.

H. THEODORE COHEN: What is the percentage of affordable housing units proposed?

ATTORNEY JAMES RAFFERTY:
Application of the 11.200 formula in the Ordinance.

HEATHER HOFFMAN: No, it isn't.

H. THEODORE COHEN: Jeff, has anyone confirmed the number or is that going to be

done?

JEFF ROBERTS: No. Under the current procedure it's typically the case when the housing building or buildings in this case, when each building comes forward, the housing, the CDD staff and the housing division will review the plans, review the final number of units, and determine what the inclusionary affordable requirements are at that time.

H. THEODORE COHEN: And the current proposal of mix of units is what?

ATTORNEY JAMES RAFFERTY: In terms of unit size, bedrooms?

H. THEODORE COHEN: Yes.

CHRISTOPHER BOYCE: I think percentage-wise they're predominantly one beds. I can't remember the percentage

offhand unfortunately. The parcel C building will be 80 percent, 85 percent will be two beds, and one beds in that building.

H. THEODORE COHEN: I'm sorry, parcel C?

ATTORNEY JAMES RAFFERTY: How many units?

CHRISTOPHER BOYCE: Eighteen units, 16 of them are two beds.

H. THEODORE COHEN: Sixteen are two bedrooms?

And the other two were one bedroom?

CHRISTOPHER BOYCE: Correct.

H. THEODORE COHEN: And parcel B?

ATTORNEY JAMES RAFFERTY: How many units?

CHRISTOPHER BOYCE: Parcel B is 118 units.

H. THEODORE COHEN: And do you recall the mix?

CHRISTOPHER BOYCE: I don't recall the percentages offhand.

ATTORNEY JAMES RAFFERTY: Do you have a ballpark?

CHRISTOPHER BOYCE: It's predominantly one beds. There's -- I know we have a stack of five, three beds on the end. Facing the park is three beds.

H. THEODORE COHEN: So there are five, three bedrooms.

JOHN PEARS: Paul's looking it up at the moment.

PAUL OGNIBENE: We'll try to get you an answer shortly.

H. THEODORE COHEN: Okay.

HUGH RUSSELL: There's 53 of this

book is a typical floor plan which shows the light color areas for the size of the units.

H. THEODORE COHEN: I mean, do you have a number?

HUGH RUSSELL: It looks to me like there are one, two, three, four, five units that are not one bedroom studios. And there are one, two -- they look like they're about 25 or 30 units per floor?

CHRISTOPHER BOYCE: Correct.

HUGH RUSSELL: So....

H. THEODORE COHEN: Well, if Mr. Ognibene can get the number, I would appreciate it.

Parcel C, if my recollection -- when I was comparing things today, and perhaps on the other facade facing the park, that's current, that's the new proposal.

CHRISTOPHER BOYCE: Correct.

H. THEODORE COHEN: Am I correct that under the old proposal the cornices were up at the top of the building?

CHRISTOPHER BOYCE: We did have a proposal where the metal panel had a cornice at the top, correct.

H. THEODORE COHEN: Is there a reason why you went away from that?

CHRISTOPHER BOYCE: We wanted to differentiate this penthouse or attic floor from the masonry below and further bring the masonry out. We're also playing with the scale. One of the comments when we met with the staff, it felt too much like a cake in a way to have multiple cornices stacked. They wanted to give more volume to the facade at a tangible level than just at the top of the

building.

H. THEODORE COHEN: Okay.

Suzannah, could you....

HUGH RUSSELL: I guess I'd like to specifically ask a question that Suzannah might comment on, which is -- and I'll back up a little bit, in other PUDs like North Point and some that were larger, you approve some kind of massing and all the buildings come back for detailed review. Here we've had a lot more information presented about the design and a lot of work that's going on. And so my question is what should be the furthering view of the design as the buildings go from schematic design through into final construction? Should it be going back to us? Should it be done by staff? Which always has the option of coming back to

us if there are questions. So those are the options, and Suzannah has been working I know a lot with them on design and she may have a sense of where she feels the design is at this point. We should note that they went very fast and that whole process may be ready to pull a permit in a matter of a few months.

ATTORNEY JAMES RAFFERTY: On the 18th.

HUGH RUSSELL: On the 18th. So....

H. THEODORE COHEN: Suzannah, do you want to....

SUZANNAH BIGOLIN: Thank you.

I guess just to Hugh's question, the designs have sort of improved since the last hearing. The building A office building is probably the one where staff had the most questions about the -- some of the design

changes and so we'd like to continue working on that in terms of the penthouse detailing, the setback, and the cornice line and the masonry, some of those and how those sort of different materials are being addressed across the building facade. And if we could include more modulation, I think that would be a better sort of design outcome.

The other buildings I feel building is at quite a good stage and we've raised some sort of minor detailed issues in the memo that we'd like the Planning Board to consider. I guess if the Board wants it to be sort of proceed down the staff continuing review, we'd like to -- them to sort of identify the specific issues that they feel need to be resolved and addressed.

H. THEODORE COHEN: Well, Hugh,

where do you think -- it seems like leaving it purely up to staff is putting a lot on their shoulders for three buildings. But I guess the question is whether we feel comfortable enough where they are now.

HUGH RUSSELL: Well, I think --

H. THEODORE COHEN: And I think you had a lot of questions in September about --

HUGH RUSSELL: Yes.

H. THEODORE COHEN: -- especially about building A I think.

HUGH RUSSELL: Right.

And to my mind a lot of progress has been made and there -- the questions that remain are -- have been a much smaller scale; a foot here, a foot there, the atrium. And just what Suzannah has said basically. In the past when we would -- in a PUD process

have gone through design review, it would still be these kinds of questions left open that we get resolved and occasionally there would -- staff would want to show us the results. I don't think we want to write in that we have to approve them explicitly again. I think that would be disrespectful for the work that's been done. I mean, it's, you know, look at that rendering and I feel like very strongly, I don't like those vertical lines in the top most cornice, but you know, that's about all I don't like about this building. And if that happened, few people would actually perceive it as much different. But, you know, I'd like the idea that the metal panels in the top are not trying to look vertical, they're trying to look more horizontal. That's my sensibility.

LOUIS J. BACCI, JR.: They pulled the cornice off of it which was horizontal.

HUGH RUSSELL: Right, I think they're right.

LOUIS J. BACCI, JR.: Did it stack?

HUGH RUSSELL: The sculptural cornice might not be the right thing.

LOUIS J. BACCI, JR.: Some.

HUGH RUSSELL: But maybe looking at that particular issue, these are pretty good buildings --

LOUIS J. BACCI, JR.: Yes.

HUGH RUSSELL: -- as they stand.

So if they were built exactly as they were seen, people would feel like they're good buildings. I think they could be a little better, and I think Suzannah has the skills to, you know, address those issues.

And the only doubt is whether they'll listen to her.

LOUIS J. BACCI, JR.: And if they don't --

H. THEODORE COHEN: Staff can always come back to us.

HUGH RUSSELL: That's right.

ATTORNEY JAMES RAFFERTY: Don't let the pleasant demeanor fool you, they get whatever they want, trust me.

H. THEODORE COHEN: That's the way we like it.

ATTORNEY JAMES RAFFERTY: But I would say, and I know the Board knows this, I mean to get the Certificate of Compliance for each building which is necessary, there is ongoing design review, and I have yet to run into a situation where with architects that

are skilled and dialogue, we seem to get there. And then obviously if there's an impasse, the opportunity exists to bring it to the Board.

H. THEODORE COHEN: I will say I do like the L-shape cornice around the entry on the building A and I think lightening the panels has, you know, improved things dramatically.

LOUIS J. BACCI, JR.: I guess I have a quick one. On the balconies on the residential building, the screening or ballast, or, what are you -- I see a little --

ATTORNEY JAMES RAFFERTY: On the First Street side?

LOUIS J. BACCI, JR.: All of them.

CHRISTOPHER BOYCE: On the First

Street and the Charles Street side, that's still being explored obviously and those material samples, you know, we've only showed a couple of them to Suzannah. We actually talked about it earlier when she saw some of these here. The goal is that the sides of the balconies were solid and wrapped with a composite wood and the about-face would be a perforated mesh of some kind. The goal is so that when you're in the unit looking out, you have clear visibility. But if you're out in the street looking up, secure your view in the someone's unit.

LOUIS J. BACCI, JR.: It tends to be a big whatever color it ends up being panel.

CHRISTOPHER BOYCE: Yeah.

LOUIS J. BACCI, JR.: I've seen what it looks like.

CHRISTOPHER BOYCE: Well, so we're looking at it's gonna match the window frames is the goal. So the color will match the window frames of the metal.

LOUIS J. BACCI, JR.: What I'm saying is the effect that you're looking for, for looking out and up also creates a big flat panel there when you're looking at it from below.

CHRISTOPHER BOYCE: Yeah.

LOUIS J. BACCI, JR.: It works as a louver.

CHRISTOPHER BOYCE: It becomes the facade material, right.

LOUIS J. BACCI, JR.: Right. And -- and know, I'm familiar with the material. I don't know what it looks like on the building.

CHRISTOPHER BOYCE: Okay.

This is the best view clearly to see how that -- the screening, the mesh screening, it's like a mesh that starts to become -- so it would reflect at certain times and you're right, it becomes a panel.

LOUIS J. BACCI, JR.: It tends to make a dark.

CHRISTOPHER BOYCE: We want more openings is what you're pushing towards?

LOUIS J. BACCI, JR.: Yes. It's --

H. THEODORE COHEN: And the balconies on the residential -- I'm sorry, but the balconies on the side have a wood composite material?

CHRISTOPHER BOYCE: They do. You can see here some of the cladding that would exist between the windows which is a

composite wood, would wrap the solid sides of the balcony and up around. So actually here is a --

LOUIS J. BACCI, JR.: And do you have -- excuse me. More metal about it?

CHRISTOPHER BOYCE: Say that again, sorry?

LOUIS J. BACCI, JR.: Do you have more metal screening above the cladding?

CHRISTOPHER BOYCE: It would be --

LOUIS J. BACCI, JR.: Or is that a brick?

CHRISTOPHER BOYCE: It would be a mesh.

LOUIS J. BACCI, JR.: Not on the sides. There seems to be two different.

JOHN PEARS: It does seem to be two different.

CHRISTOPHER BOYCE: No, it's shadow in that rendering.

H. THEODORE COHEN: Jim, while they're looking at that, if building D does get expanded, you said it would be under 10,000 square feet.

ATTORNEY JAMES RAFFERTY: It would be, the addition would be -- I think the building is now 7800 and the condition is 2500 square feet. So it would still -- but Chris, would an expanded building D still be under 10,000 square feet?

CHRISTOPHER BOYCE: Yes.

ATTORNEY JAMES RAFFERTY: Yes. But that would require a Minor Amendment which we would have to bring back.

H. THEODORE COHEN: I understand that.

Jeff, is there any restriction in this area about this size of individual retail uses?

JEFF ROBERTS: No, there's not. The only -- the only factor that comes into play with the size of individual retail uses is what the parking requirements are, because in some circumstances for small enough retail requirements can be waived by right and then in certain cases if it's a larger space, the minimums can't be waived by-right.

H. THEODORE COHEN: But as I understood Joe to say, if it were expanded, it would still meet the parking requirement?

JOSEPH BARR: Actually, I would allow -- I think that's what we understood from the applicant. Like I said, I think whether or not it did, we would support that

as, you know, whatever relief is required.

H. THEODORE COHEN: And we could --

JEFF ROBERTS: Mr. Chair, I would try to answer that zoning question, but the parking requirements actually depend on what the actual -- it may depend on what the exact use is so it's hard for us to say right now whether in an expansion. It's something we could look at if there were a proposal to expand it, and I think given the amount of parking that's being proposed, we feel like it's, you know, fairly generously above what the parking minimums would be. So we don't feel concerned that the parking minimums would be a problem.

H. THEODORE COHEN: Okay. I hadn't been focusing on the parking so much as I was on -- we've been writing into other

Ordinances that, you know, retail be limited to 5,000 square feet or 10,000 by a Special Permit or by a waiver. And, but there would be no -- as I understood, no restriction in this area that needs to be addressed.

HUGH RUSSELL: Right, and I think that's wise because of the unique circumstances of being across from the mall.

H. THEODORE COHEN: No, right, I'm not suggesting -- I just wanted to --

MARY FLYNN: To clarify.

H. THEODORE COHEN: -- to clarify if they did propose to do that and they came back for a Minor Amendment, that was not something that was going to be an impingement at that time.

I just state that I was given a breakdown of the units in accordance with my

earlier question about parcel B, there would be 50 studios, which are 42 percent; 44, one bedrooms, which is 37 percent; 18, two bedrooms, that's 15 percent; and six, three bedrooms which is five percent for a total of 118 units.

Thank you, Stuart.

STUART DASH: I wanted to add some -- often not clear what the time is, but I just see that there is a continuous pattern of street trees around the development and there seem to be some things that I hadn't noticed before that it's not clear why they're there. And both from a pedestrian point of view and just making sure that the pedestrians are encouraged to walk in cooler temperatures as we face warmer temperatures it's important for us in terms of pedestrian

activity. So for instance, in front of building A.

CHRISTOPHER BOYCE: I'll just get to a site plan.

STUART DASH: And along the Charles Street.

H. THEODORE COHEN: While we're looking at building A, what is the rationale for having this narrower sidewalk then in front of the other buildings?

ATTORNEY JAMES RAFFERTY: Well, we discussed that. The -- we simply don't have the depth in the lot, so that's giving us a 55-foot floor plate, 55-foot foot floor plate. And frankly in order to provide PetCo with their 198 square feet, there's a couple of things we learned about depth of retail, and the optimal depth we're told is 65 feet.

This is 55 feet. And if it becomes less, if we have to move the building back, we'd lose that depth. So it really is trying to make the ground floor retail work and accommodate size requirement of PetCo. The building, the building the next block over that's recently completed at 159 has the same sidewalk condition we'll have. So we attempted to address it with the enlargement of the corner and with the -- on both sides of the building, but it is, it is admittedly not set back, but the floor plate doesn't allow for that.

LOUIS J. BACCI, JR.: PetCo's only on the left side of that building, correct?

ATTORNEY JAMES RAFFERTY: No, the whole first floor of that building.

LOUIS J. BACCI, JR.: The whole

first floor would be PetCo?

ATTORNEY JAMES RAFFERTY: With the slight exception of the very corner on the left. There's the office lobby there.

CHRISTOPHER BOYCE: Office lobby is here and then this is a mall corner and then this whole L-piece is all PetCo's, 9800 square feet. And then there's a ten-foot right-of-way that precludes us from giving them the 65-foot depth of these other buildings to meet their requirement to move.

THACHER TIFFANY: I just have to add that I share my colleague's concern about the eight-foot depth of the sidewalk. It's such a small depth, you could see the impact on the trees. I understand the proponent's situation as well, but....

HUGH RUSSELL: So, we can ask

Mr. Barr is there any room to expand the sidewalk out into the roadway?

JOSEPH BARR: I guess I'd be concerned about that, not because it's not necessarily a good solution in this specific block, but I think, you know, we sort of have different thoughts about the future of First Street in terms of bicycle facilities, potentially for transit facilities if there ever was some kind of circumferential transit, etcetera, etcetera. I would be hesitant to sort of say that in a vacuum just for this block without a lot more discussion, because it wouldn't, you know, it could preclude certain other things that we would want to do with this right-of-way.

HUGH RUSSELL: But there's another way I could interpret your statement saying

that it's not something, it's something that as the street design might migrate, it could be considered.

JOSEPH BARR: Yeah, I would say if we're looking at a corridor plan for First Street to do some or all of the things that they just mentioned, if this was the condition that was there, you know, this built or was under construction or whatever, and we came along and said, yeah, there is room here, you know, the, you know, we could look at widening the sidewalk here.

Generally I would say with First Street we feel like there's excess space. We put in parking, we put in bike lanes, but prior to that there was always a sense of excess space for cars, but eventually we like to get a wholistic plan for the street, but there are

a lot of other things, a lot of moving parts going on.

H. THEODORE COHEN: The very corner of building A is that going to be an entry?

JOHN PEARS: This doesn't reflect it. Actually, it's a little out of date plan.

CHRISTOPHER BOYCE: This is the best reflection of it. This will be the entry. I just want to show we moved it from here, took this corner out of the retail.

H. THEODORE COHEN: I was actually thinking of the other corner.

CHRISTOPHER BOYCE: The other corner. This is the main lobby entrance that's framed out.

H. THEODORE COHEN: Right. And to the left of that.

CHRISTOPHER BOYCE: It's yet to be determined of what that is. We're providing it entry and access point.

H. THEODORE COHEN: And the entry to PetCo would be coming off of the parking area?

CHRISTOPHER BOYCE: Here and here, there's two. Those ten spaces are another requirement of PetCo which is currently at the corner.

H. THEODORE COHEN: No, I understand about the ten spaces, but their entries would be at the right-hand corner. And off of the driveway and there would be an entry from the left-hand corner going into what whatever you end up putting in there. Presumably.

ATTORNEY JAMES RAFFERTY: Right.

H. THEODORE COHEN: Does anyone have

any other questions?

JOSEPH BARR: Yes, Mr. Chair, just one question to clarify. I was -- when we were discussing the size of the building D was expanded, I was a little confused because others in the room, the math did add up to more than 10,000 square feet, and I'm not sure if that's accessory space or what, but since there are certain things that get triggered at that point it's likely. Just make sure we're clear on that.

HUGH RUSSELL: Maybe you can preserve that tree.

ATTORNEY JAMES RAFFERTY: So we would probably need to address that in the Minor Amendment. If we went over the 10,000, we would probably need additional relief on parking. If we held it below, we could deal

with it under the current -- proposed relief.

JOSEPH BARR: Yes.

H. THEODORE COHEN: Okay.

So what is the Board's pleasure now?

Are we prepared to go forward and make findings?

JEFF ROBERTS: Mr. Chair, there were a few other things that I wanted to make sure that were covered that came up aside from the design and transportation elements that we reported on.

One, we've been trying to make efforts to have greater discussion of sustainability, particularly as it pertains to the NetZero efforts. And I wasn't there at the meeting, but I know that was something that came up in the Board's discussion in August. So I just wanted to report that is an element of the

project, that it's being reviewed under the prior staff under the green building requirements. That it's required to meet under the current zoning, a minimum of LEED Silver, which it seems to be on target to do. There were a few areas that we had asked that the Board might consider some additional thinking on, including the -- so the energy points and meeting a standard that's been suggested in the NetZero action plan. Also, trying to achieve sustainability points on or LEED points on heat island mitigation and enhanced commissioning of the project. That's something that we communicated with the applicant about and we'll -- it will continue to be part of the ongoing review, but I don't know if there was a response on if those were -- if there were any issues

that you saw with those comments that we communicated.

CHRISTOPHER BOYCE: We have not seen any issues. So we've sat down with our LEED consultant for the project and I think all of those are attainable. And then there would have to be a discussion in terms of what point to pursue, but LEED Silver is something -- and heat island effect is something we feel comfortable. And enhanced commission, we have to really sit down with the client and have a conversation about what that entails and means.

JOHN PEARS: Particularly on a residential project I'm not sure you can do that exactly. So because there's individual units for each apartment, and so I don't think it's achievable. And the one part that

concerned me a little bit, and I will say that Perkins Eastman is particularly promoting sustainability, we're doing the Martin Luther King School which has got those kind of very lofty goals. So we certainly are well versed in it. The only thing that worried me a little bit when you said something about meeting energy requirements, that sounds like a goal way beyond what we can do here.

JEFF ROBERTS: No, it's the -- I'll read this so that I don't get the wording entirely wrong. So the project currently demonstrates a 20 percent improvement or seven points in the proposed building performance rating compared to the rate in 2007. And the NetZero action plan recommended -- this is the initial step of

the action plan, buildings to meet increased energy performance standards that would recommend a 22 percent improvement, which would be an extra point, eight points on energy.

CHRISTOPHER BOYCE: Okay.

JEFF ROBERTS: So that was one issue.

Another issue that raised sort of separate from the other ones is the just the retail marketing and tenanting. And in the past the Board or either through zoning or through Special Permit conditions have included requirements for consultation with Community Development Department staff on retail marketing and tenanting. In some cases I think we found that the permittee will come to us saying, you know, here are

the tenants that were -- the actual tenants that we're looking to have in place, which I think that our staff found that isn't necessarily that helpful because that's a pretty advanced stage. I think the idea that we're looking to promote at this point is that before actually selecting the tenants and when the applicants at this stage of putting out, you know, saying this what we're going -- these are the marketing efforts that we're going to make to try to find a tenant, that they just consult with the staff at that stage and maybe staff would have some suggestions or guidance to offer before the tenants are actually selected. So it's really just -- it's really meant to be a resource and to be helpful for the permittee.

So that was another point.

And the third point had to do with the phasing of this project. As this is a PUD development, one of the issues that needs to be looked at is how the project will be phased. And they described a sequence of construction. This may be somewhere in the materials, but it wasn't entirely clear to me if there was an interim condition where the parking is proposed to be underground on sites B and C, but sites A and D need to be constructed first. So is there -- and maybe this is in your materials, is there a provision for interim parking and bicycle parking and can you explain how that works?

ATTORNEY JAMES RAFFERTY: We're going to need to provide interim parking for the office building during the construction. The parcel A gets built -- the intention is

to go continuously with the construction. So, but we had a project meeting this week and we discussed the need that in order to get the CO for parcel A, the office building, we're going to need to submit a plan and we would have to explore -- we have to identify 45 parking spaces either in another garage at the mall, we presume, or the garage up the street to provide maybe a period of time of as much as a year or 18 months while we're building the below grade parking garage, building B.

LOUIS J. BACCI, JR.: What if that doesn't get built right away?

HUGH RUSSELL: That should find itself in the decision so that you don't, so, again, if there's any an amendment, it's only a Minor Amendment. That we understand that

you will have to have temporary interim parking, and as Lou says, we don't know since --

LOUIS J. BACCI, JR.: There is no parking for that building, right?

HUGH RUSSELL: Right.

I mean, it has to be provided until the permitted parking is provided. I think that's clear to everybody.

ATTORNEY JAMES RAFFERTY: Right.

HUGH RUSSELL: And --

ATTORNEY JAMES RAFFERTY: Well, there is surface parking on parcel B now. So in the unlikely event that they didn't proceed with parcel B, there is the ability to park and parcel B. But there's actually a time, there's a window when that parking has to cease. So there's -- that's surface

parking. So I think there's, to be candid, the big piece of this project is the multi-family housing. The 45,000 office building doesn't really get the project going. So there's all types of incentives here to make building B and building C are what this project is really all about. It's the lion share of construction, revenue, and the multi-facet component of this is the domino itself. The likelihood they would do an office building and stop isn't too great.

LOUIS J. BACCI, JR.: I've seen a lot of holes in the ground stay there for years.

ATTORNEY JAMES RAFFERTY: Right, but so --

LOUIS J. BACCI, JR.: So, please --

ATTORNEY JAMES RAFFERTY: No, no,

I'm just saying. So in that case they need to obviously identify, and there are remedies within the Ordinance if they have to come back and say look it, we need an interim parking condition for 45 spaces, then recognize there are commercial parking facilities within 300 feet of this office building that we think we'd be able to --

LOUIS J. BACCI, JR.: We just want to identify it and make sure it would be there when --

ATTORNEY JAMES RAFFERTY: Yes, it's very much going to be necessary given the sequence that A, would be completed and we will need to park the vehicles on A in a parking garage.

JEFF ROBERTS: So the reason that we point out that's another element sort of like

the design is another element of the project where the Board needs to choose, you know, is this something you want to see again before it, you know, further allowed to, before they're allowed to do it or is it something you leave to staff or you provided that it's compliant with zoning. And in this case I guess, I think it would have to be Traffic and Parking as well as CDD and we could bring it to the Board if we felt there was something that was, was otherwise compromised, the conditions of the Special Permit.

HUGH RUSSELL: Well, in spite of the very high qualifications of this Board, I'm not sure they exceed the qualifications of your two departments to deal with this.

CATHERINE PRESTON CONNOLLY: I

agree.

ATTORNEY JAMES RAFFERTY: So perhaps the decision could acknowledge or reflect the fact that there will be a condition in which case we'd have to satisfy the requirements of TP&T and CDD. And as Jeff noted, there is a mechanism within the Ordinance that says within 300 feet. So we have to avail ourselves of that, we could do so.

H. THEODORE COHEN: Jeff, when you were talking about the retail, is there anything in the PUD or the Zoning District which would place a limit on what could be there? I'm thinking not wanting to see several banks.

JEFF ROBERTS: Well, I think in the retail spaces that it would be, because it's been proposed as retail, that would be

authorized to be any of the retail uses which are allowed in the district. Banks are not retail. So that's, that's just another thing to point out. Banks are category -- so if there was a space where they wanted to put a bank, it could be included in the space that they designated as office but not as retail.

H. THEODORE COHEN: Which if PetCo is the entire first floor building A, then except possibly in that corner, the mystery corner.

JEFF ROBERTS: The applicants will need to remind me that, yes, I think that that was part, a potential discussion. I believe that space was being retained as office as a general sort of category -- generally as office use, that it could be a small ATM kiosk or something. It is a very

small space. It wouldn't necessarily be a retail.

ATTORNEY JAMES RAFFERTY: It's 400 square feet.

H. THEODORE COHEN: An ATM there may actually be a benefit to the neighborhood.

MARY FLYNN: Right.

JEFF ROBERTS: But I don't believe that's been designated as a retail so that wouldn't necessarily limit.

ATTORNEY JAMES RAFFERTY: No, in fact, it hasn't been to avoid the 10,000 threshold.

H. THEODORE COHEN: Okay.

JEFF ROBERTS: I did want to make one more point about phasing and it's just mainly confirming, it had said that the -- in the initial proposal the project was

anticipated for full completion by 2018. And I wanted to just verify, because this is another thing that sort of I think is in line with what you were saying, is that for PUD projects generally there is a time frame that's set so that if the project is delayed, because with PUD projects, once you -- there really isn't an expiration like, there is for other projects, once you start one building it kind of continues on. And usually there's an outside limit set in the Special Permit conditions so that if things do drag out, it would require them to come back to the Planning Board and explain what the delay is and to kind of reauthorize an extension of time so that the Special Permit just isn't completely open ended with no development occurring. So it seems like based on the

2018 that it would anticipate completion in three years from granting? Is that -- would it make sense to say that it would be within three to five years?

ATTORNEY JAMES RAFFERTY: I think five would be a reasonable estimate at a minimum. I don't think we could anticipate quicker than five years.

JEFF ROBERTS: Okay.

ATTORNEY JAMES RAFFERTY: 2018 was probably written in 2013.

JEFF ROBERTS: That's why I wanted to check.

ATTORNEY JAMES RAFFERTY: But I think the four structures, we had talked about this, Mr. Ognibene confirmed there's a five-year horizon. The sequencing is that B and A would, B and A would be built at the

same time. A and D get built and then B and C get built at the same time as well, and the garage goes in the and two structures. So it's almost two separate construction, but when you're building A, you're building C because you're building on top of that garage. When you're building A, you're building D because D's ready to go now. D could go now.

JEFF ROBERTS: So, again, I think it's important to have some kind of a time frame set in the Special Permit decision so that if the project gets overly delayed, it could be extended. Yes.

ATTORNEY JAMES RAFFERTY: Right. As currently anticipated, we would anticipate that the final Building Permit would -- building construction would commence within

five years on the final building. And if we needed to come in for an adjustment on the phasing, we could.

H. THEODORE COHEN: And the final building would be?

ATTORNEY JAMES RAFFERTY: I guess it's B and C. Some combination of B and C.

H. THEODORE COHEN: B and C.

Now, Jeff, on other projects we've said that the Certificate of Occupancy couldn't be granted until there was -- work had commenced on other structures. I'm wondering if that's something that can be done here or that's not feasible given that PetCo situation and the fact that that has to go up first before they can start on the other buildings?

JEFF ROBERTS: We kind of noted this in our memo that there are other cases with

projects where there are phasing requirements built into the zoning that say that you have to -- you know, you could only proceed so far with commercial development before you proceed with residential. This project is a little different given that its smaller project is on kind of constrained sites, and as was noted, it really -- it's a little different from other projects because the residential component really is the larger piece of it rather than the smaller piece. So I don't know if it's a concern that there needs to be a trigger to commence with the development before other -- you know, for other phases of development are complete, but as I said, I think having the -- having some -- having a five-year horizon within which the housing phase would need to

commence or else they would need to come back to the Planning Board and explain what kind of conditions have changed and to -- and to seek an extension that it would be an appropriate way to manage.

H. THEODORE COHEN: Board members have other concerns we ought to be addressing?

(No Response.)

H. THEODORE COHEN: I guess maybe we ought to take up the Hubway issue. It seems to me Traffic and Parking made a compelling case for the \$50,000. The need for another station either on this property or somewhere in close proximity to be able to fund it entirely seems to make sense to me.

MARY FLYNN: Yes, I would agree with that. I think, you know, being able to do

the full station as opposed to just having partial funding and having to identify another source to complete it makes a lot more sense. Sorry, Jim, and all.

ATTORNEY JAMES RAFFERTY: No, no.

H. THEODORE COHEN: But you can pick it out.

ATTORNEY JAMES RAFFERTY: I was hoping to get home to watch that debate when Mr. Barr and I went at it but once again --

H. THEODORE COHEN: Okay. So are we ready to proceed?

CATHERINE PRESTON CONNOLLY: I think so.

H. THEODORE COHEN: So if we all have CDD's memo, there's a nice chart on page 2.

HUGH RUSSELL: Which page 2?

H. THEODORE COHEN: It's their page 2 of 10 on a December 9th memo which summarizes the findings that we need to make, Section 12.35.3 approval of a PUD final development.

And then in brief that the plan conforms with general PUD development controls and district development controls.

That it conforms with the adopted policy plans or development guidelines for that portion of the City, particularly the Eastern Cambridge Design Guidelines.

Provides benefits to the City without -- outweigh its adverse affects considering how quality of site design, traffic safety, adequacy and utilities, and other public works.

Impact on existing public facilities

and potential fiscal impact.

And contains revisions of the development proposal responsible to make the preliminary determination.

So, I think, you know, we are comfortable that it conforms with PUD development controls and the East Cambridge Design Guidelines.

That it does provide benefits to the City and site design. I mean, we have now some abandoned buildings and street level parking.

We have heard from Traffic and Parking and received their memorandum that they're content with the traffic flow and safety issues.

We have received a memo in the September hearing with regard to the adequacy

of utilities and other public works.

And I don't think we'll have any impact on existing public facilities. And the potential fiscal impact is obviously (inaudible) to the City.

The finding under the project review Special Permit Section 19.20, again, that the project will have substantial adverse impact on City traffic within study area. There was a traffic impact statement that's been reviewed by Traffic and Parking and they have suggested numerous mitigation efforts which have all been agreed to by the proponent with the exception of the requirement of paying \$50,000 towards a Hubway.

ATTORNEY JAMES RAFFERTY: I'm sorry, we now agree to that.

H. THEODORE COHEN: They have agreed

to all mitigation.

ATTORNEY JAMES RAFFERTY: Is that right?

PAUL OGNIBENE: Yes, it is.

H. THEODORE COHEN: Agreed to all the mitigation efforts proposed by Traffic and Parking.

And the project is consistent with the urban design objectives of the City as set forth in Section 19.30.

So then there's also a request for reduction in required parking. That under 6.35.1 that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, and will provide positive environmental or other

benefits to the users to the lot and the neighborhood.

And precluding existing provision for affordable housing units.

We have, again, heard from Traffic and Parking and received their memorandum and they're in agreement with the reduction in parking to -- of the reduction in parking is only for the residential parking and that goes down to a 0.75 ratio with the possibility of shared parking if that should be insufficient. And that is certainly keeping with goals we've been doing elsewhere in this area and other parts of the City.

And the office parking and retail parking do comply with the Ordinance.

I would note that there is a possibility that the building D might get

expanded at some -- might be a proposal to expand it and to eliminate a row of parking, and it's been suggested, and I think we seemed amenable to if that were to occur, that it would be treated as a Minor Amendment by future Planning Board. And that depending on what was proposed to go in there, if there was not sufficient parking, then, again, the -- there would have to be an amendment, presumably another Minor Amendment to reduce the required parking for that increased square footage.

And finally, I guess there's a request to modify the bicycle parking requirement under 16.108 which is that it's further away from certain buildings than required by the Ordinance. And, again, we have heard from Traffic and Parking that would serve bicycle

users in a way sufficiently comparable to what the Ordinance requires.

And that the design or layout is durable and convenient for users to whom it's intended to serve.

We all comfortable with making all of the aforesaid findings?

LOUIS J. BACCI, JR.: Do we include in there that we get a last look in this design?

H. THEODORE COHEN: Well, we're just making findings that at this point we're comfortable that we comply with the statute.

LOUIS J. BACCI, JR.: Yes.

H. THEODORE COHEN: Then I guess I would propose that we move to approve the final PUD, making all the findings that we've just agreed to make, and that it would be

conditioned upon all the requirements for mitigation in Traffic and Parking's memorandum.

That it is subject to ongoing design review by CDD staff.

And Traffic and Parking, as necessary, and that if there are questions that staff has, that they would bring them back to the Board.

That it would be subject to the issues raised by Mr. Roberts.

That it complied with the energy requirements that have been described.

That there be ongoing consultation with staff regarding proposed tenants and marketing of the facilities.

That there would be I guess a five-year horizon on the phasing of the project which

would require the residential buildings B and C to be completed or commenced.

ATTORNEY JAMES RAFFERTY: Commenced.

H. THEODORE COHEN: Commenced within five years, and if not, then it would have to come back to the Planning Board.

That there would be appropriate conditions regarding interim parking until B and C are constructed and the underground parking facility is constructed, and that those interim parking requirements would be reviewed by and approved by Traffic and Parking.

If anyone else recalls anything else that we need to include?

STUART DASH: Did you include the street trees in your --

H. THEODORE COHEN: Sorry, I did

not. The street trees.

STUART DASH: Just as part of the landscape review, continuous plantings of all trees, continuous patterns on all streets.

JEFF ROBERTS: I wanted to mention it before, but landscaping there is a publicly beneficial open space provided and that should be also an element of the design review along with all the landscaping along the individual building sites. And we didn't discuss this with the Board, but I -- it could be included within the ongoing staff review. I don't know if the Board felt differently that it should be looked at differently by the Board, but we could do it either way.

LOUIS J. BACCI, JR.: This is the final design. I mean, after the staff's --

H. THEODORE COHEN: Right. I think prior to construction, you know, some members would like to see final plans which would include the landscaping plans. Does that --

JEFF ROBERTS: One of the things we -- I mean, we could commit at staff level to -- so ongoing design review means that we have to see their final plans before they get issued a Building Permit. It may add a little bit more time to the process, but we can certainly bring those plans to the next Planning Board meeting presuming the Planning Board is meeting every one or two weeks. I don't know if it would be onerous for us to simply bring the plans for the Board to look at. I think the issue comes up if the Board wanted to comment or, you know, make changes that.

CATHERINE PRESTON CONNOLLY: For this board member -- I have to say we have so much on our agenda for the next several months and foreseeable future thereafter with the citywide plan, I am perfectly comfortable leaving landscaping plans to staff with only bringing it back to the Board if there's an impasse or a question.

LOUIS J. BACCI, JR.: You sure you don't want to see what the final design looks like before?

CATHERINE PRESTON CONNOLLY: Yes, I am 100 percent sure. Other board members may not be, but I am comfortable.

LOUIS J. BACCI, JR.: I am not going to be.

MARY FLYNN: I guess, you know, obviously it's a substantial project and the

housing piece is critical, but I do agree with Catherine. We do have an awful lot on our plate. I think the staff has done a great job as we've talked about before bringing it this far, and I think they have a good sense what the Board is comfortable with and not comfortable with so I would tend to agree with Catherine and say, again, if you reach an impasse, come to us, yes.

CATHERINE PRESTON CONNOLLY: Right.

H. THEODORE COHEN: Perhaps to resolve that -- oh, okay.

With regard to the final plans when staff is content with them, perhaps they can let the board members know.

LOUIS J. BACCI, JR.: Just to see what -- what we ended up with because it could be a long stretch from where we are.

H. THEODORE COHEN: To let us know that they have reached a point where they feel they're final and that board members could review them if they like. And then if a board member had a concern about it, they could bring it back to the Board, but otherwise we would leave it in the hands of staff.

CATHERINE PRESTON CONNOLLY: That's fine.

MARY FLYNN: Yes, that's fine.

LOUIS J. BACCI, JR.: It's just fine with me. It just seems like there are a lot of changes that are going to occur that we don't know about.

H. THEODORE COHEN: Right.

And I just want to be clear that the motion that we're approving the PUD we are

also approving the PUD under Section 12.30 and also granting project review project under Section 19.20.

The granting of parking reduction under Section 6.35.1, and the bicycle parking modification under Section 6.108.1.

And we covered all --

MARY FLYNN: The only other thing is I don't know that we included the NetZero language that Jeff had been referring to.

CATHERINE PRESTON CONNOLLY: Yes, Ted did mention the energy standards.

MARY FLYNN: Okay, thank you.

H. THEODORE COHEN: I made notes.

MARY FLYNN: I missed it.

H. THEODORE COHEN: In which I list them all and staff will put them all together.

JEFF ROBERTS: To clarify, what's been suggested by staff is that there are these some individual elements of the LEED requirements that need to be looked at, where the individual points get looked at for achieving the points. And I think that it seemed like the one additional energy point and the heat island mitigation point seemed like they were agreeable, but the enhanced commission may be an issue for the residential building, so that's something that staff can review just to see what the feasibility is. We don't necessarily need to hold to that if there is in fact an issue.

H. THEODORE COHEN: Is anybody willing to make a motion that I've summarized?

HUGH RUSSELL: So moved.

H. THEODORE COHEN: Is there a second?

CATHERINE PRESTON CONNOLLY: Second.

H. THEODORE COHEN: Any further discussion?

(No Response.)

H. THEODORE COHEN: None appearing. All those in favor?

(Show of hands.)

H. THEODORE COHEN: All those opposed?

(No Response.)

H. THEODORE COHEN: It's unanimous.

ATTORNEY JAMES RAFFERTY: Thank you very much.

LIZA PADEN: Before the meeting adjourned staff would like to request a two week extension to get the decision drafted

and filed.

H. THEODORE COHEN: For this matter?

LIZA PADEN: Yes, please.

ATTORNEY JAMES RAFFERTY: Applicant consents.

H. THEODORE COHEN: Do you need a vote from us?

LIZA PADEN: Please.

H. THEODORE COHEN: All those in favor to an extension?

(Show of hands.)

CATHERINE PRESTON CONNOLLY: Are we adjourned?

H. THEODORE COHEN: If there's nothing else, then we are adjourned. And have very happy holidays, everyone, and we will see you all --

LIZA PADEN: Can we have one more --

H. THEODORE COHEN: We're not adjourned.

LIZA PADEN: -- one more question, please.

So there's still a pending Special Permit. It's case No. 297 which was -- also has the same timeline. It's expires on December 28th.

ATTORNEY JAMES RAFFERTY: The applicant would request be permitted, that they be permitted to withdraw that application.

LIZA PADEN: So does the Board accept that?

H. THEODORE COHEN: That was the earlier one which you moved --

ATTORNEY JAMES RAFFERTY: 297?

LIZA PADEN: 297.

ATTORNEY JAMES RAFFERTY: 297. So
we would request leave to withdraw 297.

H. THEODORE COHEN: All those in
favor?

(Show of hands.)

H. THEODORE COHEN: Unanimous.

LIZA PADEN: Thank you.

H. THEODORE COHEN: So again -- and
our next meeting is January 5th?

LIZA PADEN: January 5th.

(Whereupon, at 10:35 p.m., the
Planning Board Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to Community Development Department electronically.

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I have read the foregoing transcript of the Planning Board, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

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 31st day of December, 2015.

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

My Commission Expires:
April 29, 2022

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