

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, January 12, 2016

7:05 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
Steven Cohen, Member
Louis J. Bacci, Jr., Member
Ahmed Nur, Associate Member
Thacher Tiffany, Associate Member

Iram Farooq, Assistant City Manager

Community Development Staff:

Liza Paden

Jeff Roberts

Suzannah Bigolin

Swaathi Joseph

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Public Hearings

7:00 p.m. PB#307, 9 Donnell Street, Special Permit to construct two single-family homes on a lot in the Residence B District. Special permits are sought pursuant to Section 6.44.1(b), waiver of the setback for parking, and Section 5.53, paragraph 2, to allow portions of one structure to be located farther than 75 feet from the street line. The applicant is 9 Donnell Street Realty Trust, c/o Adam Costa, Esq. 8

NOTE: There will be no public hearing on the Milford Medicinals, Inc., rezoning petition.

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H. THEODORE COHEN: All right, good evening, everyone. Welcome to the January 12th meeting of the Planning Board. We'll start with our update from the Assistant City Manager for Community Development.

IRAM FAROOQ: Thank you, Mr. Chair. This will be a quick update.

Tonight is we hope a short meeting. One, we have one public hearing on the -- on the Donnell Street project.

Our next meeting will be January 19th, and the public hearing will be on Stern petition.

We'll have public hearing on January 26th on the Kroon petition which is Porter Square to Harvard Square and Mass. Ave. And we'll also have discussion of the Board's rules and

regulations at that meeting.

February 2nd will be the Town Gown meeting, and that will be at the Senior Center, not in this room.

So other updates are just that at last night's Council meeting, the City Council adopted the Barrett petition with a provision that staff could recommend some -- with a delayed option to -- I mean, what's the word?

JEFF ROBERTS: Effectiveness.

IRAM FAROOQ: May 1st is the effective date and staff has an opportunity to propose additional modifications in the interim to address some concerns that we had, DPW, ISD, CDD, had raised about potential basement flooding and some Building Permit -- Building Code contradictions. So we will be -- we will be working on that and there will be a petition that

staff will word, some revisions, suggested revisions that staff will move forward that will be coming for public hearing again on that.

H. THEODORE COHEN: So that was the petition about basement apartments?

IRAM FAROOQ: Yes. And the Board had suggested severing it.

H. THEODORE COHEN: Right.

IRAM FAROOQ: The Council adopted it in its --

H. THEODORE COHEN: Entirety?

IRAM FAROOQ: As filed, format. But they recognized that there had been several sets of suggestions for changes, and so -- which is why they used this strategy of an effective date of May 1st to allow for additional changes that we may have, that we may want to propose.

H. THEODORE COHEN: So, any additional

changes would require a petition to amend what they adopted?

IRAM FAROOQ: Essentially, yes.

H. THEODORE COHEN: And then further hearings?

IRAM FAROOQ: Yes.

And last night there was a new petition that was filed and a public hearing has been scheduled on it for the 3rd.

JEFF ROBERTS: City Council.

IRAM FAROOQ: City Council hearing at the Ordinance Committee.

AHMED NUR: The new petition is filed by who, Patrick Barrett again?

IRAM FAROOQ: No, it's a new petition, the Cohen petition, and it actually addresses this particular project area. I don't have all the details, but perhaps Jeff can explain if you

have any questions about that. None of us have had a real chance to process that in detail because it was just filed last night.

H. THEODORE COHEN: I'm confused.

So does that new petition --

IRAM FAROOQ: That's a completely separate petition addressing Donnell Street area.

H. THEODORE COHEN: Oh.

STEVEN COHEN: Separate from the basement?

IRAM FAROOQ: I just wanted to mention it because you have this case before you today just so you know that there is a zoning petition related to this that was filed last night and you may hear public comment about some of that.

H. THEODORE COHEN: Okay, thank you.

Liza, are there any transcripts?

LIZA PADEN: We have the December 8th

transcript which is certified as complete.

H. THEODORE COHEN: Is there a motion to adopt that?

STEVEN COHEN: So moved.

MARY FLYNN: I second it.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: All right, we now have a hearing on Planning Board case No. 307, relating to 9 Donnell Street, that's a Special Permit to construct two, single-family homes on a lot in Residence B District. It seeks a waiver for setback for parking and Section 5.53, paragraph 2 provision to allow portions of one structure to be located farther than 75 feet from the street line.

Who is making the presentation?

ATTORNEY ADAM COSTA: Well, thank you

very much, Mr. Chairman, Members of the Board.

My name is Adam Costa. I am an attorney with the law firm of Blatman, Bobrowski, Mead and Talerman with offices in Concord, Newburyport, and Millis. I'm here this evening representing the 9 Donnell Street Realty Trust, the applicant for two Special Permits from your Board.

With me this evening I have multiple individuals: Robert McHale who the trustee of the 9 Donnell Street Realty Trust, waving his hand. He is the applicant before you today.

John Walker, who is in the front row in the suit, is the project designer and architect. He can answer any questions you might have relative to project design which we'll cover momentarily. And Mr. Teague who is the project manager as well is operating the PowerPoint for me this evening.

I want to be sure before we get underway that you have the various submittals that we have made. Ms. Paden has been kind enough to facilitate getting these documents to you. We made our original submittals back in mid-October, mid to late October, our application package for these two Special Permits. We supplemented that in late November, on November 30th. In fact, with an additional submittal acknowledging that pursuant to Section 10.43 the urban design guidelines are incorporated by reference. And so we provided an item-by-item over a series of a number of pages explanation as to how we believe we've satisfied your urban design guidelines pursuant to Section 19.30 of the Zoning Ordinance.

Finally we presented to Ms. Paden an application supplement dated January 7th. This

application supplement consisted of a number of different items that we received over the course of the past month or so. We were originally scheduled to be before your Board in mid-December. There was a publication error, and so as a consequence, we were continued to tonight's hearing. And in the course of the past months we've accumulated some additional items:

One is we've attached to our January 7th letter, multiple letters of support for the project from a number of the neighborhood residents. We've submitted a summary of our neighborhood outreach efforts. I understand that the Board has been contemplating, and correct me if I'm wrong, and maybe that you've already adopted some of your revisions to your rules and regulations, and an important component of that as I see it, is what you call the pre-application

early community engagement. And so in an effort to proceed in the manner consistent with those forthcoming regulations, I'm also hopeful we can be a good neighbor, with this project we have the project team -- not me personally. The project team has met with the neighbors over the course of a series of individual and group meetings that began back in the early part of 2015 and we provided to you an outline of all of those various efforts, and there are a few additional efforts that have been undertaken in the past week or two since that document was prepared.

We've provided to you with this January 7th submittal, revised building sections. And in fact, I think I see there on the table, I'm not sure they've been circulated, further revised plans that were just updated within the past 48 hours to reflect some of the comments that we

received in the CDD memo that we got. The comments were relatively limited, and I'm sure that you'll have a member of the staff speak to those, but there were a few comments, recommendations, things that could be done to the project, to the site that would improve upon it and we've done our best on short notice to incorporate some of those modifications.

HUGH RUSSELL: Excuse me a second. Ted, I don't have many of these documents that are being referred to. I have nothing dated January 7th. I have --

H. THEODORE COHEN: Well --

AHMED NUR: We have them here. They are the ones that were sitting on the table when we walked in.

HUGH RUSSELL: They weren't sitting on the table in front of me. That's the Stern

petition.

MARY FLYNN: The one from Traffic.

H. THEODORE COHEN: Right.

HUGH RUSSELL: So I guess my point is if there's a lot of relevant information that we can't assume that we have it if it was submitted very recently.

H. THEODORE COHEN: Right. I think the January 7th is posted on the website, and since I don't get the packets -- I go to the website, but I can understand that not everybody does that.

Liza, do you know have things been distributed to all of the members?

LIZA PADEN: The plans that were distributed to the Board were the plans for October 15th and December 22nd. There was another set. And then the materials that they brought with them this evening.

H. THEODORE COHEN: The January 7th materials, that also included renderings of one building, one structure.

LOUIS J. BACCI, JR.: If I read it correct, that was the by-right.

H. THEODORE COHEN: The by-right. Have people seen that?

MARY FLYNN: I haven't.

ATTORNEY ADAM COSTA: To the extent that it covers the Board, we provided some of these items in advance as a courtesy, understanding that some of them were being provided late because we were, for example, responding to the CDD memo. We have all of these various plans incorporated into our PowerPoint presentation.

H. THEODORE COHEN: Fine.

ATTORNEY ADAM COSTA: We will present them to you, you'll see them on the screen

tonight, and we'll certainly also answer any questions that you might have.

Just so you know in addition to that, we did submit a shadow study plan and we'll show those on our PowerPoint tonight.

Additional shadow studies, documents that have been prepared not only comparing existing, the proposed conditions, but comparing the proposed to the by-rite site plan that we presented as well showing a single building as opposed to two multiple buildings.

So those are the submittals we made to date. To get to the substance of the application, as I said, we've made two applications to your Board for Special Permits. The first is an application pursuant to Section 5.53 of your Zoning Ordinance for multiple principal structures containing residential use.

The second is pursuant to Section 6.44.1 of your Zoning Ordinance for modification of a driveway setback. What is especially interesting about that is that we we're really preserving existing conditions, but because we're redeveloping the site, we're seeking relief from the Board in connection with that redevelopment. The driveway already exists in its present location. We are widening it somewhat because of the fact that it's a narrow driveway as it presently stands, but that violation exists today. We're seeking permission from the Board in connection with the redevelopment to continue on with that setback.

So I have before you the first page of our PowerPoint presentation which shows the 9 Donnell Street property. You can see the property is highlighted in blue. You can see the

adjacent properties at 10 and 11 Donnell Street are highlighted in yellow. The purpose of this slide is just to give you a sense of the massing of the scale of the property and adjacent properties as it exists today.

Next slide.

So what you've got here, this shows the proximity of the proposal. You'll see highlighted in red are the rooftops or footprints of the existing single-family structure and the garage at the rear of the site. Again, you can see the adjacent properties. You can see the proximity of those adjacent properties to the home as it exists today. There is a slide that we'll get to momentarily that shows the various zoning violations that exist on the site today with respect to the existing structure.

Next slide.

Again, this is just a different perspective showing the proximity of 9 Donnell Street, specifically the front structure at 7 Donnell Street. Also there's a good depiction of the scale of the property as compared to the adjacent properties and more specifically that property at 11 Donnell Street.

So this is a summary of the presentation. We prepared a number of different PowerPoints to address different issues, some of which the Board may have questions, some it may not. Our intention is to review the current status of the property and the project to discuss the staff memorandum and our response to it. We have performed reviews and engaged in discussions with DPW. We've performed a complete storm water analysis of the site. We're going to talk to you a bit about sustainability and solar power at the

site, and we've engaged a landscape designer to try to improve upon the aesthetics of the site in connection with the redevelopment.

We also have alternate designs that we are going to show you. One is a by-right design. We have chosen to pursue a Special Permit for the design that we have before you this evening because we believe it is a better design for the site. The by-right plan, as you'll see, is a single structure, rather large in mass, but could be instructed by-right on the site. Also provides for above-ground parking and a garage that would face Donnell Street. We think that this is an overall better design for the site. It's in keeping with the streetscape and design of Donnell Street generally.

We also have an alternate design that would require similar relief from this Board that

would still provide for two, single-family structures that would have on-grade parking.

You'll see in our development plan, if not already, that we're proposing depressed parking, beneath-grade parking in an effort to try and open up the site a bit, provide for open space for the use of these two, single-family homes that are being proposed.

We've got examples in one of our slides of various contemporary designs in the neighborhood. I know there were some concerns expressed when we were before the Historical Commission with the type of design proposed for the site. Some thought maybe that it was a bit too contemporary. Well, we have canvassed the neighborhood and we found that this sort of contemporary design exists throughout this rather eclectic neighborhood. In many locations within

a walk, so we provided examples of those.

We provided a shadow study as well, as I mentioned before. The shadows most significantly to the extent that they affect any adjacent property, they most significantly affect the Donnell Street property and we've tried to compare the existing conditions with the proposed conditions. We believe that, and we'll get to it, that there is either -- in most cases there's either the same amount of shadows or there's an improvement upon existing conditions.

Next slide.

Design challenges. We faced a few design challenges, and again, I use the proverbial we, but it's more John Walker that faced these design challenges than I.

The first was providing high quality private open space for what is intended to be a

development that would cater to families. The idea is that we would have sufficient open space on-site. As I mentioned to do that, we depressed the parking and we provided for a significant number of windows facing into the open space area for the site to provide for a sense of connection with the exterior of the site and the ability to use that open space seasonally.

Treatment of the street edge was important. You might know if you've seen some of the photographs that have been circulated and reviewed the plans closely, that this site is located at the intersection between Donnell and R.C. Kelley Street. If you're riding down R.C. Kelley Street and you were to continue on and not stop, you would run into this home. It's directly opposite the intersection of R.C. Kelley Street.

The headlights as a consequence sort of sweep down and across the building and face as they're turning on one way to Donnell Street.

There's also a change in grade from side to side within the site. So that was an additional challenge with respect to designing the site and also with respect to storm water management.

We also wanted to minimize the impact. There are existing side yard, front yard setbacks violations. We wanted to limit those or eliminate those to the extent it was possible to do so. We also wanted to decrease the height of the structure and keep it consistent with the surrounding neighborhood.

Next slide.

So this shows an example of what we did not want to do, which is to create at a

T-intersection a fence line that would not provide for the same aesthetic, would not provide for a design that was in keeping with neighborhood character, and keeping with the streetscape of Donnell Street. We don't believe that would have achieved that purpose. This is from Huron Avenue from a T-intersection and we tried to avoid this at the design of the our site.

The next slide shows the existing two-story structure on the site. The proposal to demolish this structure, we are before you in a position where the demolition delay has expired. We've appeared before your Historical Commission sometime ago. The demolition delay was imposed. We were back before the commission a number of months ago. The commission vetted the project, determined or vetted the property and the

existing home and determined that it would not initiate a landmark designation study on the property and thereby gave us the go ahead to proceed with our development plans of the site and that's why we're before you tonight. There have been a number of prior owners of the site that have not had success in pursuing redevelopment by maintaining the existing structure due to the poor condition of the existing structure at a cost that would be associated with renovating that existing structure. We presented to the Historical Commission a report, for example, that we had from a structural engineering indicating that there were serious concerns. We have since disconnected facilities from the site in an effort to maintain public safety, but it was the determination not only of our project architect

but of that structural engineer consultant that the structure ought to be raised, that aside from just the mere finances of having to preserve it, all you'd ultimately be preserving would be a portion of the outer shell because nothing within that structure was Building Code compliant per the existing Building Code.

You'll see here that with respect to zoning compliance, there's setback of 4.7 feet. There's a setback on the other side of 6.4 feet. We're going to actually be increasing both of those setbacks to 8.5 feet and 14.5 feet respectively with our new proposal, hence reducing the encroachment into the side yards. Similarly the existing setback is 2.4 feet. We're proposing 10.5 feet setback which would bring that into conformance as well.

One of the concerns with the existing

structure aside from just the poor condition is that the use of gross floor area was not ideal. There were covered porches. There were portions of the attic that would potentially qualify. The basement was exceptionally wet. There were actually two sump pumps running in the basement of that property, and hence we're proceeding with this proposal that's before you.

This photograph is a photograph of the detached garage at the rear of the site. You can see the garage is actually encroaching to an extent on the adjacent property at 11 Donnell Street. We will be removing that encroachment of course as part of our redevelopment proposal. I'll make mention of it now because you've got the graphic before you, although John Walker will speak to it momentarily, and that is you may ask when you see the depressed garage, there is a

portion of that garage that is above grade, a very small portion of it. You'll be driving into the site and then down into the garage. You may ask well, what is that above-ground portion of the garage going to look like aesthetically? And it's going to look about, if not a bit less, than the foundation of this garage that exists today in terms of the portion of the proposed depressed garage that will remain above ground.

With this next slide I'm going to turn the floor over to John Walker, the project architect. The next several slides are photographs of the new proposal. He can best address those having designed that proposal. I'll turn the floor over to him and I'll take it back when he's done and we can proceed further.

John, if you're ready.

JOHN WALKER: This is the existing

structure. And one of the, one of the big improvements that will be made by replacing the house, the new house, is -- are 20 feet wide. And both side setbacks are much wider. It will be set back from Donnell Street and there's enough room there to have a front yard and landscaping.

There's an interesting feature across the street where the corner of R.C. Kelley Street over by this stop sign, it has a raised front yard with a stone base and some nice planting underneath it and some trees. We wanted to reflect that on the corner of the house and we're using the same materials. We've had a landscaper do a plan for the tree growth which is similar to the trees on the other side of the street.

This is -- I can't see too clearly in this slide, the retaining wall, but that's the

openness that you'll see with the new design. It just lightens up the street tremendously, and the facade is rather blank.

There's been comments about that, but the reason for that is it's the amount of lights from cars that you see all the way down R.C. Kelley Street, it starts up at the top and it's a long ride with the lights bouncing into the front of the house. So there's some protection from that.

This is a site plan, and this is a proposed plan. And that's the driveway shared beside Mr. Cohen's driveway, and the garage is removed. That was the -- encroaching on his property in the back on the last, the back end of the courtyard plan. And the cars disappear and there's three cars parked underneath it. That's what frees up the yard so there's open space for the rear unit, and there's a different kind of

urban open space in the front unit. There's a terrace on top of the garage with plantings and different outdoor rooms created with landscaping features.

The back is just natural landscaping. It's treated in a more natural way than the first house. But they both have outside space. There's a walkway that goes along the upper border of the site of the -- or the higher border, and that's where the entrance is into the houses. They both enter on the same side.

The great room is in the back of the structure. It's a very dramatic room. It's very tall and has a lot of glass in the back of it. The rest of the house is really conventional.

It's about the size of a post-war Garrison colonial, and it has three bedrooms and two baths upstairs. It has a bath and kitchen

and a dining room which all sort of blend together on the first floor. So it's not a big house at all, but we tried to make it as dramatic as we could for the size of the house that it is.

This is a view from -- coming down Donnell Street. And this is the existing house and it's -- these, these houses are all in a straight line. That's No. 11, the yellow one.

No. 7 on the front.

And we're back. We have the setback with the average setbacks of the adjacent houses, and it's about ten-foot, six back from the street, where currently now it's fairly afoot.

The front porch of the house is right on the sidewalk.

This is the main entrance to the house and it's sort of like -- it's emphasized. It has a glass -- opaque glass side window that looks

out back to see R.C. Kelley. And then the doorway is on the side of it. And it has a canopy that goes above it that gives some shelter to you as you're at the doorway and some feeling of security. And then that corner of the house, the whole thing is emphasized that it's sort of like emphasizing where the entrance to the house is.

HUGH RUSSELL: Excuse me, you said there was opaque glass? Is that what you meant?

JOHN WALKER: On the entranceway.

CHARLES TEAGUE: It's tinted.

JOHN WALKER: It's tinted.

HUGH RUSSELL: Can you see through it or can you -- can you see light through it?

JOHN WALKER: You can see light through it, yes.

This is the stonewall that's across the

street on the uphill side. And we did a retaining wall like that and we recently in one of the last minute changes we put a double curb in. Our curb is -- it's too high -- it's a problem because you're driving a car out of a sloping driveway coming up to the street. So I've lowered the corner and made a double curb where it goes off and dives into the side of the house and a much lower as Donnell Street descends. Descends about three feet across the front of the house.

We went through a lot of calculations with the DPW and Community and Development regarding the formulas that they use, that they have as guidelines and they have to do with the trajectory of your view when you're arriving to the curb cut itself. And they have a distance judging where the driver's eyeball is and how

much you have to see in the side. And they have numerical calculations which we went back and we altered the retaining wall just for that reason. And it's correct. I mean, it -- we sort of got carried away with our landscape feature that we're mimicking on the other side of the street and sort of with the blind spot that was corrected, constructed.

Well, this is interesting. The overhead wires on Donnell Street criss-cross from one side of the street to the other. They're primarily on this property side, but just at the property, it goes diagonally across Donnell Street, and it gives us the ability to plant trees that don't have to be limited to the underside of the wires. And it gives a better perspective of the house. So we're taking advantage of that with some of the larger trees planted on the front setback.

There was an attempt to make an intersection of R.C. Kelley and Donnell Street into like with a little square where it had similar, similar landscape features. I mean, it would be nice if we could pave the whole street and you have those elevated platforms in the streets, that would be nice, something like that, but we're not doing that. It's just trying to define it with landscaping and with the work that we're doing on the property.

Again, this is the side entrance to the house and I think we've seen a very similar slide to that.

And this is a view looking up Donnell Street, and you can see how dramatic the retaining wall is. It's been changed so that the wall drops at that height, and the higher wall returns into the house back here and then there's

a sweep of earth and landscaping that is done at this three-foot high level and it continues on and the driveway is -- the paving descends into the garage.

This is the -- this is an aerial view of the same, the same thing. You can see there's the double wall that, you know, shows you how we've tried to improve that and you can see the size and shape of the house. The house beside it, it's very similar massing, it's similar heights. It's higher. Ours is lower in all regards. It's the same proportions. Sort of like the proportions of the three decker, but it's only a two decker, and it's reduced on all sides; length, width, and height. But the proportions are very familiar building shape in Cambridge.

H. THEODORE COHEN: Excuse me,

Mr. Walker, going back to that last slide. So is that the current configuration of the retaining wall?

JOHN WALKER: Yes. Yes.

CHARLES TEAGUE: It's reflected on the paper plans that you have.

JOHN WALKER: A number of the city departments called us and told us about the problem that was created. They had been there before I think.

H. THEODORE COHEN: Right.

JOHN WALKER: This is a slide showing the massing from the back, and that's the terrace area. It's not really drawn, deleted, but on the plans it is. And that's the height of the foundation of the existing garage. Not the garage -- the garage above was another nine feet, ten feet above that. But that's gone. And that

allows the sunlight to traverse from beyond this large house at 11 Donnell Street directly across through the site and onto the Cohen property and beyond. And the garage blocks a lot of that right now.

And this is from the back. This, the bent roof on this house is -- that's not reality. That's a glitch in the software program but no one's been able to close it off. I'd like to draw little people out there looking out or something. That's technology. Nothing like a pencil.

So this is a site looking through from the back. This would be Donnell Street out here and that's the second house and you can see all that space is opened up now and that's kind of neat. And, you know, that house is so large that whatever shadows we have from the rear house, the

shadows are already created by the house that's beyond it. And there's a lot of big trees which you don't see at all, and there's tree shadows everywhere in addition to just the geometric shadows that we tried to show for the impact of the building structures themselves.

CHARLES TEAGUE: And that's the other direction.

JOHN WALKER: This is the other direction. And we're back in the front of the street.

The massing. The hill doesn't look so dramatic but it is dramatic when you walk it.

And the sidewalks will be repaired. I understand the City is planning on doing the sidewalks and other street rebuilding programs, but there's tremendous jumps from aprons up to the main travel lane to the sidewalk that I don't

think you can ride a power scooter up the slope of the corrections. And there's parts where it's syncing, so hopefully all that gets corrected along the way.

This is from the inside looking out towards the building in the back, and it's just a large open space and it connects you with the outside terrace and you're looking at a background, the house in the back, the doors are on the side, the windows are in the side. So you're looking at a blank wall basically, but you do have more open space than you had before for, you know, viewing beyond the building itself.

And this is the basement plan. And over here is the driveway and you drive down the driveway, the door is right there, you swing into the parking garage. There's three spaces. It's 33 feet wide. So they're like 11 foot spaces but

they're actually eights with the end spaces having the larger amount of space to maneuver the car backwards. And the beauty of this is that the cars can always drive out and they don't have to back out as they do now.

And that's the second house in the background.

This is interior of the main level of the house. This is the entry -- wait a minute. It's in the wrong place. Yes. Oh, this is the lower level. Yeah, I'm sorry, we're down the basement. This is the lower level of the basement, and there's utility rooms in this area and that's a possible workspace and an open space on the other end. And you can go down the stairway and you're in the garage. This is the main level that's the slide -- this is the main level and this is a kitchen here. This is an added window which

connects to the street. The sink was over here in an island. We moved the sink back over to the counter that faces the street. And the rest of it's wide open. It's dining and living.

And this is the upper level. You come up the stairway here and this is a child's bedroom, a small bedroom. This bedroom is a medium-size bedroom with a closet, and the master bedroom is on the end.

They have their own private bathroom on the left-hand side of the -- and right-hand side as you're looking at it. And that's the -- another bathroom for the other two bedrooms on the third floor. And that's the whole house.

And the second house is a duplicate. The basement is a little bit different because you're entering the garage from that direction and you're entering from the other, so the layout is

sort of reversed. But the stairway is the same in both houses. The building is 20-by-40 or 20-by-41 and it's roughly 800 square feet of floor space.

That's it, the building is roughly 20-by-41. So it's a little over 800 square feet per floor. So the two floors is sort of 1600 feet. I mean, there are single apartments that are much bigger than that.

ATTORNEY ADAM COSTA: This is mine.

JOHN WALKER: Thanks.

ATTORNEY ADAM COSTA: So the purpose of this slide is just to give the Board a bit of a sense as to the abutter list so to speak. Certified abutters and abutters to abutters 300 feet, those entitled to notice and per the act and per the zoning ordinance. We made an effort -- in addition to the mail notice that they all

received by law, we made an effort to provide flyers to the substantial majority of these individuals. We didn't go beyond Walden. We didn't go -- I think there were a couple of properties along Appleton that maybe we didn't catch, but for the most part the properties that are shaded here in blue were provided with flyers notifying them of the project. And as I said, the project team made efforts to meet with as many of the abutters as they could to familiarize themselves with the project. And I think the fact, as indicated, I think there's potential opposition to any project. There may be some tonight, but what's been relayed to me by the project team, I think what has been related in letters of support that we submitted to you is that those neighbors that have responded to us and have submitted letters to us have responded

favorably and are generally in favor of what we consider to be an improvement to the neighborhood, an approved aesthetic to the site, no doubt. And, you know, an effort to provide for family housing in a neighborhood that needs it and in keeping with what the general design and streetscape of the Donnell Street.

I think that's the last slide in this presentation. I do want to provide -- I mentioned before Charles Teague is the project manager for the project, and I think that he has a few things to say concerning our dealings with the DPW, storm water. You've already heard about the slope of Donnell Street and of the site itself. As a consequence of that, you know, storm water is typically not all that great of concern with single-family homes, two-family homes, homes on a single site, but we wanted to

make sure we addressed that issue in connection of this site because of the problems we envisioned given the slope of the site. And then of course I mentioned before our efforts to address shadowing. Not so much with the 7 Donnell Street property but with the 11 Donnell Street property and Charles Teague can address those as well.

So with that, I'll give the floor to you and I'll startup the next presentation.

CHARLES TEAGUE: You guys should be happy I'm working for a living these days. But, anyways -- so, actually there was a -- the third item on the CDD memo was to look at the DPW review. DPW has been -- always reviews -- DPW signs your Building Permit and they also do the curb cut permit. They are ultimately involved with the specifics and the garage and the ramp.

They've also been involved for a long time on this. They issued the permits and inspected the cutting cap and signed the demolition permit as well.

We also met with them with the neighbors from No. 7 here and No. 11. We met in July at DPW and we reviewed storm water systems. And what they did do was require that we get a licensed civil engineer and do the computer modelling of the rain on 7 and 9 and which has been complete. That modelling has been complete for 9 and we have enough room to handle their required amount of storage.

So, what -- so that, that will be in the rear of the lot.

Now, DPW is committed to regrading the intersection and adding the catch basin because during all the storm water analysis, pointed out

to them that the water doesn't actually go into the catch basin that exists at R.C. Kelley because it's in the wrong place and it's also connected to the wrong sewer. So there was a part of the Traffic and Parking memo which said that we should be aware that they're working on the street. They're working on the street because we can't get this stuff out to them. And we've also had the city electrician get Verizon to raise the wires, but we haven't -- up to where they should be, but we couldn't get Comcast done. So we've been intimately involved with the city agencies.

So this is back to the storm water.

What -- the way some storm water works is that there is retention and infiltration, and DPW has a standard for the amount of water you have to store on-site and we're storing that. So this

is, this seems like an office building project, but we're doing all that. And then where -- so one of the reasons for the parapets and extra height in the roof is to direct the storm water and control it and get it down into the system. And then finally we're doing extra off-site mitigation for the people uphill in 7. We were helping them install a storm water system. And then we're using the same civil engineer. And we also did the preliminary engineering for all that work. And we paid for that for our property.

So the next one.

And then in the submission it says solar ready. What is solar ready? It's -- oh, why is more important is because all the tax incentives go with the end use. Well, it's so complex that it's easier that if we do basically the installation ahead of time and all they have to

do is sign up.

So what we have is the parapets to screen solar panels. We'll make sure that the roof penetrations are out of the way. We'll engineer the roof with the extra load. And any flat roof space is holding down (inaudible). And build conduits from the basement up to the roof and we will keep the space in the utility room and put in the appropriate electric panels and then add electric vehicle charging stations in the garage.

And then Pam Hart is not here tonight, she's been a resident of Donnell Street since the sixties and a long time landscape designer and had her own landscape company and did many of the properties. And this is the wall again.

And you can go to the next slide.

And this is Pam's summary of features that I was supposed to memorize but I haven't.

But the key element is that we're -- she's replicating the wall and replicating the landscaping, and we can get two trees in front. And she's -- she talks about minimal watering and native plants and plant and vines and all season. And so we're back to the wall. And you can see that there's this whole, that in addition to the trees, there's this whole intricately planted under storing replicating now. We're going to have steps up similarly and we're replicating the curb to the wall actually multiple times.

So this is just a quick review, and this is -- this is what she did three different styles and she called this the best of Donnell and that's off to the right, the trees and the curved wall.

And then the next slide.

And then this is, this is the courtyard

which is very rectilinear and there's -- you can't, I can't, I can see why John was having trouble. I can't see anything on this.

What this is is planters on top of the courtyard and it's, and it's an L-shape. But this is all rectilinear because she was inspired by the back wall of the rear building which will be a large rectangle.

And then finally you get to the end and she's proposed a much more organic style where everything is curved and it's creating ways to drag people outside and to the outside.

And finally, these are the kind of fences we've agreed with the neighbors at No. 7 to replicate and so we're going to have this lower fence to the right of this tree and then we'll go up to the higher fence the rest of the way down and then disperse it with some of the elements of

the trellis fence.

And I think that's about it.

Want me to do the rest?

ATTORNEY ADAM COSTA: Do you want to or do you want John to do the rest?

CHARLES TEAGUE: John, do you want me to do the other ones?

JOHN WALKER: Doesn't matter to me.

CHARLES TEAGUE: Because it's five of. I think we should, you know. We're supposed to have a short night tonight.

ATTORNEY ADAM COSTA: The next two presentations are very brief ones but I promised we would represent to the Board alternate design as well as consistency within a contemporary design within the neighborhood. So we've just got a few examples for you.

CHARLES TEAGUE: The first one is two

buildings with the parking in between. And the driveway is shared with the walkway. There's two entrances, one entrance is traditionally on the street on the right front, and then you come down the walkway and enter the side. And you can sort of turn one car around pretty easily. It looks to me like a lot of people would end up backing out this driveway. The real thing that I don't like about this design is that the front unit has very little exterior space. The deck is narrow, their views are of cars, and the exterior space really goes from this set of plans along the side of the building. And so that, so that was the whole -- when we looked at it and then thought of depressing the cars, that's where we went.

So, the next slide.

This -- let's go back one.

So this is, this is just basically taking

the current design and sliding the front house back. So the rear unit is identical, it's the identical design, the identical setbacks, and the front is moved back. We once again put a garage up front. And this is, this comes out to be over 100 feet long. It has the view from the street is of a garage and parking. And then really to get the open space requirements, you'd end up doing roof decks. And so -- and roof decks, these roof decks would be pretty spectacular. Even on the deck over the garage would look all the way up R.C. Kelley. So we'd have a really long view. And then when you -- on the other roof deck you're going to be looking out either side, you have long views there. And then they're on the back of Observatory Hill and so you get that drop and so it would be very nice for the residents of that community. It wouldn't

be so nice for the neighbors. So that's the view down R.C. Kelley. It's pretty suburban.

Next one?

And another view.

Next, please?

And from the rear you can just see that it's combined, that's pretty much the same.

Next please.

Over here, the important thing here is this is uphill No. 7 to the left and there's windows that overlook that open area, the parking, where their driveway in the parking area.

Next slide.

And then similarly on the other side there's a big bank of windows and it's overlooking the big open space for the 11 yard.

So you can just go to the other

contemporary ones.

So there's a whole series of contemporary ones, many have been designed by Kyu Sung Woo who is before the Board for North Point. He did the Harvard housing where the Mahoney Garden Center was. So back on the top of the building is what I call modern building, but it's the former Hart Studio and it's now personal office space and it's 11 Rear. And then right across the intersection from the site are two modern townhouses and then Kyu Sung Woo designed the addition on No. 8, and Maryann Thompson did the back of No. 8. And then this residence with the domed roofs was designed across the street and goes all the way to Concord Avenue and incorporates the library of Donnell and Concord is what I understand to be Harvard Observatory housing, there's a co-op.

Next slide, please.

And so that's that Harvard housing there.
There's the back of No. 8 Donnell in the middle.
You can see the low shed roof with the high
windows and that's the 8 Rear. And then, yes,
and this is the resident design by Kyu Sung Woo.
See the barrel roof. There's a double roof and
the deck on the side and then there's another
view.

Next slide, please.

And there's the modern townhouses or
post-modern.

And next slide, please.

And these are big tall houses.

And anyways, next slide, please.

Now, this is down the hill. This was
1970, sort of replica cottage which has been
recently renovated and sort of a modern style.

And this is 11 Rear, the former art studio or so it has these giant windows and very tall ceilings. And that's about that.

ATTORNEY ADAM COSTA: If I could just conclude briefly, I won't take too much longer. I know it's been a lengthy presentation. We wanted to make sure that we appropriately addressed that area's considerations that are before the Board, and I guess that's how I'd like to conclude. We submitted as part of our application -- I submitted as part of our application, a lengthy memo. This is dated October 15th. I presume you have it. It was part of our initial submittal.

CHARLES TEAGUE: You want to do shadows?

ATTORNEY ADAM COSTA: Do you want to address shadows? Do people want to see shadows? We submitted a shadow report to you. Do you want

to see the presentation?

H. THEODORE COHEN: No, I think if we have questions, we'll raise them.

ATTORNEY ADAM COSTA: So I just want to draw your attention, and again, we focussed our presentation this evening on giving you a good overview -- or we hope we gave you a good overview of what we're proposing for the site. I didn't spend a lot of time addressing the various criteria of our Ordinance because I've done so in my letter. With that said, I think it's important that the Board, in addition to reflecting generally on the proposal for the site, look to the task that's before it, the standard.

With respect to the driveway setback, the standards are relatively simple, site specific factors favor the relief that's being sought, the

Board ought to grant that relief. And I think that's a simple one, I say, because we presented to you site specific factors. We presented to you a relatively narrow site, a site that is already narrow as it exists today. A driveway that is far too narrow as it exists today, and a proposal that increases the setbacks on both sides. But to do that we need to maintain the driveway where it is and still provide access to that depressed garage.

We've also addressed the more specific Special Permit criteria to place multiple structures on the lot and that's in the early part of our letter. And that's sort of a two part test. It's an either/or. It's a development of two or more structures on the lot will not significantly increase or may reduce the impact of the new construction should occur on a

single structure. And then if that criterion is not satisfied, there's a multi-part task various factors to be weighed by the Board.

And I've made a case that I do believe that what's based upon what's been presented to you this evening that we satisfy that first test. That there are real benefits, and we've gone into some detail in the letter that are offered by this proposal as opposed to the by-right proposal.

The proposal that combines these two structures into the one structure.

Everything from the additional open space to the lesser shadows on adjacent property to the improved design, and the improved streetscape from Donnell Street.

But to the extent that the Board wants to go further, we've also addressed at least four of

the six factors that are to be weighed. If the Board proceeds to step two of that inquiry, and we believe that we've satisfied those factors as well. And we've given that maybe too lengthy of an explanation of the memorandum.

To the extent the Board has questions specific to that standards, we're happy to address those questions.

And in concluding we would ask that the Board grant these two Special Permits to allow the project to proceed. We've been at this for sometime now. First we were subject to the demo delay and then we made an effort to get before this Board and with the publication error we are here later than expected. We would appreciate the Board's action on this and allowing us to proceed with construction on the site.

Thank you for your time.

H. THEODORE COHEN: Thank you.

Do Board Members have any questions right now? Hugh.

HUGH RUSSELL: Right now there are five trees in the backyard. Do any of them survive? Three of them are not in the footprint of your structures.

CHARLES TEAGUE: I'm the landscape guy tonight. You're supposed to see -- well, I won't say, but she's not 80-years-old. She's younger than that. But anyways, you know, one of the trees was transplanted. Three, there's three small fruit trees and they were to be -- they were attempted at transplant. And there's a large Norway maple which is part of our agreement with the -- our neighbors at No. 7, we're going to take down. So in a word, no.

HUGH RUSSELL: Because your survey shows

five, 12-inch trees. I guess the survey is incorrect?

CHARLES TEAGUE: No. Five?

HUGH RUSSELL: Yes. I took out my magnifying glass to verify it.

CHARLES TEAGUE: Well, there's -- I don't know. There's a large Norway maple which they asked -- because it's overhanging their property. Their property and their house, they asked us to take it down. And we didn't think it would survive. And then there's three fruit trees. And then one says is an eight-inch thing which was a rhododendron trimmed as a tree.

HUGH RUSSELL: Okay.

CHARLES TEAGUE: So it's an extraordinary plant, tree. We found someone to give the rhododendron a good home.

HUGH RUSSELL: Okay.

H. THEODORE COHEN: Are there other questions now? If not, we'll go to public comment.

HUGH RUSSELL: I guess --

H. THEODORE COHEN: I'm sorry.

HUGH RUSSELL: I would just -- so you said that the parapet walls on the roof were screened, the solar collectors, if they went up. And the drawings show the parapet walls to be one foot tall.

CHARLES TEAGUE: I reviewed the solar. I went to several presentations on solar and the, and the current thinking is you -- to get more power you don't tilt the panels, you just get more panels. So you put the panels flat on a flat roof and they just ballast them. You don't put penetrations in the roof so your roof doesn't leak and people are a lot happier.

HUGH RUSSELL: Okay.

And my third question is probably not really relevant here, but I've been looking at the floor plans, so if you're on the second floor and you walk down six steps and then there's a closet straight ahead of you and you can't get down to the first floor.

CHARLES TEAGUE: No, that closet is actually cabinetry that's floating above the landing.

HUGH RUSSELL: So we have to float like four feet above? And then when you go to turn down, when you get to the point where the door is, there's only about six feet of bedroom in the stair. So how do you get into that bedroom?

CHARLES TEAGUE: I'm --

HUGH RUSSELL: I'm just trying to -- I guess what bothers me is I think it does -- the

drawing is inaccurate and I'm just wondering therefore what -- how I look at the other things.

CHARLES TEAGUE: No, well the drawing -- there is a drawing that has this complex piece of cabinetry which provides not a full closet for the third, for the third and front bedroom. So what that is showing is that it's, the stairs come up from the main floor and towards the scissor stair, you go up, go across the platform, and you go back up again. So it's, instead of having a full height over the platform, it's stealing some space with the cabinetry because it's a small bedroom for a child. And so they don't get a full closet. You have cabinetry that projects into the higher section of the stair.

H. THEODORE COHEN: Hugh, can you tell us where we're looking at this?

AHMED NUR: Got it, SP-4 is the floor

plan. SP-4.

HUGH RUSSELL: SP-4.

H. THEODORE COHEN: Okay.

HUGH RUSSELL: And the third thing above the stairs when you walk down to the basement, you walk down about eight treads and then you hit your head on the wall to the bathroom.

STEVEN COHEN: What's wrong with that?

CHARLES TEAGUE: The stair, the stair, the stairs are stacked underneath. The stair, the stair from the main level to the upper landing is stacked on top of the stair to the basement, and the stair to the basement is going to come out -- is going to be -- yes, there's a clearance issue that will be framed and there will be some steel there to address the clearance issue down at the lower section, but those two stairs are stacked on top of each other.

HUGH RUSSELL: I was looking at the old plans.

CHARLES TEAGUE: The what the wonderful architects might have done is you might be projecting the upper section from the landing to the second floor. It might be projecting that and that's what you're reading as a stair down. It's a stair up to the second floor.

HUGH RUSSELL: Well, I guess I don't -- I'm sorry, I'm an architect. I've been designing stairs for 40 years. That stair doesn't work. What you're telling me I believe is simply not true.

CHARLES TEAGUE: Well, I would have to look at the plans. But John could look at the plans. There might be a --

HUGH RUSSELL: It doesn't really make too much difference. You're going to have to make it

work, there's probably room to make it work, but it doesn't work now at all.

CHARLES TEAGUE: This was a fire drill to get this plan set. We got told by Traffic and Parking Friday afternoon to change the site design and then we added a window. So this was -- this was --

HUGH RUSSELL: Right, but the plans that you submitted 10/15 are identical. So, anyway, I just -- I'm just interested to hear what you have to say.

Thank you.

H. THEODORE COHEN: Does anyone else have any questions right now?

(No Response.)

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

LIZA PADEN: I just wanted to make sure

that people have all of the materials. So there was a letter that I thought I had sent out that was dated January 7th, but the plans are dated anywhere from December 26th to December 22nd.

Do people have that or don't have that?

CATHERINE PRESTON CONNOLLY: I got them electronically.

LIZA PADEN: And I have hard copies.

Does anybody want hard copies?

AHMED NUR: Sure. I'll take hard copies.

LIZA PADEN: Okay.

H. THEODORE COHEN: Okay, people when you come -- when I call your name, please come forward to the podium, state your name and address and spell your name for the stenographer and please limit your comments to three minutes.

Louis Hyde. And anyone who did not sign the list, you will still have an opportunity to

speak. So everyone will get an opportunity to speak.

LOUIS HYDE: I'm Louis Hyde, H-Y-D-E. My wife and I own No. 8 Donnell which is kitty-corner across the street. My remarks are quite brief.

Of the various designs that have been presented, we much prefer the design which allows for the parking to be toward the back of the lot. We do not like the design which has a garage and, therefore, also essentially a parking lot at the Donnell Street side of the lot. I gather at issue tonight are really two Special Permits, one about the driveway and the second about allowing for two structures in the rear rather than one combined, and we would support both of those Special Permits, particularly because of our concern about the way that the property faces

Donnell Street.

H. THEODORE COHEN: Thank you.

Patricia Vigderman.

PATRICIA VIGDERMAN: Yes, I'm the other person who lives at 8 Donnell Street, Patricia Vigderman, V-I-G-D-E-R-M-A-N.

The main concern that I have is with the possibility of adding trees on the front. I mean, one of the things that we've wanted on Donnell Street for a long time is more trees and because the sidewalk is very narrow, we haven't been able to do that. And so the possibility of having a, you know, a space where there will be room for trees is extremely attractive for the whole neighborhood.

Thanks, that's all.

H. THEODORE COHEN: Thank you.

Heather Hoffman.

HEATHER HOFFMAN: Hello. Heather Hoffman, 213 Hurley Street and I don't live anywhere near this. My interest in this is actually personal, however. I know the people who are happy and unhappy about this, specifically, you know, you all know that I know Charlie Teague and I know Peter Cohen who lives next-door. And I'm not going to speak to the merits of this because as I've confessed before, I don't get three dimensions from two dimensions. But what I do know is that this Board and City Staff, when they put their minds to it, can make projects much better and can come -- can help people come to resolutions that they can all live with. And so, although this is not a 200-unit tower, it's a small project. Those are the things that matter, too, to the fabric of our city and our neighborhoods, and so I hope that

the Board will give this as much attention as you would give to the 200-unit tower and help everyone come up with, not a design that I can do this because I can do this or because this is gonna make money or whatever reason, but because it's gonna be good for the neighborhood. So that's my request.

Thanks.

H. THEODORE COHEN: Thank you.

Linda McJannet.

LINDA McJANNET: McJannet. Can I swap with Michael? We share the same house and he's got a picture?

H. THEODORE COHEN: Of course.

MICHAEL O'SHEA: Hi, I'm Michael O'Shea, O-'-S-H-E-A. And Linda and I live at 338-340 Walden Street. We are sort of catty-corner abutters to the rear. I took a photo from our

back deck and I'd like to share it with the Board. As you can see, the site is at the moment, it's a green site. The properties on both sides of the site have prominent structures backing up to the rear lot. This site would sort of fill in, this proposal would fill in the site so that we would have a view of three structures across our -- the back from our view. We would like to see the rear structure moved forward, pushed up towards Donnell Street so that there could be some additional greenery, you know, in the back from our view from our back deck. I think that's the essence of it.

We feel like there's been, you know, this encroachment up to the back lot lines and, you know, we'd like to see more green and less buildings.

That about it?

LINDA McJANNET: That's about it, but I'll add my two cents to it. You just had the picture.

My name is Linda McJannet, M-C-J-A-N-N-E-T. And as Michael said, we share the house, one of the abutters to the rear, and I've heard a number of comments about landscaping in the front but not very much about landscaping in the rear. And the trees that you can see there now are not actually on the site that is under discussion. They're on Peter's site. And I just would like to second what Michael said. We do feel a little bit hemmed in. The grey house, I understand that was sort of dropped in from the sky as a pre-fab some years ago, would not be allowed now. And we also are downhill so even if a structure is not all that tall, we are already downhill from it and it will loam rather

large from our perspective. So if there's any way to shrink the courtyard and move everything up a little, that would be a plus from our point of view, and particularly we'd appreciate some greenery to screen the third building that will now in-fill the open space that we look at.

Thank you.

H. THEODORE COHEN: Thank you.

Stephen Bolotin.

STEPHEN BOLOTIN: Good evening, Members of the Board. My name Steve Bolotin, B-O-L-O-T-I-N. I'm one of the residents of 7C Donnell Street. I'm also one of the trustees of the Stapleton Court Condominium Trust representing units A, B, and C.

Other than Mr. Cohen, we are the ones directly most affected by this particular development. So we have certainly paid very

close attention and worked very closely with the developer to see what is going on.

We've seen two proposals here tonight; the by-right design and the Special Permit design.

The by-right design is one large long looming structure. I think that in terms of shading for the neighborhood it's the worse design we could possibly have. We've essentially heard nothing positive about it. We've heard people objecting to the driveway and garage in the front of the street, the limited amount of landscaping that it would allow, the limited amount of open space that it would allow, the above ground vehicle use. It is in essence the anathema of what the neighborhood stands for.

The Special Permit design, two buildings, is very consistent with the neighborhood. I

myself are in a two-building unit; 7A being a single building, 7B and C being the two town homes in the rear. We've seen that 7 Donnell Street is also two buildings, although the rear is office space/studio space but two large buildings. That's pretty consistent. So two reasonably-sized buildings would be the best use of light for the neighborhood would certainly be the preference of the people at 7 Donnell Street.

Additionally we appreciate the design utilizing underground parking versus above-ground parking. Obviously traffic is an issue on the street as a one-way street that's used as a cut-through quite frequently coming from Walden, Sherman, and those streets back into the Concord Avenue. So the idea of keeping the street a little bit clearer, having cars being able to come forward back out of a garage rather than

backing into what is a very narrow street, at a T no less from R.C. Kelley which is really the only way that we can get in often is the benefit as well.

At present the building that's there is a small squat building. It's very unattractive. The photos I think don't remotely do it justice. The back frankly is even worse looking from where we stand.

Ultimately other than the shade issue that Mr. Cohen faces, I face the biggest effect of this design by allowing the two-unit design which moves further back, that comes the closest to my windows, my decking, my space, so I've got a lot to say when it comes to that. And yet I'm still willing to support this particular proposal as the best use of the site. If you're going to put two buildings on the site or two units, and

that is consistent with the neighborhood and that is what's permitted, if you're going to put two units, I would prefer that we put two units there that provides some measure of open space, some opportunity for landscaping, some opportunity for light to pass through, and certainly an opportunity to present -- to prevent a great deal of windows and other things staring right on top of each other. Cambridge is a mix of urban/suburban space, and I think I'd like to see something that sort of meets both of those criteria giving us that urban feel that we love in terms of community but still giving us some of that openness.

Thank the committee for its time.

H. THEODORE COHEN: Thank you.

Is there anyone else who would like to speak? Please come forward.

PETER L. COHEN: Hi. I'm Peter L. Cohen at 11 Donnell Street, apartment 1 and joined here by my wife Michelle Mentis-Cohen. I came with a prepared letter, but a lot of facts seem to have changed without me realizing so I'm going to have to depart from my text a little bit and just comment on some of the things that have been said tonight.

I was particularly surprised to see that a new set of plans have now come in that we haven't received. Up till now the trustee of the trust that owns it and the developer Charlie Teague have been pretty good about getting us stuff. We're trying to work things out together. Sometimes there's delay. I don't know what the reason is tonight, but I do know that the plans that you're looking at now and were shown in the presentation are different than the Special

Permit plans that we have seen in some non-trivial ways. So I would really like to get the most up to date plans and showing the -- all three versions as much as we can as well as a copy of the PowerPoint.

One of the -- much has been made about the shadow studies. I'm still trying to figure out can we rely on the accuracy of the shadow studies? Who did them, for example? What is the consequence of relying on them? What if they turn out to be wrong? I -- the concern for accuracy and detail that Hugh Russell mentioned also concerns me. I think if we all pulled together and ultimately agree on, you know, an ultimate plan, there's going to be a year of construction, there's going to be lots of meetings and lots of important attention to detail, things that just go wrong by nature. But

getting things accurate now is important.

I -- Peter Costa (sic) has said things that made it sound like right now it's a vast wasteland of the backyard. Somehow the proposal creates new green space. I see it rather differently having lived there for 22 years next-door, it's been a variety of semi-forested out back which is recently cut back to more grassy areas which is very nice. But I understand the economic pressure to build housing at every opportunity.

I should say despite my perhaps critical tone about many aspects of this project, that we're not fundamentally against the zoning relief being asked for. Nobody likes the so-called by-right plan. The idea of underground parking probably has merit. I -- we're not against the idea of granting the, you know, the two Special

Permits requested.

One of the things I'm wondering, when you make a grant, though, to what extent now does that lock developer in to specific, you know, specific designs that he says oh, I can't now change and I have to go back to the Board. So from my point of view any relief that's granted should -- will leave the developer with some flexibility so that they can with the consent of the affected abutters make desirable changes.

We have not found the developer very forthcoming in terms of responding to our clearly articulated concerns when it comes to shadow and privacy. On the other hand, we've had much more productive discussions about open space and greenery and there perhaps is some deal to be made.

I should just point out, however, that --

so we would like some version of what's being proposed here. Ultimately, however, it has a big affect on us. We would lose at least eight large trees, 35 to 40 feet, that are hard to replace exactly. And that to do the construction that they're proposing would require access to one of our driveways which would be out of commission for a long time and to go do the underground parking. They would just need cooperation. These are areas which are beyond the Board to grant. These are arrangements between private parties that have to be met.

So you have a lot of collective experience and wisdom, and I agree completely with Heather Hoffman's point that it would be great to give this project your tender loving care and improve it in whatever ways are possible because we don't have, personally don't have at

hand every accurate detail. I wouldn't think it a bad thing to continue the hearing to a new date not far in the future so that we could all be on the same page literally in terms of the details of the proposal. And as I said, we would like to get to yes in supporting this. There are a lot of further particular points that I can respond to, but I don't want to wear out my welcome and I would be happy to supplement them in writing especially after having a chance to look at the transcript.

Thank you.

H. THEODORE COHEN: Thank you.

Excuse me, Mr. Cohen, I'm a little confused. Eight trees, are they on the 9 Donnell property or are they on your property?

PETER L. COHEN: They're eight large trees that are on our property. Seven of them

are very close to the property line. The eighth one is about two feet back, but there is -- they're also being -- well, the removal of the existing garage will undermine one of them or two of them actually, and then the removal -- then the excavation necessary to do the underground parking will almost surely, you know, kill the roots and whatever is there. And that's why if we do get to some kind of consensus plan, it will involve some degree of tree replacement. They won't be as trees -- nice trees. The good news is that their planting specialists and ours have a good relationship and have good productive conversations. That's sort of where we were making the most progress I would say.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: Okay. With none appearing, Board Members, are we prepared to discuss this? Actually, I would like to hear from Suzannah as to any comments she may have about the design. We have received some comments in the memo, but there have been some changes made since the memo and we'd like to hear what you have to say about it.

SUZANNAH BIGOLIN: Thank you. And I have to admit my plans were the October version, so I'm a little bit behind, but you have our memo which we do talk about the sort of the modest scale and building footprint that we think fits in with the neighborhood.

The underground parking is beneficial from an urban design perspective because we do avoid the double garage on the street frontage.

And we also understand the need for the

sort of additional privacy on the street facade that we would like to see more glazing and more sort of fenestration perhaps on that street facade as well as make the building more prominent.

The retaining wall was an issue we raised in our memo as well, and I think the height is sort of stepping down which is an improvement, and we just want to make sure that height is minimized, especially when it turns down to the side of the driveway because it can be quite imposing for pedestrians.

I didn't have a good look at the shadow diagrams, so -- but it looks like there's not a huge amount of overshadowing from what I can see and still areas of sunlight to the neighboring properties.

Are there any questions about our memo?

H. THEODORE COHEN: Not so much about your memo, but I'm curious about your comments about the design. I mean, it's very square and very rectilinear and we have seen some of the other buildings in the neighborhood, and yes, there are triple deckers on the street that have flat roofs and then some of the new buildings have flat roofs, but also they tend to have parapets and other factors that, you know, mitigate against the hard edge of this. I know a lot of modern structures are like that, but I was wondering what feelings you had about it and how it fits into the neighborhood.

SUZANNAH BIGOLIN: I think the modern structure does fit into the neighborhood in terms of its scale and the footprint. There are sort of -- it's an eclectic mix of architectural styles in the area and it's an evolving

neighborhood. So there are newer buildings and new designs, so that is sort of changing as time progresses.

I think there could be more attention paid to some of the fenestration and glazing perhaps on the street facade to make a better fit with the neighborhood. The flat roof I think fits with the triple decker next-door so it's not a huge issue in my mind.

H. THEODORE COHEN: Okay.

Anyone else have questions for Suzannah?

AHMED NUR: Yeah, I do.

Suzannah, just reiterating what you said, the change of neighborhood and progressive so on and so forth, as we Cambridge residents move on forward, where do you see it in terms with buildings? I mean this building to me, even though it doesn't fit in with the existing

neighborhood, at some point we want to build things that, you know, there's a climate change and we're faced with water, rain, wind, and whatnot, faced with something more rigid than that last long. These buildings to me, the sidings, the cottage three, (inaudible) were built back then, and we're moving into new century, so on and so forth. So I understand that the, you know, the parapet roof fits into an existing building, and I understand that this type of design fits into in Cambridge, so on and so forth. But I wondered are we close to making changes in these neighborhoods as of to building something that would last longer than what I'm looking at basically? And I appreciate it that you said that we need more fenestration. A lot of these facades to me looks like one bay with small tiny bay windows at the bottom of one place

and no other fenestrations because maybe the neighbors says, hey, I don't want a window looking at me and they basically erase the entire window on the facade. And so in other places it shows these shutters. They're beautiful shutters like a Beacon Hill style that are sort of --

HUGH RUSSELL: That's next-door.

AHMED NUR: What's that? This is next-door?

HUGH RUSSELL: Yes.

MARY FLYNN: Yes.

AHMED NUR: Okay. Anyhow, just reiterating what you were saying and I appreciate you pointing that out. I'm not too crazy about the design.

Thank you.

H. THEODORE COHEN: Suzannah, I have another question. Have you had any discussions

with the proponent about the as-of-right design?

SUZANNAH BIGOLIN: We haven't had much discussion about the as-of-right design. Obviously the parking would be the big issue with that design and the length of the building within the site.

H. THEODORE COHEN: If they were to do something as-of-right, I don't know if you can express an opinion now, but does the garage have to be in the front?

SUZANNAH BIGOLIN: I think you could probably work out the garage in the same location possibly, but underground.

H. THEODORE COHEN: Underground. And still have just a one --

SUZANNAH BIGOLIN: Remove the rear dwelling forward connect.

H. THEODORE COHEN: And they would

connect them as one structure?

HUGH RUSSELL: But there would be no open space.

H. THEODORE COHEN: There wouldn't be the open space between the two structures, right.

Steve, you had questions?

ATTORNEY ADAM COSTA: And the driveway proximity would require a Special Permit.

STEVEN COHEN: Suzannah, there are a lot of things that I could talk about the design and I would like to talk about the site plan primarily later. Just one simple design question I wanted to ask you almost arbitrarily picked out among the various issues here, and that's the front elevation of the building. The elevation that faces the street which, you know, should be the one that we as a public body is most concerned about. The applicant has expressed

understandable concern about lights from passing vehicles, and they responded to that concern by eliminating fenestration, which I understand works for their internal reasons, but I'm not sure it works best from the streetscape perspective. Do you have any thoughts now or at some later date about how that could be designed to address the legitimate understandable concerns about lighting, but could nevertheless produce a front facade which presents more, you know, friendly, attractive, familiar face to the public way?

SUZANNAH BIGOLIN: I think the windows could be shattered or louvers, blinds. There are sort of ways that we can limit the lighting so that would be possible.

STEVEN COHEN: Okay. Later. Thanks.

SUZANNAH BIGOLIN: Okay.

H. THEODORE COHEN: Okay.

So, Board Members, what do we wish to do right now?

Hugh.

HUGH RUSSELL: Well, I wish to make some comments.

STEVEN COHEN: What a surprise.

HUGH RUSSELL: I think they've made the case that the basic design of two buildings, a space in between, the garage under that, is a very sensible approach to maxing out the development potential on the site. And I'm also not concerned, and apparently Mr. Cohen isn't concerned, that the driveway that goes next to his house will remain, it will be less visible because it will be heading downhill.

So, those are the two things we have to make findings on, and I think we can do that.

Now the things that I'm not happy about are along with my colleague Mr. Steven Cohen is the front elevation. I think we should attach a condition that the amount of glazing on the front elevation be similar to the glazing on other elevations and similar to the proportion glazing in other structures on the street. I believe, you know -- people don't -- people with their headlights on driving during the day really aren't the problem. And at night most people have blinds and close them and that means of course the street doesn't benefit at night from overlooking but that's the way it is.

One of the -- there are three windows right now. If one -- it's apparently this big in the kitchen. There's one in the front entry hall that just stops and the view stops, but it's also got glass you can't see through. So if the stair

light's on, you might see something. And then there's one which apparently is up kind of high in the corner of the bedroom. It's a little unclear. It may actually be a normal window, but in the elevation is way up in the corner. So I think something more windows. I mean, clearly the other elevations have lots of windows, they're sort of really quite interesting, and they're, you know, the thought about getting light and not -- and blocking views, it's been done very thoughtfully and I think they have to let go of the -- oh, the traffic coming down the street is going to ruin things and open up to the street more.

And then trees. I think they need to -- if they've got to cut down a bunch of Mr. Cohen's trees to build their building, they should replace those trees. And I think we should have

a condition about the street trees in front that people across the street on Donnell Street and then for Mr. O'Shea and, you know, that they would like to have a couple of trees in the backyard. It's 35 feet deep. There's clearly room for planting there. You could, you know, you can discuss it. I mean, there's -- if you want to maximize the open area, that might be like a hemlock hedge along the property line, but in some way all of these items are things that need to be discussed with specific abutters to come up. And I don't see any -- you know, I think they're willing to have those discussions, but I think we as a Board should say when it's all done, there should be more trees and the abutters should be happy.

Now the --

H. THEODORE COHEN: Have we ever made all

of the abutters happy?

STEVEN COHEN: It should be a condition.

HUGH RUSSELL: I mean, it's interesting here that everybody who has spoken has said they think, you know, this plan is a better plan. Now admittedly the alternative plan is, although it's of right, is not a very good plan and there could be better plans by being a little more inventive in the section if they have the front house be over the parking or have the parking come down the side, but that would not be better than the one they would like to build and other people feel it makes sense to them.

Now, this is a rendering, these renderings are kind of schematic and they show a sort of blueish gun metal grey house with black window frames. This is not the friendliest color scheme in the world. Again, we don't -- I think

the color schemes on the residential level, it could be more friendly. And I don't know how -- I don't, you know, do we put a condition or do we just turn to the proponent and say, you know, it could be more friendly if there weren't black windows and gun metal grey.

JOHN WALKER: If you look at the other renderings, and it's just a couple of shades of grey we're talking about, this house has a black roof, that has a black roof, this is grey. I'm not necessarily hanging on to the color scheme at all, but I'm guessing that it's --

HUGH RUSSELL: I'm just commenting that it, that part of the severeness of the design comes from these renderings which the building could be as bad as the rendering but it's not likely.

JOHN WALKER: So much for AutoCAD.

HUGH RUSSELL: Right. But it's, it's a great challenge and particularly it's a great challenge in rendering color when, you know, printing on the one hand and projecting it on the other and you're seeing it on your screen and friendly design. It's -- so.... I think we really ought to approve this and I think we ought to sort through the dust and make sure that we've covered the various concerns that people have to do as Heather said, you know, do our thing, but try to make it as good as it can be.

H. THEODORE COHEN: Hugh, I have a question for you. Do you have any thoughts or comments about the, I guess it's the rear facade of the rear building which is just a blank wall?

THACHER TIFFANY: The front facade.

H. THEODORE COHEN: Right, the entry is at the other end I guess. So whatever you want

to call it, the facade, that's on the courtyard.

MARY FLYNN: That's on the courtyard,
yes.

H. THEODORE COHEN: The front building is
looking out through the large windows of the
courtyard and at this blank wall.

HUGH RUSSELL: That's unfortunate.

LOUIS J. BACCI, JR.: Great place for a
trellis.

HUGH RUSSELL: Right, there are things
you can do. I mean, there are lots of corner
windows in this building. Maybe a window that
wraps around the corner a little bit. I believe
the blank facade is facing south; is that
correct, more or less? Southeast. So it's an
opportunity to get some sun, more sun. You know,
there's an opportunity to maybe get some views
towards the street sort of particularly where the

two driveways between 9 and 11 give you quite a wide space. It's also not a place where you could be intruding on the privacy of the people who are at 11 if you're -- you know, so, I think it could be improved without creating big problems.

But it's sort of odd, you know, like the lots of windows and walls that face No. 7, there's no windows facing the front house.

STEVEN COHEN: You could do the same thing with high windows and still retain some degree of privacy.

HUGH RUSSELL: Yes.

H. THEODORE COHEN: Okay, any other comments? Please.

STEVEN COHEN: I agree entirely with Hugh. I just wanted to do a few more specific -- when I look at the proposal like this, I think as

Catherine knows, it's all about context. And it's sort of the existing patterns of development in the area, and most especially the immediate abutters. I mean, this house complies with the FAR requirements. I think according to list we saw no other house on the block complies with the FAR requirements. They all have more gross floor area than is permitted under current zoning. I think this area at some point must have been down zoned and that frequently happens in Cambridge, neighborhoods are down zoned and virtually every existing house and structure in the neighborhood ends up being non-conforming. This house or this proposal as redeveloped will actually be just about the most conforming structure in the neighborhood. So it conforms as to FAR.

As far as the issue of the rear building and the 75 setback -- foot setback, well, each of

the properties on either side of it present the same non-conformity. So in terms of, you know, patterns of development, it's very consistent with its immediate abutters.

The change by redeveloping this lot improves the setbacks, front, side, and side. So now all the setbacks will be conforming currently even not conforming.

The parking as we've pointed out, will be going underground. That's not required. Parking is permitted on grade. By placing it underground, it improves the views for the neighbors.

The as-of-right options, well as applicants frequently do, the as-of-right options presented are the worst possible as-of-right designs that they could come up with. So, yes, I agree with Hugh, you can do better. But I also

agree with Hugh that even though you can do better, they're not going to be superior to what was presented to us and they're likely to be inferior to what is presented to us. So for all of those sort of site planning and zoning reasons I would certainly support the permits required for this proposal.

Having said that, on the design and architecture in general, I got, you know, some concerns. Some of them arise from just accuracy and details. I'm not sure that everything has really been worked out well or thought through well, and I think we should have some sort of mechanism as a condition of any approval here for further review by the City, perhaps, ideally by Suzannah Bigolin and we can discuss whether or not it ultimately has to come back to the Board. But I don't think that this is a matter of go

back and do better and then come back. I think this is something that requires sitting down with somebody and discussing the design issues and working with a staff person to address and improve the design.

And then I think the last thing that I'd say as a developer myself, I've heard through this proposal what they paid for the lot and I'm looking at what's being proposed, I'm thinking through some of the numbers involved here. I don't know if anybody's done budgeting, but I really question the economic viability of this proposal. And I hope that we don't go through this entire exercise and then find that it's not viable. And there's two different versions of not being viable.

One, it turns out can't do the project, and it doesn't happen and we're back to the

drawing board.

The other version is that they go forward with the project but they start cutting corners and it doesn't get done quite the way it's being presented to us. And I think it's important that whatever it is, that we do ultimately approve after whatever sort of design review process they go through, that we be sure and the neighbors be sure that it actually does get developed and built the way it's presented and approved to us. And as I say, economic viability creates some concerns in my mind about that. But those reservations aside, in general from a site plan and zoning perspective, I think it's a proposal that we should approve with appropriate conditions.

HUGH RUSSELL: So I just have one -- I've been studying the history of Zoning Ordinances.

And in 1924 it was an R-3 District which is roughly the same as Residence C-1. It became Residence C-1 in 1940s when -- '43 when major rezoning happened. Sometime between then and 1970 it was down zoned to Residence B. I don't have any maps in between those in that 25, 27-year period, but I think most of the structures in the neighborhood were probably built before 1924. And those that weren't, were built between '24 and, you know, '43. Probably the additions that were shown in the townhouse across the street, if they didn't get zoning variances, are conforming.

The other point I guess I would make about conformity is that the basements of these structures don't count even though they're fitted out as living space because the ceiling height is six-foot, eleven. Although now it can be raised

if Council really keeps that basement provision that they just passed sort of. But anyway.... That's what I can glean from the maps.

H. THEODORE COHEN: Anyone else have any other comments?

Ahmed.

AHMED NUR: So I'm just to going to speak to the points that we haven't talked about yet. Attorney for the project says that there is nothing in the structure that was in code compliance, and I, you know, I doubt with historical or landmark, depending on what city you're in, they usually don't, they give you a recommendation of how to actually put it back into historical if it was a historical building and then how to do the repairs and so on and so forth. If they have given you the go ahead to demo?

ATTORNEY ADAM COSTA: They have.

AHMED NUR: They have. Okay, so there's no point in mentioning that. Okay.

ATTORNEY ADAM COSTA: We don't have a demolition permit in hand because your Ordinance requires that we get the permit.

AHMED NUR: Yes, okay, good, I just wanted to clear that.

HUGH RUSSELL: Well, they said more than six months ago the demolition could stay on. The stay has expired.

H. THEODORE COHEN: And in that period they could have started the process to landmark it.

HUGH RUSSELL: And they didn't.

H. THEODORE COHEN: And they chose not it.

AHMED NUR: Okay. I just wanted to

clarify that point.

And the second point, this would be for Charlie on the water retention for lack of a better word. Are you tying those -- does that belong to a drywall or are you tying into the city drain?

CHARLES TEAGUE: No, there's no connection to the city sewer system. It's all --

AHMED NUR: Not necessarily the sewer system.

CHARLES TEAGUE: No, it's a series of leaching pits in the rear yard and that will hold some vast quantity of storage. So this infiltration into the ground which takes a while and then there's retention in the tanks.

AHMED NUR: Okay.

And you said on that there was a word on elevation, the stonewalls there, retaining walls,

they let you're going down, these leaching things, they go down to five feet or so. If you got a drop on stone, you're going to have water coming out to retain the stonewalls.

CHARLES TEAGUE: We had extensive series, we did borings at No. 7 and on-site and put in monitoring wells and it's 14 -- ground water is 14 feet down.

AHMED NUR: Okay.

So, this being the first public hearing, Mr. Chairman, right? This is the first public hearing we're having on this project?

H. THEODORE COHEN: Yes.

AHMED NUR: I normally would not really, given the drawings that we have and so on and so forth, and also some of the neighbors saying we have not seen these drawings -- would you like to speak to why weren't the drawings not given to

some of the abutters before tonight?

ATTORNEY ADAM COSTA: I will.

So I mentioned when I first got underway that we had made various submittals to the Board over several months. I can't speak to what any individuals are or might have in his or her possession. Mr. Cohen indicated he had not seen the latest iteration. If by latest iteration, he means the version that was submitted to you on January 7th, which was, what, last Thursday or Friday, Thursday?

AHMED NUR: Yes.

ATTORNEY ADAM COSTA: That was because we received the CDD memo, and all that was done in those revised plans were we attempted to address the two issues that they raised:

The issue with respect to the stonewall in front of the property --

AHMED NUR: Sure.

ATTORNEY ADAM COSTA: -- and segment of the two smaller retaining walls. And then to add an additional window to the side. I know multiple members mentioned a concern with the lack of windows in the front and the side walls.

AHMED NUR: Yes.

ATTORNEY ADAM COSTA: It was worse than you're seeing on the plans --

AHMED NUR: I see.

ATTORNEY ADAM COSTA: -- prior to the current version. So we added a single window there. And to do that, it actually required a fair amount of shifting within the floor plan to provide for a window above a sink that was relocated from another area in the kitchen. So those two changes were made to the plan, that's all, between that and the earlier version of the

plan.

AHMED NUR: I feel a lot better about that. Thank you.

So those are my comments. Thank you.

H. THEODORE COHEN: Okay. Anyone else? Sorry, no.

JOHN WALKER: I was just going to ask you if I could?

H. THEODORE COHEN: No.

So I guess the first question, Mary, did you want to --

MARY FLYNN: No, no. I don't have anything to add. I think Board Members have raised all of the relevant points --

H. THEODORE COHEN: Right.

MARY FLYNN: -- and there really isn't anything that has been said that I would disagree with.

H. THEODORE COHEN: Right, no, I think between Hugh and Steve they've covered all the issues we could raise.

So the question is are we prepared to go forward this evening on what we have before us and what has been stated or do we feel there's a need for this to come back to us?

STEVEN COHEN: I for one don't think it needs to come back to us, but I do think that it needs a design review process with the staff.

H. THEODORE COHEN: Right, well that's no problem.

CATHERINE PRESTON CONNOLLY: I'd agree with that. I think as Hugh accurately put, we have enough information to make the findings we need to for the Special Permits that have been requested.

H. THEODORE COHEN: I agree with that,

too. I think, you know, we have left to staff a lot larger issues on a lot larger projects and I think with the information that's been elicited tonight that they would have a pretty clear idea of what we think. And that if they run into a problem, they can bring it back to us.

Is there anyone who feels to the contrary?

(No Response.)

H. THEODORE COHEN: If not, then somebody like to make a motion? Perhaps, Hugh, you could make a motion?

JEFF ROBERTS: Mr. Chair?

H. THEODORE COHEN: Yes.

JEFF ROBERTS: Just before you start doing this, this is the point where I point out one full board member is absent and so one of the associate members need to be appointed to vote on

this case.

AHMED NUR: Go over there.

H. THEODORE COHEN: Thacher, you would be the one to vote?

THACHER TIFFANY: Happily.

H. THEODORE COHEN: Ahmed, you can still vote, too.

STEVEN COHEN: It just doesn't count.

H. THEODORE COHEN: It just doesn't count.

AHMED NUR: I feel very special now. I'm actually glad.

H. THEODORE COHEN: We don't want to exclude anyone.

THACHER TIFFANY: My time to shine.

H. THEODORE COHEN: Yes.

So perhaps, Hugh, before you make the motion we should go back.

And so under Section -- Zoning Ordinance Section 5.53 of -- there are two provisions allowing two structures on one lot in a Residence B District.

One requires that all portions of the structure be no further than 75 feet from the street line.

That it's not possible in this situation, and so there is a provision for a Special Permit from the Planning Board providing that the Board finds, and there are two alternative findings we could make:

The first is that the 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 in a single structure.

So if we can find that, then we don't

have to go to the alternative which then has six subsections where we would need to make some findings on.

Do people feel that we can conclude that the -- this will not significantly increase or it may reduce the impact of new construction should occur in a similar structure?

LOUIS J. BACCI, JR.: Yes.

MARY FLYNN: Yes.

STEVEN COHEN: Yes.

H. THEODORE COHEN: We all feel that?

Fine.

And then the other Special Permit is --

CATHERINE PRESTON CONNOLLY: 6.44.

H. THEODORE COHEN: -- 6.44.1 which provides -- sets forth the setbacks for open grad parking facilities in the zoning districts and ultimately concludes that 1(g), that the Board of

Zoning Appeal may grant a Special Permit to allow for modification of the requirements in 6.44.1 (a) or (b). It cites specific factors favor such modification.

The first issue is that because we are granting the Special Permit with regard to the project as a whole, we are entitled to issue that Special Permit that would otherwise be issued by the Board of Zoning Appeal. And we have heard reference to the site specific factors which might authorize modification in this case.

HUGH RUSSELL: And the principal site specific factor is the existence at the present both of which are on property line, which is slightly over property line, that's the present condition of the proposed condition, perpetuates that thing which allows for lots of open space between the structures.

H. THEODORE COHEN: Right. And specifically the issue is here is that that should be more than five feet from the building wall, but because of the configuration of the lot, that would be impossible.

So are we all willing to make that finding?

LOUIS J. BACCI, JR.: Yes.

STEVEN COHEN: Yes.

H. THEODORE COHEN: Okay. So --

HUGH RUSSELL: And then there are the general Special Permit findings and --

H. THEODORE COHEN: 10.43.

HUGH RUSSELL: -- that Attorney Costa that referred to in the urban design criteria analysis he made which I have not yet found in the paperwork for which I'm pretty sure Liza just gave me. It's in here perhaps.

MARY FLYNN: I think it was in the previous package.

ATTORNEY ADAM COSTA: It was -- in the November submittal included a single document which was the urban design guideline standard, the guidelines and how each of them were satisfied.

HUGH RUSSELL: We should look at those and see if we agree with the analysis.

And so I think this is the document. It was dated 10/15/2015. Maybe there's a later document that I don't have. But 10/15 has the Global Special Permit Criteria, which first is the requirements of the Zoning Ordinance will be met. If we have a permit, I think people believe that's true.

That traffic generated or patterns of access or egress will not cause congestion,

hazard, or substantial change in neighborhood character. And that was the subject of some design modifications suggested by the Traffic and Parking Department to tweak the design.

The continued operation of adjacent uses would not be adversely affected. Basically we had the abutters on three sides provided testimony and supported the proposal.

No nuisance or hazard, and we might reference under that the attention to the city Engineer to the groundwater and the applicant's quite unusual and extensive engineering work.

LOUIS J. BACCI, JR.: Yes, quite unusual.

HUGH RUSSELL: Not typical for a residence, but seems to have that under control.

And then the urban design criteria, and I would just rely on Suzannah's analysis of the citing memo that she gave us.

So, I would move that we grant the two requested Special Permits with the findings that have been summarized and that we would require that there be additional design review of the project that would review any future changes that might come up that would address the planting of trees to provide either amenity to the street or buffering to the abutters.

And in large the amount of glazing facing the street.

H. THEODORE COHEN: I would also suggest that we add that we received a memo from Traffic and Parking dated January 12, 2016, with a couple of conditions and they're relating to the driveway and the slope of the driveway and the stonewall.

And that final designs be reviewed and approved by Traffic and Parking and that the

project be reviewed and approved by DPW to make sure they're in conformance with the public plans.

AHMED NUR: Does that include the curb cut?

H. THEODORE COHEN: Well, we don't grant the curb cut. The City Council grants the curb cut if they need to get one.

HUGH RUSSELL: I think they probably -- it's got to be enlarged.

H. THEODORE COHEN: But that's not something we do.

HUGH RUSSELL: Right.

STEVEN COHEN: Could I also suggest with just a little bit more specificity if -- to the extent that the development of this site is responsible for the loss of trees on Peter Cohen's abutting property, that the owner -- the

developer, the applicant will -- well, either take steps, you know, to protect those trees or if those trees are lost, to provide for a mutually agreeable replacement of trees? This relates to trees, not on the applicant's site but on the abutting parcel.

HUGH RUSSELL: Good catch.

H. THEODORE COHEN: Anyone else have any other proposed conditions?

(No Response.)

H. THEODORE COHEN: Jeff, are you clear?

JEFF ROBERTS: Suzannah is over there.

There was a condition about the entrance and the glazing and looking at the front entrance to the building and looking at ways to make that more engaging with the street, but besides that I think that covers everything.

SUZANNAH BIGOLIN: I think that could be

just looking at the glazing if it's tinted or not.

H. THEODORE COHEN: Right. Looking at the glazing, actually, both in the front facade and also in all of the facades in the rear building, too.

SUZANNAH BIGOLIN: In the rear, okay.

HUGH RUSSELL: There are little things you can do like if there's a slight overhang on the porch protecting the entry on the side can wrap around to the front that signals from the street that there's something going on.

CATHERINE PRESTON CONNOLLY: Hey, there's a door here?

AHMED NUR: With an arrow.

HUGH RUSSELL: Yes, so....

H. THEODORE COHEN: Okay.

THACHER TIFFANY: And do we also want to

add something generally about checking the materials and colors of the at least public facade?

H. THEODORE COHEN: Well, I assume that will fall into --

THACHER TIFFANY: That was included in what we --

H. THEODORE COHEN: -- CDD's review of things. And they have continuing review. And if there's some issue that they can't resolve, then they'll bring it back to us.

All right, there's a motion. Is there a second?

CATHERINE PRESTON CONNOLLY: I'll second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: All those opposed?

Anyone opposed?

(No Response.)

H. THEODORE COHEN: No, it's unanimous.

Thank you all very much.

We have no other matters on the agenda
for this evening.

ATTORNEY ADAM COSTA: Thank you all for
your time this evening.

(Whereupon, at 9:15 p.m., the

Planning Board Adjourned.)

* * * * *

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

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

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

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of February, 2016.

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

My Commission Expires:
April 29, 2022

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