

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, June 21, 2016

7:00 p.m.

in

Second Floor Meeting Room
344 Broadway
Cambridge, Massachusetts

H. Theodore Cohen, Chair

Hugh Russell, Member

Tom Sieniewicz, Member

Steven Cohen, Member

Louis J. Bacci, Jr., Member

Mary Flynn, 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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GENERAL BUSINESS

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Development Department 4

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Public Hearing

7:00 p.m. Peter B. Kroon, et al, (also known as Friends of MAPOCO) Zoning Petition to expand the requirements of the North Massachusetts Avenue Subdistrict (Section 20.110) applicable generally within the portions of the Massachusetts Avenue Overlay District (MAOD) zoned Business A-2 (BA-2). In summary, Section 20.110 requires retail or active office use at the ground floor of any new building otherwise containing residential uses, with relief available under limited circumstances, and allows a total maximum Floor Area Ratio (FAR) of 1.75 and height of 50 feet for such mixed-used buildings.

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General Business

PB#198 -- Discovery Park, Buildings 400 & 500
Design Review and approval for the construction
phasing of the two buildings. Public comment will
be taken for this review.

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Board of Zoning Appeal Cases:

BZA-010252-2016, 40 Erie Street, 200 Sidney
Street, and 95 Waverly Street to install two (2)
monuments signs each measuring thirty (30) square
feet on the property. Each sign will be located
in a separate location on the property. Although
one of the monuments signs is permitted, a
variance is requested to install the second
monument sign.

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PROCEEDINGS

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H. THEODORE COHEN: Good evening, everyone. Welcome to the June 21st meeting of the Planning Board. We'll start with our update from the Community Development Department.

IRAM FAROOQ: Thank you, Mr. Chair. Good evening. So today's meeting has -- our hearing is on the Kroon petition, also known as MAPOCO, the 2.0 version of it.

And then in General Business we have design review of changes at the Discovery Park project.

The Ordinance Committee hearing on the MAPOCO petition is going to be tomorrow June 22nd at three o'clock. The Board's next meeting is June 28th, and the public hearing then is on -- is a continuation of the 95 Elmwood Street

project which you'll recall is residential to smaller residential development by Linear Park.

And there is a pre-application presentation for the development that -- for the MXD District in Kendall Square. This is the CRA Boston Properties piece that was the zoning for which was permitted a few months ago.

And on your following meeting, July 12th, we will do a -- our housing staff will be here to do an update on the inclusionary housing report which is being discussed right now at the City Council's Housing Committee. They've had two hearings on it and will have at least one more, potentially two, but they have not been scheduled. And there's also on July 12th, there's a public hearings on the Sage Cannabis development which is the rezoning for medical marijuana district that was approved on Mass.

Ave. And that project is coming for its Special Permit on the 12th -- on July 12th.

Other items of interest, the Envision Cambridge process is moving at pace. There have been a couple of public meetings this month. And then on the 30th of June there will be a panel discussion looking at the challenges and opportunities followed by -- and July 21st, so quite a bit later, so there will be a visioning workshop for Alewife and that is the 21st, 6:30 to 8:30.

A few updates from last night's Council meeting. We have forwarded the report of the work of the outdoor lighting task force. You might recall there's been -- there was a zoning petition several years ago, and as a result of that, we formed this task force to look more, in more detail at the outdoor lighting issues. So

there is a set of recommendations that include a draft ordinance, a lighting ordinance, that would be a municipal ordinance, not in zoning, some changes to Article 19 that would essentially require that people submit a lighting plan for the Board's review, some strengthening of design guidelines, and essentially requiring Special Permit for any rooftop lighting so that the Board has an opportunity to review. And some of you have brought up in the past the lighting project. So this is trying to address that particular element. And those two, coupled with an education, good neighbor process as well as working with the community to -- in ways that might be able to help individuals bring their properties up to the new regulation which we hope would be the recommendation is to be phased in over -- to actually come into effect five years

from the date with options so that there's
sometime because it will impact everybody in the
city and all lighting, all outdoor lighting.

A second positive piece is that Council
last night approved a request for appropriation
for us to acquire a couple of sections of land on
the, along the Watertown Branch Railroad for the
Watertown Greenway. So, several years ago, 2008
I think, the -- as part of the follow-up to the
Alewife plan, the Planning Board recommended and
the Council had adopted zoning for that section
to be zoned as an Overlay District, as a Pathway
Overlay District so that it would not be able to
be built upon, but the FAR could be transferred
to additional sites. But the City has, from that
time onward had a desire to create a greenway.
There is a southern section that we are working
right now in partnership with the state to

actually construct that feeds into Watertown, so this will give us ownership of a couple more parcels, which is essentially back of New Street, the -- if you remember the New Street project, the Board had actually asked for a connection so that in the future when that pathway were to become real, that people would in fact be able to access it from New Street. So that pathway, that section of the pathway will now be able be a reality if this transaction goes through. So we're excited about that.

When you were discussing the North Point project at your -- a couple of meetings ago, the topic of the I-Cubed application had come up and the state had gotten their tentative approval. The next step was for the City to hold a hearing and to get approval from the City Council. So last night the City Council has also granted

approval on the deployment, so that is advancing a pace which we think is a really positive thing.

The slightly different -- oh, other updates from Council hearings coming up. On June 23rd the Council's neighborhood and long term planning committee will hold a discussion on the out of town -- the potential future uses of the out of town kiosk. So that should be -- that's at 5:30 on the 23rd.

On the 28th, which is Tuesday, three o'clock, so you can do both Planning Board and this, the Ordinance Committee will conduct a public hearing to look at the potential zoning for the Volpe signs. And if you recall, they talked about creating some guidelines and parameters for future development. So this will be the start of that discussion. There will also be a Volpe working group that has not been formed

yet, but that will work on supporting the work of the Council over the course of the summer.

The related news is that the GSA has issued their RFP for the Volpe site. We do not have a copy and it's a closed process where it has only gone to the short list of developers. The reason this is not a big cause for concern is that they're not -- they're selecting the developer, but they're not actually looking at design for the site and they are not selecting a designer for the full site. At this stage they will only be selecting the designer for the Volpe building itself. So I think as long as we have the parameters put together and we have a framework for when the developer actually gets the site to start working on it, that will -- or when the designer starts to work on the Volpe building, I think that will be an important point

for us to have our materials ready so that they have a clear set of understanding of what the City's goals are.

Two final positive things that -- celebratory things. This Friday is the citywide dance party. It's the hottest ticket in town. Be there or be square.

STEVEN COHEN: What is it?

IRAM FAROOQ: Oh, my. City Hall, front steps, it's, you know, tens of thousands of people congregate and dance the night away. So if you've never been, this would be an important event to attend.

And then on Sunday, June 26th at one in the afternoon we have the opening celebration for the reconstructed Cambridge Common which I'm sure people have walked through. It's open now. It's looking great. The project involved new

pathways, reconstruction of the pathways to make them multiuse and improve the accessibility, new lighting. There are several new trees. The canons are being cleaned and the stand that they sit on are being upgraded so that they are, you know, because they were disintegrating. So there's -- it looks much -- all the spit and polish is there. It looks great. And we hope people will be able to attend.

Thank you.

H. THEODORE COHEN: And I'll note that across from the updated common is the new public restroom.

IRAM FAROOQ: Yes, indeed. Yes.

H. THEODORE COHEN: Okay.

Liza, are there any transcripts?

LIZA PADEN: So we have the May 3rd and the May 17th transcript which were received and

certified.

H. THEODORE COHEN: May 3rd and May 17th?

LIZA PADEN: Yes.

H. THEODORE COHEN: Could we have a motion to accept those?

STEVEN COHEN: So moved.

H. THEODORE COHEN: Second?

TOM SIENIEWICZ: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Okay. There's now a public hearing on the petition by Peter Kroon et al, also known as Friends of MAPOCO, a zoning petition to expand the requirements of the North Massachusetts Avenue subdistrict applicable generally within the portions of the Massachusetts Avenue Overlay District. Zone BA-2 which would require retail or active office use

at the ground floor of any new building,
otherwise containing residential uses with relief
available under limited circumstances and has
provisions for maximum floor area and maximum
height for mixed use buildings.

Is there someone that is making a
presentation?

PETER KROON: Yes.

H. THEODORE COHEN: Please come forward.

PETER KROON: > Do you want me to stand
here?

H. THEODORE COHEN: Please stand at the
podium.

PETER KROON: Okay, I did not make a --
it's summer and I'm going to be as quick and as
efficient as I can.

JOHN HAWKINSON: Is the mic on?

HUGH RUSSELL: Push the button.

H. THEODORE COHEN: There should be a green light.

PETER KROON: Okay, can you hear me now? The light came on.

My name is Peter Kroon, K-R-O-O-N, I live at 16 Linnaean Street in Cambridge. And the -- first of all, we're very grateful for the language that the Planning Board approved and sent over to the City Council months ago. And if that had gone through in time and hadn't expired, we probably would have brought these few points up directly with the City Council. But since we had to re-file, that made us look carefully at the language and see if there were perhaps a few tweaks that made sense to consider since we had to come here anyway.

So, my starting point is the language that you already approved, and there's only eight

topics that I would look at.

The first one is in Section 20.102 which is the purpose section. When we look at it, we see that it's silent on what is to the neighborhood the most important reason why we're here, which is the protection and encouragement of a retail and service ecosystem there. So our suggestion would be to add a -- in those -- in that list of five purposes for this Overlay District, would be simply to add that as a reason which just, I think, lays it out for developers and others who will be looking at this in the future. And hopefully you wouldn't have an issue with that.

Moving on to the second one in Section 20.106, this is the section on use restrictions. And what we notice -- I'm going to turn there myself, is that in the first paragraph, there is

a long clause where it says: But specifically excluding areas of parking facilities, etcetera, etcetera, and then it finishes with meeting the following conditions. And we find that confusing. That it's really one of the conditions to be met and it's up there in the head paragraph. So our suggestion was just to move that down into a number 4 below, same concept, just putting it out there as a freestanding condition. So I've put it as No. 4, the ground first floor use of any building may not include areas of parking facilities in a structure that is not underground according to the standards set forth in Section 5.25 of this Zoning Ordinance. Which is basically the same language that's above. So hopefully it's just a clarity. A clarification there.

Then we noticed that the number below

that, the one about the one parking space for each unit in a townhouse being exempt from the limitations of this section, our thought is that applies north of Porter Square. We don't see why it should apply south of Porter Square. So we would simply, since these are being -- since we're really just expanding the existing Overlay District, we thought it made sense to limit that and say north of Porter Square, one parking space. So we're saying, fine, leave it north of -- the way it is, north of Porter Square, but that's one thing we don't see a reason to extend south of Porter Square where the density is much greater. The buildings are closer together and we don't see any townhouses going in anyway. We're not sure why there would be an exemption for that parking space there.

And then the last one, No. 6, is

something that was thrown out to me, and as a facilitator, I'm not here to defend that one vigorously per se, but it was an idea that was suggested, and I've discussed this with Jeff who points out some reasons why it may not work, and so I'm just throwing it out there for consideration, which is the neighborhood would want to not lose any retail use.

Now, if it can't work or if it's handled some other way, that's really for you guys to discuss and decide.

Jumping ahead to the individual store size, now, the reason -- this was the 2,000 feet at the ground level that we had proposed. You all discussed it, and came back with 3,000 feet. My source on this or my person that I've been talking to on this is Frank Kramer who is as, you probably know, is I believe he was the founder --

I actually have a statement from him. He couldn't be here tonight. I'm not gonna read the whole statement, but -- I'm Frank Kramer. I live at 7 Avon Street. And he cites his background. And at the bottom he says, Cambridge Local First is in agreement with the general concept but the Board has not agreed on a 2,000 square foot maximum.

So they -- they were the people who were asking us to consider the 2,000. They had a board meeting yesterday, they don't agree. There's some difference of opinion. So, again, I put this one back to you as the professionals. If we could live with 3,000, it's better than 5,000. There's no -- nobody here forcefully arguing for two. I'd ask you to think it over carefully and decide -- either recommit to the three, think about the two, whatever you decide,

I throw that back to you.

Floor area waiver for enclosed bays and projections. On this one, again, this is a fairly minor point.

HUGH RUSSELL: Can you give me a paragraph number?

PETER KROON: The section?

HUGH RUSSELL: The section number.

H. THEODORE COHEN: 20.110.3.

HUGH RUSSELL: Yeah, what was the section number?

H. THEODORE COHEN: The square footage?

HUGH RUSSELL: Yes.

H. THEODORE COHEN: That's 20.110.21.

PETER KROON: Correct, which is on page 7.

H. THEODORE COHEN: Right.

And this is 20.110.33.

PETER KROON: Correct.

And here what's happening now in the Kaya Hotel and the building that's across the avenue from that, which is the, what I think of as the Bob Slade building, the one that they hoisted the pre-fabs things in place. The bays that are being built are angular. So they come straight out, there's a 90-degree, they go across, and they go straight back in, which adds interest to the front of the building, but I'm not sure it's what was intended by the language. So my suggestion, I'm just throwing this out, this is another one that as we're re-looking at this, what is the intent? The way it's written now, you can have a 12-foot wide bay and it can come straight out. And you could have a room that's 12-feet wide. So effectively you've got a room that's projecting out of the building. And I

think that the intent was to have angular bays in keeping with the neighborhood look, the Victorian look of the surrounding neighborhoods. So if that's how the Board feels, a way to correct that would be to say, eight-foot wide bays with angular sides or curved sides. I'm throwing this out for your consideration.

And then on the corners, you could have the larger length. Does that make sense?

Then as far as the bulk control plain, and this is another one, I think there's only one person who feels strongly about this, I personally think that if you have a four-story building on the avenue, that there's no harm in having a straight facade all the way up four stories, and you've written it that way and there was one person who wanted to make a point, they have not come tonight, so there may be no one to

defend that, to make that point. And if so, you can strike the language and go back. The question is did you really want that to waive that bulk control plain above the third floor on the avenue side?

And I think the last, the last point -- no, the second to the last point is the required front yards. And the example -- we just came from the Ben's Pharmacy (phonetic) preliminary review, and that's a building that's at the sidewalk level. It comes to the sidewalk line and there's a little one-story, I think it was a garage at one time, but now has a barber shop in it, and that's an example of something where as you tear down a one-story retail building and you put up a four-story building that's gonna be there for 100 years or longer, we'd like to get the five-foot setback and not have that waiver

for the line, that existing line of the adjacent building. That's really important that we get that five-foot setback. It's our one chance to do that. So that's why we feel strongly about that one.

The identified historical structures, what number is that? Let me look it up.

H. THEODORE COHEN: 20.110.62.

PETER KROON: So Dennis Carlone and Bill King who is on the Historical Commission and -- -

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

And Charlie Sullivan.

PETER KROON: -- Charlie Sullivan and I and Mrs. Burks.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Sarah Burks.

PETER KROON: Sarah Burks. We did a walk and we looked at all of the properties, and they,

they had given us on a rush basis, they had given a list to the Planning Board back in the fall. And now that they looked at it carefully, they agreed that there were certain structures that they were willing to take off that list and so I've provided their revised list. And that's it.

I know there are some other people who want to make a quick comment. I could take questions or I could sit down as you prefer.

H. THEODORE COHEN: Do any board members have questions of Mr. Kroon right now or we'll hear from others and then we'll go to a discussion?

HUGH RUSSELL: I guess I'm wondering what is the point of banning enclosed parking that's more than 40 feet from the street?

H. THEODORE COHEN: Do you know what section that was?

HUGH RUSSELL: It's 20.106.4.

H. THEODORE COHEN: 20.106?

HUGH RUSSELL: And it's the paragraph that is the more appropriate place for it.

PETER KROON: Right, right.

So what brought us here in the first place was a proposal for a building that had still parking, and then when I got into a conversation with Jeff, I -- there was the definition of structured parking versus surface parking was unclear. So I guess what we don't want is to have parking under a building facing the avenue. That's what we feel strongly about.

Now, behind a 40-foot retail or a non-residential space, we don't have a problem with that.

H. THEODORE COHEN: Any other questions right now?

(No Response.)

H. THEODORE COHEN: If not, then why don't we hear from the public.

PETER KROON: Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone who wishes to be heard?
Was there a sign-up sheet?

Excuse me, Jeff, is there a sign-up sheet? So we'll start with that.

Please, you can start, we ask that you speak for only three minutes.

FRED MEYER: I'll speak for 30 seconds.
Fred Meyer, 83 Hammond Street. I'm the current moderator of the Agassiz Neighborhood Council. This petition has been discussed extensively at several Council meetings and it has unanimous neighborhood support. I haven't heard any objection to it.

Thank you.

H. THEODORE COHEN: Thank you.

So, when people come up, please state your name and address and please spell your name for the stenographer. And we ask that you speak for only three minutes. And if our system is functioning --

HUGH RUSSELL: Somebody has to explain it.

IRAM FAROOQ: Jeff, do you know how to work this?

JEFF ROBERTS: No.

H. THEODORE COHEN: All right, Susan Rogers (sic).

ATTORNEY SUSAN ROBERTS: Good evening, Mr. Chairman, members of the board. My name is Susan Roberts and I represent Rick Grossman who is a trustee of the building that is -- trustee

of the trust that owns the building at 1740 Mass. Ave. which is at the corner of Linnaean Street and Mass. Ave., currently there's a Rite Aid Drugstore in the building. I'm sure you're all familiar. So I am here to provide my general support of the changes that are -- have been presented with a couple of suggested tweaks to sort of I guess take into consideration in a better way, the existing property at 1740 Mass. Ave.

So first of all, I wanted to ask that 20.110.21, 5b contain an exclusion for existing properties such as 1740 Mass. Ave. which already has contiguous retail space that is in excess of 2,000, 3,000, 5,000 square feet. The Rite Aid is, while I'm not exactly sure how much square footage is there, it is definitely more than 5,000 square feet. My -- what I had sent to you,

Jeff Roberts earlier today, some suggestive language, and I can read for you what I've suggested so you get the concept that we're looking for. And so, where, where the current provision ends after the word grade, I would suggest that we add something to the effect as the following: Notwithstanding the foregoing properties containing prior to there redevelopment, more than 2,000, or whatever number you want to put in there, more than X number of square feet of separately leased contiguous gross floor area occupied for a non-residential use, shall not be subject to said restriction provided that the use of said pre-existing gross floor area meets one or more of the qualifying uses set forth above.

So that would refer to all of the qualifying uses that are set forth in 21 -- 5 --

no, I'm sorry, 21.1 -- the paragraph --

H. THEODORE COHEN: I'm sorry, where were you proposing this language go?

ATTORNEY SUSAN ROBERTS: Where the grade ending.

PETER KROON: 5b.

ATTORNEY SUSAN ROBERTS: 21.110.5b.

Currently it --

H. THEODORE COHEN: I see, okay, thank you.

ATTORNEY SUSAN ROBERTS: -- it's a grandfather type provision that will allow properties such as 1740 Mass. Ave., which also has, you know, a fairly large contiguous square feet, large number square of contiguous square feet as suggested in the existing provision that that will be able to -- that we would not be subject to that restriction.

H. THEODORE COHEN: How does that differ from existing grandfathering?

HUGH RUSSELL: Because they would demolish the building and put a new building.

ATTORNEY SUSAN ROBERTS: Right.

H. THEODORE COHEN: So your proposal would be if you demolish the building --

ATTORNEY SUSAN ROBERTS: Correct.

H. THEODORE COHEN: -- you could return it to the situation it was before rather than complying with this?

HUGH RUSSELL: Yeah.

ATTORNEY SUSAN ROBERTS: So I'm not exactly saying that. What I am saying is that if we were to demolish the building and build anew, which is a possibility --

H. THEODORE COHEN: Right.

ATTORNEY SUSAN ROBERTS: That the path,

or whatever number it is that you decide, would not apply. I'm not proposing that we would be subject to any cap, but I am suggesting that -- I am suggesting that we not be subject to the restriction. Obviously the amount of retail that we could put there will be dependent on the size of the property, size of the parcel, and also dependent on the type of tenant that we may want. I mean, if for example Rite Aid, which maybe now has 6,000 square feet of space, if they come back to us and say we'd like a little bit more, you know, I want to be free to have -- to have the ability to have a little bit more or perhaps a little bit less, and so that's why I don't want to necessarily, you know, hem ourselves in in that way. And the flip side of that is actually, another point that I wanted to make with regard to the new language, and that would be in 20.106,

No. 6 where there's language that says, and I think Peter already mentioned that this may have already been flagged as potentially problematic anyway: No new development will provide less square footage for permitted required uses than the building it replaces.

So we just don't know, you know --

H. THEODORE COHEN: I'll talk about that.

ATTORNEY SUSAN ROBERTS: Okay. So those were the two points that I wanted to make, but just that we would not be subject to the restriction that would be found in 5b.

STEVEN COHEN: So, Susan, clearly if you don't change the building and you don't change the tenant, you'd have the protection of existing non-conforming use. But are you saying that if a building now has, you know, a single tenant of a certain size, which we would exceed the new

regulations, that on this property, there may always be a tenant of that size even if the building itself changes in the years to come or the tenant changes in the years to come? I'm just trying to figure out in ordinary English what you're saying.

ATTORNEY SUSAN ROBERTS: Whether or not it lasts for all time?

STEVEN COHEN: Yeah.

ATTORNEY SUSAN ROBERTS: The way I've written it, it would be, you know, the pre-existing use. So in other words, if the user before has a retail use that is say 6,000 square feet, that, you know, that redevelopment, the redevelopment of that property where the building's demolished, that building would not be subject to whatever restriction would be in 5b.

STEVEN COHEN: So there could always be

another similar use of 6,000 feet, or are you saying simply that that restriction doesn't apply at all --

ATTORNEY SUSAN ROBERTS: At any time?

STEVEN COHEN: -- to that building if there's a building now that has 3500 feet which is more than the 3,000 feet that we're talking about, are you saying that, you know, if there's now a non-conforming use --

ATTORNEY SUSAN ROBERTS: Right.

STEVEN COHEN: -- that it exceeds 3,000 feet, then for all time in the future there's no restriction at all on retail size?

ATTORNEY SUSAN ROBERTS: So, to be honest, I hadn't thought that far in advance about, you know, what's going to happen for all time, and I kind of believe that -- I mean, in some ways when you've got a building that's there

historically and maybe you want to recreate, you know, that's a possible -- I could see a developer maybe wanting to go back to what existed ten years ago even though intervening we had, you know, for 2,000 square feet, but some tenant, you know, comes in and says I want to have a fresh market there and it's going to be 8,000 square feet, can you do it? And you look back and find out ten years ago there was a Rite Aid and there was this, you know, it seems arguably that developers should be able to do that. But --

STEVEN COHEN: Well, you know I can see that there's an argument for some sort of grandfathering, otherwise there would be an disincentive ever to redevelop that building and that's probably not in our interest. But on the other hand to say that the restriction would be

eliminated altogether, I mean, you know, maybe it would make sense to say, you know, to grandfather only retail use of that size that exists as of the date of passage. So if there's 3500 feet now, okay, you could redevelop the building and you could have another use or tenant of 3500 feet or 6,000 feet as the case may be. But to limit it that way and not just eliminate any restriction.

H. THEODORE COHEN: Steve, could we save this discussion for after we hear from everyone else?

STEVEN COHEN: Sorry.

H. THEODORE COHEN: And then we can discuss amongst ourselves and ask questions if we have any.

STEVEN COHEN: Yeah, sorry.

ATTORNEY SUSAN ROBERTS: If I might just

respond to Mr. Cohen very quickly, very briefly. The only response that I would say is that the tenant requirements these days for a similar use such as a drugstore, for example, may be larger than that footprint. And while, you know, there might be support for another drugstore, I just don't want to have to, you know, also go for a Special Permit because it might be 500 or 1,000 feet more or something like that. I guess that's my point.

H. THEODORE COHEN: Thanks.

ATTORNEY SUSAN ROBERTS: Thank you.

H. THEODORE COHEN: Thank you. Rosalind McCallis (phonetic).

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

No, I did not intend to speak.

H. THEODORE COHEN: Oh, okay.

And I assume, Dominick Jones, you do not

intend --

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

That's the same thing.

H. THEODORE COHEN: Okay. Lawrence Curry

-- I'm sorry. Lauren Curry?

LAUREN CURRY: Thank you. I appreciate the chance to speak with you. Lauren Curry, I'm from Three Concord Ave., No. 61. And I wanted to say that I appreciate the recommendation that the Planning Board made to the original petition, not to have it cover residential districts. As you may remember, I was here on the last time that you considered this to speak about the impact of -- that this retail requirement would have on in terms of loss of residential square footage.

I continue to have that concern and appreciate that you have amended it. I now have another concern, and I'm sure many address it to

you in these times. The petitioners are asking to have a very restrictive kind of zoning on a main thoroughfare of the City, added to even greater length of that main thoroughfare closer to Harvard Square and its business district. And I just would suggest to the Board that caution in implementing tinier and tinier restrictions on development on the eve of having a citywide re-envisioning land planning that's well underway, may not be the direction that includes everyone's voice in where we're going with how Mass. Ave., a citywide resource is used. I understand that some people live near there, but I live pretty near it, but not in the district, and I just feel like those main thoroughfares represent the opportunity that we should be envisioning for the City and maybe not taking tiny pieces of them off the table with increasing

levels of restriction may not be the best direction to go in at this time, and I thank you for your consideration.

H. THEODORE COHEN: Thank you.

Councillor Carlone?

COUNCILLOR DENNIS CARLONE: Dennis Carlone, Nine Washington Avenue. I'm here for two reasons:

One is to thank you. I know this petition was not the typical kind of petition that you see, and that it really listed goals that the neighborhood developed. And Jeff and his staff worked quite a bit on this and we appreciate you considering it and supporting the general principle of it.

The only thing I wanted to talk about which came up was existing retail and the size. You know, it all depends on the design -- I think

the Special Permit makes sense, and the reason I say that, for the building that Rite Aid is in, those are good people. If a new building wanted to put a Rite Aid or a comparable drugstore in with the same frontage and the same size, there would be no issue in the -- I'm speaking generally. I don't think there would be an issue. The question is does it become all the frontage of, I don't know, 100-foot long building? Then we have the CVS situation that we have in Harvard Square, and we're not necessarily in favor of that. So it certainly makes sense that existing uses, if they come back, and I think this is the biggest of the retail spaces, but I'm quickly going through it in my head, or a small supermarket or green grocer came in, we would want that. And I would suggest, and maybe this is down the line, I can tell you that some

of us on the Council have talked about a local retail ordinance. And maybe there's a list of Special Permit uses, whether it's a drugstore, a green grocer, I'm sure there are others, but I can't think of them offhand, where we know they need more space than 3,000, that they should be entertained and supported, and we would do that. So, I think frontage has something to do with this. And as you might recall, one of the reasons we said -- and I'm not suggesting we go back to it, 2,000 is divided by 40 feet deep, and let's face it, there's going to be parking behind most of this retail, not all, that you really get 50-foot frontage. But if it gets more square footage, I mean, the whole building will be one use. And we all know retail likes one main entry. They don't like three entries or even two entry points unfortunately, like in the old days.

So that's where that comes from. But as far as having a drugstore there or anywhere along the block, I have to believe that would be highly supported by the neighborhood. But there are other uses that wouldn't be of that size. I'm afraid that it will dilute the 3,000 square foot meaning if it's not worded in a particular way. But I suspect that's what you're going to talk about.

So thank you very much. We appreciate it. We know this was an unusual petition and the City has helped a lot in supporting it and wording it in a way. I know Peter said there are eight issues, but most of them really are relatively minor and some are wordsmith and so thank you and we greatly appreciate it.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: If not, then we'll have our discussion. If people don't mind, I'd like to start off because I have --

HUGH RUSSELL: I'd like to make a preliminary suggestion.

H. THEODORE COHEN: Okay.

HUGH RUSSELL: That as we discuss each of these questionable paragraphs, we look at the purposes of the district and see whether this, the regulation we're discussing helps to achieve the purposes or is, you know, doesn't help or it's just something else. It might be a way of sorting through it.

H. THEODORE COHEN: Okay.

I've gone through it quite carefully and I have -- a lot of them are just wordsmithing but some of them are not. And my feeling is that

when we adopted this, certainly when I voted for it is because I viewed it as something of a stopgap measure while waiting for -- hopefully for Envision Cambridge to take up a larger issue of what would be the appropriate zoning perhaps on all of Mass. Avenue. But that that this was intended to deal with some issues in the interim until Envision Cambridge could be programmed through and come up with some resolution.

I can go through it just in some of the -- I'll just go through it in the order that the changes have been proposed. You know, starting with 20.106 I guess I'm not sure why we have a differentiation. And this is subsection 5, why there's a differentiation between north of Porter Square and south of Porter Square with regard to the parking spot for each unit in a townhouse. Maybe Jeff can address this later.

My bigger concern is No. 6: No new development will provide less square footage for permitted required uses than the building replaces. I think this is totally not legal. That it contradicts the concept of zoning which that zoning sets up maximums that you cannot exceed except for the Special Permit or a variance. But it doesn't mandate what you must do with that property, and I think where there are maybe exceptions might be in a Special Permit area where people are seeking something and so then zoning says there may be some conditions. But I think, you know, if somebody has a huge lot and they want to put a little house on it or a little shack on it, that's what zoning allows. And so I, I personally could not support paragraph 6 and would suggest if it does go to the City Council, that they solicit an opinion

from the City Solicitor before approving it with that provision in it.

Going to Section 20.11 -- 10.21 which is about the ground floor area, we had said, and this is 5b, we had said no more than 3,000 square feet of gross floor area which included floor area located below grade which I think in retrospect may have been even smaller than the proponent's original 2,000 square feet excluding floor area located below grade. After the vote, I became very uncomfortable that that was too small of a space and I would like the Board or Jeff and the staff to talk about what the correct size is. And now I note that Cambridge First is not necessarily convinced that 2,000 square feet is the right size. I'm just worried that we get too small. And, you know, yes, we want to promote retail everywhere, but I'm concerned

about the number of vacant retail spaces in this area of Mass. Ave. and all of Mass. Ave. and Harvard Square. And, you know, it may be that for someone to be -- have a successful retail operation, they need more space. Not saying that we want the CVS or that we want the large supermarket, but, you know, I'm not convinced what the number is and I'm happy to receive any comments about it.

I don't have strong feelings about Section 20.110.33 about the angling of the bays, although I will note that the building Mr. Kroon comments about, I think it's quite handsome with the rectangular bays. I don't know that -- I guess I dispute it from the beginning with this petition that this portion of Mass. Avenue is necessarily Victorian in design, and that promoting a particular architectural style is not

necessarily the best thing.

Just as a word issue, I've raised this with Jeff, that in Section 20.110.34, it talks about clear height of the ground floor non-residential space exceeding 10 feet. And I don't think there's any definition of clear height anywhere in the Zoning Ordinance, and so I don't, as a layperson, this is not -- it doesn't make a lot of sense to me or the same.

With regard to required front yards in Section 20.110.36, again, I am not a person who necessarily thinks -- I don't care for the zig-zagging of the setbacks. I prefer a solid street line, and I think the concept that over the next 20 to 50 or 100 years we'll get a street line that's set back five feet, will result in 20 or 50 or 100 years of a zig-zagging area. So if that does exist, the preference for it is it

before the concept of the Planning Board requiring a waiver from it? This language that's been added, however, that the setback requirement would countervail the intended benefit. I don't think is a standard that any Planning Board would know what it was intended to be doing. I think either there are no conditions or the conditions upon which a waiver could be granted until it's spelled out.

I have questions about the changing of the identified historic structures, but it's indicated that this was a collective effort, including the Historic Commission, so that -- I'm happy to hear that.

And Section 20.111, the last sentence I think should be deleted. It's simply reiterating another requirement in zoning and I don't think we need to have that in the Zoning Amendment.

I think there is one -- I thought there was one other language issue. In Section 20.110.1 -- oh, and it may actually have been in the earlier draft that was sent to the City Council, the first sentence of 20.110.1, some words must have been dropped or added because it does not make sense right now. It says: The purpose of the Massachusetts Avenue Overlay District shall apply equally within the additional standards applicable in the B-12 district is to encourage -- so that language got changed somewhere along the line to become sort of nonsensical. So I just think that needs to be cleaned up.

Those are my comments and I would love if other people would chime in now with their questions, concerns, whatever. I still think this is a good stopgap measure, but I do envision

it that way. And I do note that we've received, we've received a couple of comments about the fact that Mass. Avenue can support a lot more residential development and that we should not, the City should not be doing anything which would deter more residential development along Mass. Avenue. The theory that it's a wide street that could support it. But as I say, I think this is something that I hope that Envision Cambridge will be looking into and make recommendations about.

And I guess my last point is in following up on that, I don't necessarily see the rationale for the setback for taller buildings. I think a straight facade might make perfect sense on Mass. Ave. as it does in many of the more beautiful buildings that exist on Mass. Ave. right now. That's my say.

Lou, do you want to start?

LOUIS J. BACCI, JR.: I'm trying to think of something.

H. THEODORE COHEN: Steve? We'll start at this end.

STEVEN COHEN: I'll just try to do it fast. First the provision restricting somebody from reducing the size of the property, I would have the same as you, unless a property is, you know, designated as a landmark or something particular, the architecture or history of the building that warrants preservation in the absence of sub-circumstance, I don't think there's any reason to -- precedent or logic to restrict a note in reducing the size of the building if and when he redevelops it.

The business of the square footage, you know, I think we can debate back and forth

exactly what the numbers are, and I see that you're right, if you have it at the lower level, you may end up with even less square footage than the original proposal. And I have a few thoughts about how that could go, but I think my more important thought would be whatever number we come up with, I think it should be a subject to the power of the Planning Board to waive that restriction. So that if there is a particular case or there's some sort of a community need as a drugstore or green market or whatever, you know, the case would be made to us, we'll hear from the community, and I think the Planning Board should have the right to and the flexibility to waive whatever number it is that we ultimately arrive at here.

The business with the angled bays, I think it's inappropriate to bar or to require

angled bays. I think, again, in the absence of, you know, a historic neighborhood or something like that, that we kind of encourage design architectural flexibility in the City, and I see no reason to dictate one particular approach to providing bays here. So I would leave that provision the way it is.

The bulk controls. I agree with you. There's no particular persuasive rationale for requiring setback in the fourth floor of such buildings, so I would not require that.

The setback, the five-foot setback, you know, I hear you that your objection to having sort of sawtooth street line, but on the other hand, it's always a good thing to have a broader sidewalk. And I think that could encourage outdoor seating in a restaurant. I mean, there are lots of ways that I think that can contribute

to the urban fabric. So I guess I'm -- I kind of like the idea of encouraging that additional setback. But, again, I would want to have the power to be flexible on the matter and hearing and giving certain circumstances and instances. I would want to have the power to waive it if we're persuaded by an applicant and we hear from the neighbors on the subject.

So I think that covers all of my points.

H. THEODORE COHEN: Tom.

TOM SIENIEWICZ: So just really three comments at the risk of turning into a rapper on bays and broader streets. I agree with Steve and also with some testimony from Ms. Curvy in particular to be not too prescriptive in the zoning in light of the planning process. I don't understand why we would try to dictate the architectural form other than zoning. It's a

blunt instrument I think it's unnecessary to restrict the shape with bays.

I appreciate the Chair starting by saying mother had buyer's regret, not sure that the -- not sure that buyer's -- not sure that suites were designated at the right size for retail.

I don't know what the right answer is there. I certainly understand the thrust and appreciate and support the idea of trying to use zoning to promote local retail, and I think that's, that's whether we get the right suite size. I don't know. I worry about adjusting that too, too much. My buyer's regret relate to the five-foot setback.

I think broader sidewalks probably are a good thing, but you can have too broad a street, I believe. And moving the street well back as it's suggested may take, you know, generations to

happen. And furthermore, I was swayed by some correspondence that was copied both to the City Council and to the Planning Board by Mr. Brown. We talked about that -- well, okay, five-foot setback, but it's still private property in that setback. Whether or not we get to enjoy that in the public realm, would really be up to that property owner. So I -- lastly on that five-foot setback issue and the generations that it might take to realize that space, we're at a -- approaching a tipping point in Cambridge where the majority of our citizens may no longer own automobiles. We heard a very impassioned speech in the last couple of years from the zoning specialist here in that regard. And I think that that would really change our perspective in terms of what portions of our public lands might be devoted to parking in essence. And they might be

devoted to cafes or outdoor seating or to the pedestrian environment rather than to the automobile. And so that certainly I think that's something that could be foreseen within the next half a generation or so that we might be able to see that. So I think setting the buildings back is not the right --

COUNCILLOR DENNIS CARLONE: I couldn't hear the conclusion.

TOM SIENIEWICZ: Setting the buildings back, I don't believe this is the right thing.

H. THEODORE COHEN: Mary.

MARY FLYNN: I'm in agreement with most of what my colleagues have said. I do think that flexibility on the retail is important. Not being a retail person, you know, knowing exactly required square footages, I think particularly when you look at a site like Rite Aid in

comparison to some of the smaller spaces, it would be helpful going forward if we can make decisions about size and what is appropriate.

I agree that the bay restrictions seem to be a bit too much. It's -- I think it's getting into detail that is not necessary and perhaps not even beneficial.

The -- I definitely agree that the proposal for replacing the exact square footage should not be adopted, and I'd also like to point out that we do need to address the conflicts between this and the zoning that was adopted for that portion of North Cambridge just recently. So that's just a language change that we have to include.

I think that's all I have right now.

H. THEODORE COHEN: And just for the public's -- the last issue that was raised is

that there was a proposal to rezone Mass. Ave. at Richards Avenue to take it outside of the B1 District? The BA-2.

Jeff, maybe you would be better at this than I.

JEFF ROBERTS: I have a feeling I'm going to have to spend a little bit of time going through some of this, because one of the complications with this proposal in particular in the zoning in this area is there's layers upon layers upon layers that will have to be then folded down.

So this, the zoning that's being proposed to apply here is, aside from all of the sort of changes that we're talking about and the fine points that we're talking about, is the same zoning that was applied in 2012 north of Porter Square. And that is a -- it's a subdistrict of

an overlay in the Business A2 District. And so the Planning Board's recommendation the last time when the Board was looking separately at this MAPOCO petition as well as the petition for -- it was called the stern petition for the area of Mass. Ave. and Richard Ave. Looking at those two things separately, the Planning Board said well, if you want to apply the same rules, just apply them universally within the business A2 portion of the Overlay District which makes a lot of sense for simplicity purposes, but it actually -- functionally it runs up against the Richard Ave. Zoning petition which is proposing to keep the -- that lot north of -- the two lots north of Richard Ave. in the base business A2 district but to remove the requirements that they would have to provide retail and such at the ground floor. So they're -- and I think the memo suggested some

language. There needs to be -- there would need to be a little bit of nuance wording to make sure that if this IS adopted, that it continues to -- and assuming -- I'm kind of looking over here to see if that zoning was adopted because I know it was up for a vote on Monday. It was not.

So, but it still may be. So the -- it's still under consideration.

COUNCILLOR DENNIS CARLONE: Next Monday.

JEFF ROBERTS: It's still under consideration -- thank you. It's still under consideration by the City Council.

So if that is adopted and then this zoning proposal also moves forward, there would be some nuance language to see that the effect of the first petition remains in place. So it's very complicated and I probably talked a lot longer than I needed to. But hopefully we

provided some language allows --

H. THEODORE COHEN: It seems your suggestion is to move to Richard Avenue or to have some language to exclude Richard Avenue, a simple eloquent solution to it.

JEFF ROBERTS: Right.

H. THEODORE COHEN: Okay, thank you.

Now that that's been clarified.

MARY FLYNN: Thank you.

H. THEODORE COHEN: Mary, did you have anything else?

MARY FLYNN: Just one other point. You had mentioned that you didn't see a reason to change the parking requirements that's in the North Mass. Ave. petition -- zoning for the townhouses. I agree. I think they're -- the same requirements should be in the south of Porter area.

That's it.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: So, I support the added sentence in the purpose. I think that it's very important to make that purpose clear.

I think I would suggest we strike the ground floor use excluding the parking facilities because the language requires that the first 40 feet does not parking already.

And I would ask you if you had an underground parking garage, how are you going to get there if the building has the entire frontage of the lot? The access drive is part of a parking facility. We should be able to consider that in the design of the building, and so I think the simple thing is to just strike this requirement because it doesn't accomplish the purposes.

H. THEODORE COHEN: Could I just ask you, if we did that, is there anything else here that prohibits the stilt type construction?

HUGH RUSSELL: That's a question that I would say if there is none and then this ought to be modified to cover the stilt type of construction.

H. THEODORE COHEN: Right. Because I think that was one of the moving --

HUGH RUSSELL: Right.

H. THEODORE COHEN: -- rationales for this petition.

HUGH RUSSELL: Right.

H. THEODORE COHEN: And so --

HUGH RUSSELL: If it's not enclosed space -- if it is enclosed space, then it's got to be retail. But if it's not enclosed, could it be legally stilt parking, which, which we would

find horrible.

H. THEODORE COHEN: Right.

HUGH RUSSELL: So maybe that's the way to modify this paragraph, you know, that notwithstanding any other language, you know, first 40 feet can't be used for parking except access drives approved by the Planning Board. Because you might wish to have a continuous frontage.

LOUIS J. BACCI, JR.: Right.

HUGH RUSSELL: Now, of course I agree that for paragraph 6 isn't legal. It should be struck.

On the -- I think that Steve's recommendation that we -- if there's a separate lease square footage cap, that they have the ability to waive that cap, and then perhaps in that language we could add that if there's an

existing facility on the site, that exceeds the cap, that would be one of the reasons to waive it. That we should consider.

STEVEN COHEN: It would be factored. But it wouldn't require a waiver.

HUGH RUSSELL: Right, it wouldn't require. It wouldn't be a factor. Therefore, it would apply to a permit that we would give for the new building and whatever language came up, would be what would be in force in perpetuity. And maybe some language about neighborhood survey uses, because, you know, the Rite Aid I would say is a neighborhood serving use. A, you know, 8,000 square foot disco might not be a neighborhood serving use.

STEVEN COHEN: A wine dispensary?

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

We would go for that.

HUGH RUSSELL: Well, maybe that's neighborhood. But apparently they would need one in the city.

So on the bay window question, I'd like to suggest to the Victorianess there that they should look at Matthews Hall and Weld Hall in Harvard Yard which are two dormitories built during the Victorian era, and both have square bays and they're both marvelous buildings. So, you know, I think -- I myself tend to put square bays on apartment buildings and I tend to make them three, three-foot windows wide which means you need a little over ten feet when you get all of the things.

Two, a two bay window that's squared doesn't -- it seems a little, it's not generous enough. So I think if you want to keep a restriction and you might keep the 12-foot

restriction, it's again all subject to our review and approval for permits.

I think whether or not there should be a five-foot setback is very much of a site specific consideration. Somewhat to do with what the adjacent parcels are like, what the building is like. I mean the -- some of the buildings -- there's one I guess in the corner, is it Shepard or is it Everett Street? There's a glorious six-foot pile of brick that has projecting bay windows. But the bay windows only come out to the property line and so they're insets along there. Is that a terrible thing? I don't think so. I think until you actually look at a proposal, you can't decide if that space is going to be a good thing or a bad thing.

COUNCILLOR DENNIS CARLONE: That building is set back six feet.

HUGH RUSSELL: Is it six feet? Yeah.

Thank you.

STEVEN COHEN: Hugh, if I could ask a question while you're doing this.

HUGH RUSSELL: Yeah.

STEVEN COHEN: Would you suggest to require that setback but then have the right to waive it or would you not require it but have the right, have the right to require it as part of a review? I mean, which way is it -- what do you suggest doing?

HUGH RUSSELL: I would prefer the latter thing. That the principle would be that there been adequate sidewalk space and the building relate to its adjacent building. And one of the techniques that we should have -- be able to require is to require setbacks greater than zero to accomplish a good retail streetscape. And

now, do we need to say that? I don't know.

STEVEN COHEN: I think we would be hard pressed to require somebody to provide a setback if it weren't something in the language specifically contemplating that possibility.

LOUIS J. BACCI, JR.: Right.

COUNCILLOR DENNIS CARLONE: The existing zoning has a five-foot setback. Unless there's an abutting building that's built at the property line, all of the abutting buildings are one story. All. And they're not going to be there forever. And to build up to an existing one-story building and then that one-story building gets knocked down, it just seems silly.

HUGH RUSSELL: Right.

So it's -- so I think the language would allow us to make a good decision on a case-by-case basis.

LOUIS J. BACCI, JR.: Yeah, on a case-by-case.

STEVEN COHEN: It's just what's the default?

LOUIS J. BACCI, JR.: Yeah, what makes it come and talk to us?

HUGH RUSSELL: Maybe it's the existing language.

STEVEN COHEN: Existing.

H. THEODORE COHEN: The requirement that they do it unless it's waived.

LOUIS J. BACCI, JR.: Exactly.

JEFF ROBERTS: If I could try to set some context for this, which I didn't do at the beginning. The provisions in -- so there's lots of different types of regimes that we have for regulating zoning in a special area like this. We have some areas where like in Alewife or in

PUD districts where to unlock the -- some additional amount of development you need to get a Special Permit, undergo Planning Board review, and you might have conditions placed on development. That's sort of not the regime here. And in some other areas like it where the idea was you put requirements that you want someone to meet, that you want a developer to meet, and if they meet all those strict requirements, they can proceed as-of-right. But if they want to seek some kind of relief, that's when they would come to the Planning Board.

As the petitioners noted, since this was created, some additional -- they've lowered project review, the Council has lowered project review thresholds in the area, so the projects of 20,000 square feet or more, which is a lower standard than other places, are required to get a

Planning Board Special Permit anyway. You know, if we were to look at, you know, different ways of structuring that whole approach, that's something that would more likely come out through, you know, larger planning study. But for the time being, I think the notion that it's -- it is more difficult to not have a requirement and then try to impose it through some review process than it is to have the requirement and then allow the Planning Board to relieve the requirement.

STEVEN COHEN: I agree.

So that, just to make sure I'm understanding correctly. So we would be saying that the default is to provide the five-foot setback but we would have the right to waive it?

LOUIS J. BACCI, JR.: To waive it. That sounds right.

HUGH RUSSELL: The question of the bulk plain setback based on Mass. Avenue, I think we don't need that. It's a wide street. The heights aren't particularly tall. And the idea of having a four-story building that goes straight up seems fine to me. There are buildings particularly down at the South End in which the abutting district that are along the scale. So, the last sentence, I think it ought to be deleted. It's not necessary.

H. THEODORE COHEN: Ahmed. And I'll take the chance to welcome you back.

Mr. Nur has been out of town for quite sometime.

AHMED NUR: Yes, I have. Thank you very much.

H. THEODORE COHEN: Welcome back.

AHMED NUR: Thank you. Yes, indeed. As

I'm speaking, I'm fasting so I'm running out of energy. So I'm going to say just two points quickly. I want to support the setbacks along the avenue, especially Mass. Avenue. I think it's very attractive on the retail areas. A good example is the -- where that fire station is on Central Square. There's that Central Square theatre that's set back and you get that little corner restaurant where instead of just always you go to a restaurant along the avenue and say hi, can I sit by the window? It's always taken. But if there's a setback, then you have two corners with two glasses with a little porch looking back. So I think that's very attractive in the neighborhood to have two facades instead of one in perspective.

And then one thing I didn't understand about, and you spent a lot of time on it, Steve,

if we demo a building, you know, whether it's historical or not and regardless of the history of the building, it's no longer grandfathered in, this and that. They have to apply for the existing condition in zoning and come back here again.

Am I missing something? There's a lot of things you were talking about demo and retail and then grandfathering in and I didn't understand that part of it. But I just wanted to make those two points.

H. THEODORE COHEN: Thacher.

THACHER TIFFANY: I agree pretty much with my colleagues. This is a -- it is a special part of Mass. Ave. so I commend the petitioner and the other people for putting it together. I've gotten in the habit of walking down every weekend to Bagelsaurus and standing in line with

the other fools for their delicious bagels. And you get to see, you know -- I live closer to the other side of Harvard Square. Every time I marvel at, you know, the diversity of retail, the diversity of building types every time I see a retail space I haven't even noticed before.

You know, maybe I'll weigh in on two issues that seem to be not have complete consensus. One is the minimum retail size. Sorry, maximum retail size. I'm pretty sure 2,000 -- 2,000 feels too low to me. But I think having the waiver is the most important, because even if it was 3,000, I'm sure there's a, you know, 6,000 foot -- square foot use that we'd all, you know, really support. So, I mean, if it was up to me, I would say 3,000 with a waiver, but if it was 2,000 with a waiver, that could be a good outcome as well.

I think the -- certainly the emerging consensus on the setback makes sense to certainly have it and to have a waiver opportunity. I was just looking around on Google Street on at the pile of bricks that Hugh was referencing, it is indeed set back, and then it has these bays coming out into the setback and the entry steps are coming out into the setback and that's a dynamic facade and that's the kind of thing we want to see happening.

And I don't think anything else is pretty -- the consensus was established and I agree.

Thank you.

H. THEODORE COHEN: Okay.

Jeff, did you want to add anything?

JEFF ROBERTS: I can try to fill in a little bit where I haven't already.

I think the issue about parking is one that is an interesting one. I think that I don't know that any of the language we have in zoning perfectly gets at what the concern is. I think about stilt -- sort of the stilt built parking. It is under our Zoning Ordinance considered structured parking, so it's treated like any other above grade parking garage. And, you know, with some exceptions for residential use, it can be counted and typically is counted as gross floor area and there's all kinds of things that we try to do to discourage that, but it still continues to happen because of site constraints and difficulty in getting the right, you know, number, the required number of parking spaces to fit within a building, but then also having trouble, you know, putting them on the site in surface parking garage, so we end up with these

situations where sometimes these buildings are sort of half under a building.

It could be, I think trying to figure out how, how strict an approach to take on that is, you know, potentially a challenge. So I don't know if the Board was heading in the direction of recommending -- it seemed like the Board was not necessarily in favor of a blanket prohibition on parking at the ground floor, but whether there was something else that should be done to try to, to try to limit that type of stilt building; whether it's limiting it in the front of the building also looking at the back of the building, that's something that would be helpful to see where the Board would come to some consensus on and we can try to work whatever approach the Board thinks is reasonable into the language.

As for the, as for the space, I know I've been talking quite a bit with our folks in economic development about retail uses and these questions about what are the appropriate ways to deal with that in zoning, and of course it's difficult because you're talking about size and you're talking about use, but there's always, you know, some -- there's always some type of business that is either bigger than you would expect or it's a chain rather than a local business, but it's still doing, you know, doing its job of serving the area. And I know that the concern about local retailers being kind of pushed out by larger chains has always been a concern since, you know, we were working on this area over ten years ago and that was a major concern at the time, and ten years later there really hasn't -- there have been some changes in

the businesses but overall the mix is still predominantly local, independent retail in that area. We haven't seen that. Just when you look at -- when you look at the data, when you look at it by the numbers, the mix across the city remains strong even if there are some areas where a prominent location is, you know, changed to a bank or some kind of a chain business and it's attracted a lot of attention. I think when you look at it overall, you still find that it's a strong local ecosystem.

One of the points that was made was that even lowering the required size isn't necessarily going to square away every chain business. There might be some chain stores and cellphone stores which are everyone's favorite business to hate, could operate perfectly well in a 2,000 square foot space. So, you know, there's that side of

it, too. So I think as was noted, whatever the -- I don't think there's any science to come up with the number, whatever the number is, there's a lot of sense in having flexibility because we'll never be able to anticipate every situation.

Were there any other points that needed clarification or need some more discussion?

LOUIS J. BACCI, JR.: I have one for you, Jeff. On the stilted type of parking we would normally want that screened anyway, correct?

JEFF ROBERTS: Generally speaking I think we would want -- I think there's, there's not always a zoning restriction that requires that, but I would say that past practice of the Planning Board and the urban design guidelines and objectives, you know, strongly encourage screening of all parking, loading, service

facilities, but that doesn't, it doesn't always come into play for projects that are as of right.

LOUIS J. BACCI, JR.: Right, okay.

H. THEODORE COHEN: Well, there was a proposal that prompted much of this that had stilted parking and an entrance to a bank window and it was just right there on Mass. Ave. And so I mean there are parking lots on Mass. Ave. and I mean traditionally what seemed a very awkward proposal.

Well, I guess we ought to try to come up with a square footage number that we support. It sounds like we're all in agreement that there should be a waiver provision.

TOM SIENIEWICZ: Right.

HUGH RUSSELL: We could insert a recommendation.

H. THEODORE COHEN: So only my buyer's

remorse that which I think it happened very quickly at the very end without a lot of discussion that when we went to 2,000, it also eliminated counting basement or above --

LOUIS J. BACCI, JR.: Second floor.

H. THEODORE COHEN: -- second floor area.

Yes.

COUNCILLOR DENNIS CARLONE: Could I just add something?

H. THEODORE COHEN: Yes.

COUNCILLOR DENNIS CARLONE: Yes, there could be retail below grade. Parking is going to fill up the basement. It's -- if you could only have so much parking at the top level, plus everything else that's going to go on, you're going to have basement parking. The building that's been proposed across the street, the whole basement is parking. It's more valuable to a

developer -- and that's one space per unit. It's more valuable to a developer than getting a retail price down at a sub level which is not going to be prime retail. We have a retail person here who I would love to hear his thoughts on that, but it -- you almost never see unless in Manhattan, you almost never see new construction with a level below. You see it in old buildings where there's nothing else that can go below.

H. THEODORE COHEN: But I always assumed that the level below is not necessarily going to be for customers, but was going to be for merchandise.

LOUIS J. BACCI, JR.: Storage.

H. THEODORE COHEN: Storage or whatever.

COUNCILLOR DENNIS CARLONE: Again, new construction, and please correct me if I'm wrong, I've never seen it. And --

THACHER TIFFANY: What about tags?

COUNCILLOR DENNIS CARLONE: Pardon?

THACHER TIFFANY: Tags.

COUNCILLOR DENNIS CARLONE: That's not new construction. That was built that way in the fifties. But you're right, tags works. But that's -- you don't, you just don't see it. The parking is so valuable to get up to the unit count that we've allowed, and again, case in point is the building across the street which I guess never really came before you. It was done in-house in Community Development. Good building, not a bad building, but it's -- that's what limited how big the building is the number of cars they can get in.

Now it's possible there might be some dimension, but it's, it really is going to be -- the prime retail is going to be -- and they try

not to have any storage in retail space now, especially with the 40-foot depth. They're going to have it off site. It's too expensive. And one of the reasons why we said please size it is if you look at all retail in new construction, it's as you said, a telephone store. It's the high rent. Banks. It's always -- the mattress stores. And we're trying to make sure that we have a mix of maintaining some of the local retail in there. Because they want basically the same price that they're getting for housing upstairs. So the bigger that we allow, only certain uses can afford that. And I'm not saying it has to be 2,000. 3,000 felt like the right compromise, but once again if it's only 40-feet deep, which I think in most buildings it will be because of the parking demand again, 3,000 divided by 40-feet deep, is 75 feet wide. Well,

many of our buildings are 75 feet wide, the lots. So it -- anything above that gets scary. The exception is Rite Aid which is a very deep site and, therefore, that extra size might work fine, but it means taking parking away in the back.

H. THEODORE COHEN: I'm sorry, we're not hearing from the public right now.

COUNCILLOR DENNIS CARLONE: I apologize.

H. THEODORE COHEN: No, no, no. I was not --

COUNCILLOR DENNIS CARLONE: I was overstep -- I felt as an urban design and a councillor --

H. THEODORE COHEN: No, no, no, I was not referring to you but to someone behind you.

COUNCILLOR DENNIS CARLONE: I know you weren't. But I apologize.

H. THEODORE COHEN: No, no, we always

welcome comments from the City Councillors.

COUNCILLOR DENNIS CARLONE: Don't say it too strongly.

HUGH RUSSELL: So, I've been reading and I think there is a loophole on the parking that we have to fill because the -- if it's residential accessory parking, it's -- there's a 20.110.1 is required ground for non-residential uses. And so --

STEVEN COHEN: Where are you? 110? Point....

HUGH RUSSELL: 21.110.21. That's where it says what you can use the ground floor for. But does it prohibit you from having -- does that prohibit you from putting parking there? If it does, then we're all set.

H. THEODORE COHEN: Well, it says -- the first sentence says the ground floor shall

consist of at least one active non-residential use meeting the following requirements. So presumably the parking falls within that list or not, if they have one of these, they could conceivably also still have parking. So I think, you know, if we want to prohibit that, that there needs to be some other language somewhere that addresses it.

STEVEN COHEN: Other than the access driveway?

H. THEODORE COHEN: Other than the access driveway.

HUGH RUSSELL: Right.

So maybe it's just rewriting paragraph 4 up above 21.106.4.

JEFF ROBERTS: If I could sort of jump in. Again, part of the concern here is that it's overlapping requirements. So the North Mass.

Ave. requirements talk about you have to have some non-residential use on the ground floor, and it says it has to be at least 75 percent of the frontage, at least 40 feet of depth from the front of the building, and at least 15 feet in height. And oh, I didn't talk about the definition, but it's not strictly a definition of clear height, but there is a provision in the zoning that was adopted in 2012 that talks about how you calculate the height of the front floor as being from the finished floor to the underside of the joists above it. So that's, I think that's the idea behind that -- I believe that's the intent behind clear height.

The point that I was making, though, had to do with the frontage of the building. So if you go back from that in the Mass. Ave. -- in the older Mass. Ave. Overlay District requirements,

it says that the entire frontage of a building has to be active use which does not include parking. In that case it's only to a depth of 20 feet and it's -- and the only parking that you're allowed is the access aisle to get to the parking facility. So we can -- it sounds clear that the Board is supportive of the overall intent of having the front 40 feet, for the entire front for not just the 75 percent, but for the entire front 40-foot depth of a building to restrict parking within that area, with the exception of access drives. I think the question -- and we can massage the language to make sure that's clear. I think the question was behind that 40 feet of that frontage use what is -- are there any restrictions on what's happening behind, behind that 40 feet, the building, whether it has to be enclosed? Would it have to be opened?

Would it have to be screened? Those sound like the questions that are still unclear.

HUGH RUSSELL: So thinking of a building I just built a couple of years ago and it's a square block in a form base zoning community that the land developer wanted to be developed for housing and could not support structured parking because of the rents he would get. So we ended up talking a part -- it ended up as a courtyard building and tucking the parking inside the courtyard. So it's a parking courtyard with a few trees in it. Not my favorite kind of open space, but it meant that the street frontages all looked very nice. And we did it in three ways, in three wings, each one was different. And one of them was townhouses with their own garages and garage doors and that looked pretty neat and to scale. And then there was an apartment building

that had garage doors on it but they were just -- each garage door had two parking spaces on the side of the building and there actually was retail in front of it. So there was 40 feet of retail and 20 feet of parking in that section of the building. It looked better. There was a third wing, it just, we couldn't get enough parking in. We were like eight parking spaces short. And the engineer said, well, if you make it open parking, I can put in tandem parking and get those eight spaces you need. And that looks worse. That's the worst appearance. You know, it's only people within the community who see that worst view. If I were in an abutting house behind one of these buildings, I wouldn't want to see this stilted parking in the back either. I think it would be much better to have a garage door and even if it's a parking lot. There's a

building on Mass. Avenue on the corner of Linden Street that was built about 25 years ago and it's got a really gross open ramp on the back that goes down into the basement parking and you -- it's pretty obvious when you're walking down the street and the next-door neighbor is some Harvard building that has kind of a blank facade, so it's not -- but it's like these things are always pretty gross. So I would myself, if I were trying to put in the restriction and protected the abutters, I would say that the parking unit has to be enclosed or, you know, at grid. But I don't, that may be overspecifying it.

STEVEN COHEN: If I could, just two of the points that came up. First of all, parking, you know, I kind of like the very simple thing that Jeff quoted from where it requires something that the front of the building be devoted to

active use except for the driveway, the access.

And the one that he quoted was 20 feet deep. You know, I guess my main concern is, you know, what it looks like from the streetscape. And I don't know that 20 is the right number, but maybe it is okay. And so long as you don't see the parking from the public way other than the access, you know, there are lots of different lots and lots of different ways to skin the cat and maybe, you know, so long as we have that facade okay, how we skin the cat maybe it should just be a matter of design review here.

And actually the tandem parking that you mentioned, I don't know, probably isn't permitted under the Zoning Code. But it's what I have in my office, and you know, I wish I didn't have to constantly be juggling with my parking lot mate, but, you know, in difficult, tight, awkward

circumstances it's not a bad option or solution.

I just wanted to address the other retail issue that Councillor Carlone had mentioned, and I certainly I agree just in terms of the value of retail space, that lower level retail space is worth much, much less in the marketplace than first floor and same with second floor retail space. But the question is that we have to grapple with this, you know, and we have to define this restriction. And as I was thinking about it, I think that our primary interest is just the size and the footprint of retail on the main floor at the street level. And I think I'm leaning towards just coming up with a number, whatever number that is. And that number relates to the size of the retail on the street level and not count any possible space in the basement or even on the second floor. It's got the virtue of

simplicity, of administration, certainly, but I think it also addresses what is our main concern which is retail on the main level? And as to what that number should be, gosh, I guess we're going between 2,000 and 3,000, but you know, then when we say 3,000, that included the lower level. And actually, you know, now that I think we've achieved a consensus that whatever this number is should be subject to the Board's discretion in a waiver, that would suggest to me that we commit as-of-right the smaller number at 2,000 and then simply put the burden on the applicant to make the case and persuade us that a larger first floor footprint would be appropriate in this particular location and circumstance. So I guess I would be proposing 2,000 feet measured on the first floor only, not including space above or below it and subject to the right to waive that

requirement for maximum.

H. THEODORE COHEN: Just curious whether somebody knows any examples. Does anybody know what the square footage say of Abodeon is?

COUNCILLOR DENNIS CARLONE: They told us.

PETER KROON: 1800 feet on the ground level.

H. THEODORE COHEN: On the ground level?

PETER KROON: I talked to the owner.

H. THEODORE COHEN: Okay.

COUNCILLOR DENNIS CARLONE: They liked 2,000 so if we could work that out by moving the walls, they would accept it.

TOM SIENIEWICZ: They would accept that.

COUNCILLOR DENNIS CARLONE: Yeah, set back.

H. THEODORE COHEN: And say Changsho, I assume is significantly larger?

STEVEN COHEN: 5,000?

COUNCILLOR DENNIS CARLONE: I don't know if it's quite five, but it's certainly a good many times more than Abodeon. We can -- we'll tell you in the future. We'll measure it.

H. THEODORE COHEN: I'm just curious as we're trying to decide on a number. I mean --

AHMED NUR: I think 5,000, for example, the old Tannery down in the basement --

H. THEODORE COHEN: Yeah.

AHMED NUR: -- that's about 5,000.

H. THEODORE COHEN: In the basement?

AHMED NUR: Yeah. It's a restaurant now.

HUGH RUSSELL: Yeah.

STEVEN COHEN: It's a big space.

IRAM FAROOQ: I have a few examples that I can point out. So Formaggio's on Huron Ave. is 1800. Darwin's on Mount Auburn Street is 1500.

What used to be, well, Teddy's Shoes, 1200.

Let's see, Kirkland Cleaners is 2800.

AHMED NUR: I can't see that one. That's all cats and dogs, you can't see it in the back. They ask you for your ticket and they disappear.

IRAM FAROOQ: I'm sorry?

AHMED NUR: Sorry.

IRAM FAROOQ: We don't have a whole lot of examples that are very small, but what used to be -- this is, this is from several years ago. So some of the stores are the older names, but used to be Great Eastern Trading Company in Central Square is only 580. Luigi's Variety on Cambridge Street is 500 square feet. So there are some really tiny ones as well.

H. THEODORE COHEN: Evergood Market is probably in the two to three thousand.

COUNCILLOR DENNIS CARLONE: Two to three?

No. I'd say it's under two not counting the basement again.

It's not very deep.

LOUIS J. BACCI, JR.: (Inaudible).

H. THEODORE COHEN: I was going to propose we split the difference and say 2500.

LOUIS J. BACCI, JR.: That sounds about right.

COUNCILLOR DENNIS CARLONE: We'll take it.

H. THEODORE COHEN: You'll take it?

COUNCILLOR DENNIS CARLONE: Sold.

LOUIS J. BACCI, JR.: That sounds about right.

JEFF ROBERTS: I looked up Changsho which is according to the assessment database, 6750 square feet.

COUNCILLOR DENNIS CARLONE: Two levels?

JEFF ROBERTS: Some are larger. It may in fact have two -- no, I don't think it does. It fills up the entire lot and that's the lot size as well.

H. THEODORE COHEN: Right. Well, they have some basement but it's not public area, then the rest rooms.

All right. 2500?

TOM SIENIEWICZ: Sold.

STEVEN COHEN: On the first floor?

H. THEODORE COHEN: Just on the first floor. Subject to a waiver provision by the Planning Board.

Okay.

Are there other issues that were not resolved?

HUGH RUSSELL: Jeff had the floor.

JEFF ROBERTS: There were --

H. THEODORE COHEN: So, I think -- I agreed with Steve that the language Jeff proposed that the active use did not include parking except for an access to the rear parking or underground parking I guess.

STEVEN COHEN: Then it has to be to a specified depth. And that, yeah, I don't know if that is the one he quoted was 20 feet.

HUGH RUSSELL: Right. In this case we make it 40 feet.

H. THEODORE COHEN: This makes it 40 feet?

HUGH RUSSELL: Yes.

H. THEODORE COHEN: Right.

And then the issue was whether what happened in the rear? And I guess I sort of on the side of Steve, but I'm concerned what it looks like from the street and that, you know, I

guess I wouldn't want to make things so onerous that nobody's going to build residential developments that we're going to see.

LOUIS J. BACCI, JR.: Are we concerned with any use from the rear of the building, neighboring building and so forth? Is that covered? Does that make -- I know it makes it more difficult.

HUGH RUSSELL: But since the trigger for the size is pretty low, it's likely that we'll be doing design review.

TOM SIENIEWICZ: Yes.

HUGH RUSSELL: And I think that's when we can address those issues.

COUNCILLOR DENNIS CARLONE: Sound is an issue and that's why we love -- but your comment was that more enclosing it facing a neighbor. We have neighbors down at the end of the road that

are I think they're only ten feet away from the property line.

H. THEODORE COHEN: Well, so, I mean I guess your idea of the proposal for the rear of the parking needs to be --

HUGH RUSSELL: I would remain silent on the zoning and attack it vigorously --

H. THEODORE COHEN: In design review?

HUGH RUSSELL: -- in design review.

STEVEN COHEN: With a minimum depth of 20 feet?

HUGH RUSSELL: 40.

STEVEN COHEN: 40 you say?

MARY FLYNN: Yes.

H. THEODORE COHEN: That's what it is required in the rest of the zoning.

STEVEN COHEN: Okay.

H. THEODORE COHEN: Okay. Are there

other issues?

(No Response.)

H. THEODORE COHEN: So I take it we -- so we're talking about 20 -- in big terms, 2500 square feet of active use on the first floor only subject to a waiver.

That there be -- there would not be the exemption that exists elsewhere in the Zoning Ordinance from the five-foot setback. Setback would also be subject to a waiver.

That there would be no restrictions on bay windows.

And there would be no requirement of setback at the upper floor levels.

And --

HUGH RUSSELL: And I think the thing on bay windows is that there was an incentive to exclude the floor area within a certain size.

That's the way it's written now I believe. We're not sure whether it's effective, but I don't see why we change it.

JEFF ROBERTS: Right. That was the final point I was going to comment on is that as you said, the bay window provision is not -- I think the Board was talking about a restriction or a requirement to provide particular design of bay windows. It actually, it's a provision that's been in the zoning for a long time which tries to exempt those projections from gross floor area to try to encourage them, and it's had limited success I think over the years in terms of how both whether or not designers even decide they want to take advantage of that and try to apply it but also in terms of how it's applied.

COUNCILLOR DENNIS CARLONE: But isn't it limited, Jeff, to a certain amount of square

footage per floor or something like that? It's highly restrictive.

JEFF ROBERTS: It is highly restrictive. It's currently highly restrictive, and so the discussion of whether it should be more restrictive or changed in some way, it's hard to tell exactly what the effect is going to be. It, you know, we've tried I think many times over the years to make small tweaks to that in the hopes that people will design buildings the way we'd like them, but it, that doesn't always work out that way.

COUNCILLOR DENNIS CARLONE: I would suggest that the neighborhood would like to have bay windows and maybe that's something you review in the special district. You know, there's a difference with something as you alluded to on the historic buildings at Harvard that only come

out a couple of feet or three feet and haven't -- a nice proportion as you described with three windows versus things that aren't so nice. And that might be something that you look at in design review. I mean, it is a bonus in a way for the developer. So they'll want to do it if you can guide them. It's a win/win.

LOUIS J. BACCI, JR.: I have a question.

H. THEODORE COHEN: Yeah, Lou.

LOUIS J. BACCI, JR.: In the particular bay window area, Section 3 says as long as everything -- as long as it meets the above criteria, that particular bays are allowed.

H. THEODORE COHEN: What section?

LOUIS J. BACCI, JR.: Section 3. 21.33 I believe. 110.33. Yeah, last.

HUGH RUSSELL: Right, the 20.110.33.

LOUIS J. BACCI, JR.: Section 3.

HUGH RUSSELL: The total floor area exemption only allows one bay on any single story of a building. That should probably be struck because that's one, ten-foot bay. And if you have a 100-foot long building, one bay isn't enough.

STEVEN COHEN: That's a good point. But this is limiting.

LOUIS J. BACCI, JR.: Limited by the sizes.

HUGH RUSSELL: Right. Whereas, whereas 2 says no more than 50 percent of wall plane should be covered with bays. That's a good restriction.

LOUIS J. BACCI, JR.: Right.

HUGH RUSSELL: That keeps it in scale.

H. THEODORE COHEN: So I'm sorry, what were you proposing to eliminate?

HUGH RUSSELL: I would first propose that

we don't change the No. 1 language and then I would just get rid of paragraph 3.

H. THEODORE COHEN: So we don't change number 1 by adding in the proposed new --

THACHER TIFFANY: We revert.

H. THEODORE COHEN: We just revert to the original language.

HUGH RUSSELL: And then we get rid of 3 because what that does is only allow --

H. THEODORE COHEN: Right.

HUGH RUSSELL: -- one bay window.

H. THEODORE COHEN: And so we'd end up with 1 saying no individual bay may be 12 feet in width. And then no more than 50 percent of the area on each principal wall plane.

THACHER TIFFANY: And, Jeff, just to be clear on your previous comment, are you saying that this is an addition, that these requirements

are in underlying zoning and this is in addition to that?

JEFF ROBERTS: Well, this is in addition to a -- there's also a provision in base zoning that allows some projections to intrude into setbacks, but it also only applies to buildings that are three stories or less. So for these buildings, four stories they run into that problem where they still have to meet the setback requirements for those projections. But the -- this is, this language in here is a version, it's sort of a revised version of language that I think it still exists elsewhere in this section of the zoning that attempts to encourage bays.

THACHER TIFFANY: I'm trying to get a sense of whether this will be more effective than past experience.

JEFF ROBERTS: Well, and in fact

paragraph -- I think I provided some explanation before for paragraph 3. It's a real, it's a real sneaky kind of provision. And first of all, the intent here is isn't that it's 32 square feet of the building. It's 32 square feet per projection per floor. So, you know, the projections are generally going to be stacked across multiple floors. So, the idea is on a given floor within a given projection you only are allowed 32 square feet. And the reason for that is that in order to -- in order to get -- if you take the 12 feet of width and the 3.5 feet of depth and you multiply that, if you were doing that just as a perfectly rectangular piece, it would be more than 32 square feet, so that size limitation requires you to consider angling or curving or doing some kind of articulation to the bays so that it's not a perfectly square -- I mean, you

could still shrink the size of it and make it square, but it's -- it was meant to encourage, though, the angled and curved bays that are being suggested in this petition. It just does it in a little bit of an indirect way.

H. THEODORE COHEN: Right. But I think Hugh's suggestion of eliminating it makes more sense. And have it come back in design review.

IRAM FAROOQ: Oh, okay, sorry.

H. THEODORE COHEN: All right. So, Jeff, do you think you have all the things that we have agreed upon? I think we're unanimous that the limiting, requiring reproduction of the same size is not recommended. And there were some other, you know, just sort of language issues that I think we had before when we talked about them that needed to be cleaned up.

JEFF ROBERTS: I presume the Board is --

I think there's one comment, but I presume the consensus of the Board is list of historic structures as amended is fine?

H. THEODORE COHEN: If the Historical Commission participated in it, I wouldn't question what they did.

LOUIS J. BACCI, JR.: Right.

H. THEODORE COHEN: So could we have a motion to recommend the Kroon petition as re-filed but with -- well, I guess actually just running through it quickly, there was a question about the parking that just said north of Porter Square relating to parking spot in townhouse.

People have any strong feelings one way or the other?

THACHER TIFFANY: I think it should be the same.

LOUIS J. BACCI, JR.: Why don't we make

it uniform.

H. THEODORE COHEN: It seems to me it should be uniform.

LOUIS J. BACCI, JR.: Yeah.

JEFF ROBERTS: I'm sorry, could you repeat that? I was looking back to see if I missed anything.

H. THEODORE COHEN: Yes, this was in 20.106 where it -- the language had been one parking space for each unit in a townhouse shall be exempt from limitations. And then it was, the new proposal was just to say north of Porter Square. And I think we're saying that if we're going to do this for the whole district, then it should be uniform.

HUGH RUSSELL: Well, the density of the upper Mass. Avenue is much lower than the density of Porter Square south, and I don't think we want

townhouses backing out on to Mass. Avenue. I really don't. Probably anywhere but certainly not in South Porter Square.

H. THEODORE COHEN: Okay. All right. If you think there's a rationale for keeping it --

HUGH RUSSELL: I really think there is.

H. THEODORE COHEN: Then fine, let's do that.

So, and then could I have a motion to make a recommendation to City Council supporting the petition subject to the various issues we have discussed and made suggestions to staff as to how -- what issues should be modified and recommendations to City Council?

HUGH RUSSELL: So moved.

STEVEN COHEN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Unanimous.

Thank you, all. Thank you for bringing this back to us.

PETER KROON: Thank you.

We'll take a five minute break and then we'll be back in session where we will have a discussion with regard to a building on CambridgePark Drive -- I'm sorry, Discovery Park where we will take public comment so anyone is welcome to stay.

(A short recess was taken.)

H. THEODORE COHEN: Okay, we are back. And we're now going to have design review of the Planning Board No. 198, Discovery Park buildings 400 and 500 design review and approval for the construction phase of the two buildings.

This is a -- not a public hearing. It is a, just a discussion and review by the Planning

Board, however, we did commit to the public when they were here for the previous hearing on whether this was an Major or a Minor Amendment that we would take public comment at this session. So we will be doing that.

So presentation?

ROBERT SCHLAGER: Robert Schlager. Thank you, Mr. Chairman, on behalf of Stantec, LLC. We are the developers of project since 2002 I believe. At the time it was some 14 odd years ago. We're here this evening to present to you building 400 and 500 which has -- building, yeah, 400 and 500. 600 is presently under construction as the new Marriott DP Hotel which will be open just after Labor Day and a grand opening first week of October.

With respect to building 400 and 500 we have essentially combined the two buildings to

one building to accommodate a laboratory tenant. Larry Grossman is here this evening and will present to you the latest design review. And we are proud to have presented a model at the suggestion of Suzannah and others, so we hope that you enjoy the presentation and we'll try to keep it as short as possible. Larry and I have agreed to seven minutes. So thank you for your patience.

LARRY GROSSMAN: Seven and a half.

ROBERT SCHLAGER: Seven and a half.

LARRY GROSSMAN: I'll go as quickly as I can to make sense. But, thank you.

I wanted to just quickly -- because we talked the last time about the evolution of the master plan, what was there and what we had today, and just very, very briefly, this was the 2004 conditions that Arthur D. Little,

essentially had the entire site, the bulk of the site was surfaced with parking lots and this was the aerial view of that condition in 2004. I stopped by this morning with my iPhone and took a number of pictures just to bring everybody up to speed what the site looks like, what the conditions of the site with the landscaping has matured to. This has been an evolution of a master plan. And so these are not professional pictures, these are with my iPhone.

But just very quickly you can see the qualities of the site, how it's being used, the materials, and the bollards and the plantings are all maturing. It's used quite well. Some of the components that you don't read in the drawings or the model are the details of the materials. And those materials and that pallet from all of the buildings are different. They're married,

they're part of a family. The landscaping materials, the stonewalls, the sidewalks, the planting pallet, the benches, the seating will run throughout and be part of this building 400/500.

What's interesting now is that when the development that's occurred, this sidewalk, now a connector, for people that live in the apartments. So when I was there this morning, these folks were walking to the T, with their dog. She was walking him to the T station. She was gonna walk back. It's a very different use than just an office campus.

We have the big park. The urban wild. And then within the park and now almost centroidal to the whole development is this open park which we did as part of the Forester, Forester building.

And, again, the pallet of materials -- and the bottom left, I'm not sure if anybody's been out to see the Arthur D. Little interpretive pavilion that we did that talked about the history of the park from the very beginning of the Arthur D. Little Company.

So what I want to focus on specifically and Robert mentioned the hotel, this picture was taken this morning at this exact location. We're not changing that road orientation. So through the portal of the new building that's the, that's the axial view that you're gonna see. And we thought about that when we initially designed the hotel and we were looking for a special element at the corner which you can see is that bay window.

And so, the combination of 400/500 is approximately 278,000 square feet. The

footprints of what was previously permitted are almost identical to what we have. The change is at levels 3, 4, 5, and 6, and that added the square footage. And really the goal is to have a much more efficient floor plate for the users that are showing interest in the building.

The ground floor has two lobbies and two entries, and those are located towards Acorn Park at the corners. This location, this location. The grey area is back of house servicing, loading and mechanicals. And the blue is tenant space. At this corner, this space is all glass at the base. It spills out into a terrace at that curved corner.

On the second floor of the bridge connection, essentially this piece right here, what we're proposing is a space that would essentially connect multiple floors. And sort of

a precedent is what you see here with the ability to tie 3, 4, and 5, potentially 6 together with a common space with a goal of a connected common space that would be against the curtain wall.

And we'll talk in a second about the materials that are being used on the skin of the building. But that's -- that linking piece, that bridging piece is essentially a full curtain wall construction.

Typical upper floor. At the upper floor many of the corners and insets do step back from the main mass of the building. And then the roof. And we were talking earlier, we went to our engineers and said give us the full lapse in the building, and give us the breakout of the equipment of the most intense situation and then we developed a screen wall wrapper that all that equipment -- this is the conceptual design to

meet to meet those requirements.

If we have more office versus lab, that could get whittled down. We took the worst case so that all of the mechanical equipment would be screened.

So here's a perspective of essentially the screen in front of you with the water feature that I showed you from my earlier picture. The big idea is that we took -- we sent in three major materials. And the materials are of the similar pallet to building 100, 200, and 300 of the Forester buildings which is typically precast and metal panel and ribbon window and curtain wall. And what we've done here is we've essentially used them with the heavier materials, precast at the corners, the metal panel and ribbon window as the connector piece, and then the bridge piece as the curtain wall. And what

we've done is we've investigated various ways to provide visual interest and animation to the building with different mullion spacing and different mullion finishes. And so you can see the corner that faces the pathway to the T has a more dancing rhythm of applied mullions, the connector bridge piece has a more connected more regular spaced, and then the precast here and then back at the other corners.

And the articulation, we've done something different on all the buildings, this is sort of a warm tone material with deep punched windows.

This is the view from the pathway that was, that was built, served the project which is now being used for the adjoining parcels, too.

And here you can see that along the face on Acorn Park, we, the facade undulates in and

out again to break down the overall length of the building. And in this case to give clues to the entry, we pulled this piece out even further to create a bay.

An aerial view showing how we've created a more subtle tripartite scheme, essentially a with a base, middle, and a top. But done more subtly where the precast there may be a double height window expression with the windows above with the articulated mullions. It sits on the precast for the first floor and then it stops short of the sixth floor which then sets back. Likewise double reed expression for the precast at this location.

And then this was the material precedent for the drive -- let me go forward here with the views. So the buildings are spaced about 75 feet apart from face-to-face. We've articulated the

two faces both from feedback that we have gotten from staff, and also we did a wind study. And the wind study told us that if we could make those spaces a little more articulated, it would help in terms of slowing down the wind that's passing through that drive through.

The two lobbies face each other and also face Acorn Park. The ceiling's up at about 24, 26 feet. So it's, it's a higher first floor and then the second floor. It spans across -- we have some, we have columns on one side. We're looking to take and use a wood finished panel for the ceiling with some linear lighting, and then at a lower scale some pole lighting. The materials that I showed you in some of the paving throughout the other plazas would be the same type of hardscaped that we would carry through here and through here with a flesh berm and

bollards for driving versus pedestrian.

This is looking back in the other direction back to the park. You can see it's offset with columns on one side here with the articulated facades. We did in some cases at the first floor, did some bays above the second floor, again, to make it more visually interesting, but also to break down the wind.

Another aerial view. This is the side, the Route 2 side above the hotel looking back.

And then ground level. So this would be coming out of the new garage from the headhouse, the stair tower, elevator tower. So if you park in the garage, this would be the approach to building 400/500. So there's really not a back to the building. The same quality materials. The same material pallet although used a little bit differently, wraps the building on all four

sides. This is the front and this is the back.

It's really a four-sided expression.

And then straight on elevations. The top being from the park. The bottom left is -- this is a section through. So you're seeing the elevated drive through here. And then this is the other park side elevation. And then the side facing Route 2.

And you can see we've articulated, again, and read the bays and how things are set back to create essentially a base, middle, top. And in true elevation the read of the penthouse enclosure looks taller than it is in perspective. It's much more diminished.

And then this is the space in between, the existing Forester building. That's the fitness club on this side here which actually has a side access. There's another ramp access that

people use to cut through to enter the building, too. And then it's on access with the new garage B.

And then some details of the precast of the curtain wall and the metal panel and the original window with the dancing applied mullions.

And then this is the combination more of an abstraction in terms of view of the evolution of the building, when did we do 100. What year?

ROBERT SCHLAGER: 2004.

LARRY GROSSMAN: 2004.

The whole Forester building in the middle and then this proposal. But in terms of mass, you can see that they're similar in terms of overall scaling. And they're not, they're meant to be distant cousins, not necessarily brothers and sisters in terms of how they work together.

And I mentioned the wind study. We did a thorough test. They actually used a wind tunnel. Not in this model, but one that they built. And they had some areas of corners and that's why we went and added some articulation to mitigate that a little bit further.

One of the ideas that may come to play is that the tenancy demand is such that only one half is required. We want the ability to phase it. And I'm not sure which it would be, 400 or 500, they both can stand alone because they both have loading docks and dedicated lobbies. And so we wanted to show you what it might look like if 400 were to go first on the left or if 500 were to go first. The wall that essentially is where the bridge occurs, would be a wall that could come out and they could be linked together at a future date, but they could stand alone.

Paul, do you want to do a quick on this or should I go through it?

PAUL FINGER: Just go through it.

LARRY GROSSMAN: Specifics on the paving plan landscape. Again, the material pallet that we've developed at the Forester, drop-off courtyard with pavers would be used through here with flush curbs. Picking up the geometry of the building above with some kind of an accent banding.

Some detailed information in terms of some of the paving materials that we would run through. But, again, it's of the same vocabulary and same quality that we've used throughout the park.

And then some of the specific site amenities, benches, bike racks, outdoor furniture.

And a range of the paving pallet. Again, we'd bring in some additional colors, but it would generally be a combination of precast pavers and maybe some stone, stone accents, all around the site. The same stone walls would be used at the base. As you know, all our floors are up about three and a half, four feet because of the floodwaters, and the same notion of how if the site floods, we create essentially a basement that water can flow through which we've done for the other buildings. Same idea here.

And then some of the bollards and lighting.

I can't talk about the plants. Seven?

ROBERT SCHLAGER: Eight.

LARRY GROSSMAN: Eight.

So that's this presentation, but we can spend time talking about the model.

H. THEODORE COHEN: I just have one question. Is it possible that you would build 400 and 500 and not connect them?

ROBERT SCHLAGER: I suppose anything is possible. This Board approved 400 and 500 unconnected 12 years ago, and to date we haven't been successful in bringing foreclosure to that dream. We presently are talking to a user who has expressed an interest in a laboratory user which is different than the office user which is what we've been attracting to date. The laboratory user is looking for space and that's why we've come up with this plan. And it's our intent to attempt to finalize a deal with them for the entire project and the entire building similar to what we did with Forester. Forester used to be two separate buildings, 200 and 300, and we ended up combining those two buildings.

Actually it was 100 and 200 one, building 300 and 400 alone.

LARRY GROSSMAN: 500 and 600 was one building.

ROBERT SCHLAGER: Actually interestingly, both -- all aspects of this development has changed. 100 was originally next to 200.

LARRY GROSSMAN: Correct.

ROBERT SCHLAGER: 500 was originally next to 600.

LARRY GROSSMAN: Right. It was a bigger building along Route 2.

ROBERT SCHLAGER: Yes.

H. THEODORE COHEN: Do board members have questions right now? We did say we would take public comment, so we can go right to that.

HUGH RUSSELL: I just had one question. What's the material on the penthouse?

LARRY GROSSMAN: The penthouse would be a metal panel screen similar to what we did on the Forester building. I have to go back to that one. The only difference might be that some of it may be louver versus siding.

ROBERT SCHLAGER: Bring up 200/300.

LARRY GROSSMAN: Yes, I'm going to go back.

So this was a screen that we had here in the Forester building. So it would be, it would be like that. Typically it's raised. You can't see it, but it's raised up from the roof a little bit. The snowdrift.

ROBERT SCHLAGER: 24 inches.

LARRY GROSSMAN: But the parapet covered you don't see that.

HUGH RUSSELL: Yes.

H. THEODORE COHEN: I have to tell you I

miss all the hardscape because that's where I always taught my kids how to drive on a Saturday or a Sunday when there was no one around.

ROBERT SCHLAGER: Risking that they would go in the water?

H. THEODORE COHEN: Any other questions right now?

(No Response.)

H. THEODORE COHEN: All right. Is there anyone who would -- are there any members of the public who would like to speak?

STEVE KAISER: For the record, my name is Steve Kaiser on Hamilton Street in Cambridgeport. The architect in this presentation used an interesting phrase. He said he wanted to show what it would look like for the site, and there was one element where he was not successful and that's showing the traffic. This photograph

looks like it was taken on a weekend. On a Sunday. Look at Route 2. Where are all the cars? Where's the backup? Where's the parking? This project will contribute to further overloading the Alewife Brook Parkway. And it presents a difficulty in the area of public and private interest. And the private interest who is going to tell you look, we're pre-approved, we've done everything right, we've made these environmental considerations and why should we be held hostage? They will make that argument. The public argument is we cannot go around continually approving everything and giving favors to all of the developers that come along, especially at Alewife and especially with the degradation of the traffic at Alewife Brook Parkway which backs up in both directions. That's our challenge. How do we deal with that

issue with the private versus the public interest here? And I've always been inclined to support the public interest here recognizing that this developer a dozen years ago came in with a plan and showed you a little bit of the difference and how that pulled back with the DCR Reservation and concentrated on the development with the particular area with some environmental benefits there. So that's balanced off against the traffic problems. And the only way that I can think of the way that, you know, this particular development can be approved in my mind is if this development gave you some ideas on how to deal with the other excesses in development proposed in the Alewife area and the Triangle and particularly in the Quadrangle. How should this Planning Board know what to do with those new threats for a project like this which has been

around for a while. I'm stretching the logic a little bit, but I'm trying to find a logic for this Board that would maybe get something out of this design review which would reduce the damage in the future, with the excessive development elsewhere in Alewife now basically in favor of a total moratorium in Alewife simply because of the traffic issue. Strictly because of that. And this Board has always had difficulty getting good information even if they couldn't handle the traffic issue. And one thing that I think would help is an absolute minimum here.

H. THEODORE COHEN: Mr. Kaiser, if you could wrap up?

STEVE KAISER: Yes, I'll wrap up quickly.

There are some tall buildings on this site and if this developer went out in the peak hour and took photographs and maybe used some

films of the actual traffic conditions and provided those to the Board, the Board could use that as evidence to try to deal with any new proposals coming in. It would be a way of compensating or reducing the amount of traffic congestion. And he could do so on the top of the MBTA parking garage, too, and get sections of the parkway there. And you would at least be able to build up a factual information base that would help you. So that is the alternative to a total moratorium, but it's a terrible, terrible problem here and I hope you recognize it.

Thank you.

H. THEODORE COHEN: Thank you.

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

PEGGY BARNES LEONARD: Hi, my name is Peggy Barnes Leonard and I live at Fayerweather

Street and I've been watching the development of this area for a decade I guess. I just wanted to second the traffic as well as I'm wondering, I know some people work at Forester and they said they do feel isolated out there, that the amenities aren't there. And that in fact there are some pluses and attributes to being on a natural reservation and they would like to capitalize on that somehow with what gets built and retain employees to that area. So there are some opportunities for, I'm not sure what that means, in terms of design, but something maybe that has more in and out life about it than the building that's being proposed. And I'm just wondering if they built one building at a time, will the garage space be built to capacity? Because I think they're looking at a thousand spaces for cars out there and that speaks to

traffic.

The other piece of it is there is residential out there and is it 300 units?

JEFF ROBERTS: 200 and some.

PEGGY BARNES LEONARD: And that would be how many people projected? 500?

JEFF ROBERTS: 400, 500.

PEGGY BARNES LEONARD: 400, 500. They're also on an island and access to amenities -- and it might be great if there was some access to the cafeteria and some way to provide residential and the large commercial space.

So thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: If not, board members, questions? Comments? We'll start on

this side.

Tom, do you want to start?

TOM SIENIEWICZ: Well, we had an exchange around the model and I promised I'd bring it up in the context of the formal hearing, and it does relate -- Hugh's already asked the question about the screen and actually thank you for pulling up this slide to give us a sense of what the actual color might be, because the rendering suggests that it would be much darker and I know they're probably not reflecting what ultimately might be built there. But even in the full build out, you know, and should you be fortunate enough to garner the tenant that you're attempting to move here, simply looking at the model and the rendering, wondering whether the continuous screen on the top of the building is serving us well. One of the tenants' design, it's outlined

in the master plan and outlined in the criteria that we should be looking at, is sort of less than effective. And the scale and the mass and the public on the parkway and on the park system, and it seems a simple detail change but it might be devastating in terms of the economics of the engineering if this structure would be to break that into essentially two penthouses that will exist on the two separate buildings. And then the bridge element becomes very much, much more bridge like. So I don't know, I don't know enough about --

LARRY GROSSMAN: Yeah, I mean it's possible. You think that if we have, if we took the worst case with the equipment and essentially had the bridge express and stop and we were to pull this out a little bit further to the edges to get the space that was here, you think that

would be beneficial?

TOM SIENIEWICZ: I see. So the tradeoff would be that you need a square footage --

LARRY GROSSMAN: Yeah, maybe this pulls back further to pick up a piece of this and this squares off to pick up a piece of that. That's something we can study. Because I understand what you're saying. The idea that these have two bases and then the bridge is a connecting piece, that that could break, it would help to reinforce that idea.

TOM SIENIEWICZ: Yeah.

LARRY GROSSMAN: And so it's really, and again at this level, we don't have every single piece of equipment design but we try to take the worst case, so I think that's a refinement in the study that we could do.

TOM SIENIEWICZ: Okay, I appreciate that.

The two other points I would make simply in the model, and the model is wonderful, it's really helpful.

ROBERT SCHLAGER: Thank you.

TOM SIENIEWICZ: But the renderings of the drop off, the space between the two lobbies suggest light and activity and life, and the model that I'm looking at here, and maybe it's the extraordinary lighting in this room, is showing it to be, to not have those kinds of qualities. It's very deeply shadowed, very deep. So I'm concerned about the height. And so as you were describing the clear height, it came up in the previous hearing, clear height under there of 24 to 26 feet, and I was trying to do the math in my head. If you're three feet above grade on that base floor plus a couple of floors at 13 feet.

LARRY GROSSMAN: 14. The first floor is a little bit taller.

TOM SIENIEWICZ: Yeah, so 28 and 3 is 31.

LARRY GROSSMAN: Minus structure and ceiling.

TOM SIENIEWICZ: Minus structure. Yeah, I think really, you know as well as I do, feet really might matter in terms of the proportion of that space. So I'm concerned about how dark that looks and what we could do either to push the section as much as we could to make it as high as we could or to reassure the Board about the surfaces that you're going to propose in there, the wood that they might be light in color or the lighting that might begin to address what I'm seeing in the model which is a deeply shadowed space that none of us, neither you as the building owner and architect or us would want to

see for the public. And that would be the other area.

And lastly just simply what are the traffic volumes moving through there? It's not lastly. I have other points, relative to the bridge. I'm trying to understand how much movement might be good to help to enliven it.

So lastly was Councillor Devereux who was here earlier, had this question, and I promised I would pose it which is simply the effect of the curtain wall which is pretty handsome I think coming around the bent corner, whether you could reassure us of the effects of the amount of light spilling out of that research building on to the park. She said diagrammatically if you look at the other side, the highway side, the punch windows, does that spills less light onto the open spaces? Is there a way in which we can ask

the designer to address that issue? Either it's light control windows, light switching window treatment, or some of the imaginative screens you're working on on the surfaces of the building altogether. I don't know.

ROBERT SCHLAGER: There's an automatic control solar system similar to the Smithsonian in the evening to protect the wildlife environment.

TOM SIENIEWICZ: All right, those were my....

H. THEODORE COHEN: Mary.

MARY FLYNN: My biggest concern is the one that Tom just mentioned. When I looked at them, the model, my sense of the driveway into the drop off area was that it was just too dark. And I said to Suzannah and maybe if we could raise the bridge, maybe lose a floor which I know

has economic impacts, but it just seems really dark. And I was really surprised in the rendering it did look very, very different. So I think we need to get a better sense of which of those is -- really what it's going to look like. Because if it is like the model, it's not, not definitely not --

LARRY GROSSMAN: Yeah, I mean the model has some benefits and limitations.

MARY FLYNN: Yeah, sure.

LARRY GROSSMAN: There's no transparency.

MARY FLYNN: Right.

LARRY GROSSMAN: It's hard. We're all looking at it at 100 feet in the air.

MARY FLYNN: Right.

LARRY GROSSMAN: And it's hard to get down to the eye level. You're not seeing the texture or any of the reflective light. But I

agree, it needs special attention.

MARY FLYNN: Yeah.

LARRY GROSSMAN: When we started, Robert wanted me to do it at one story and I said it's not possible. So the additional floor began to feel proportionally pretty good to us because a ceiling at 26 -- I don't know. I have to look at my slide for the exact, is a pretty tall space. And the proportion of the 75, the 26 felt pretty good. We haven't detailed the ceiling and how we're going to do the lights and how we're going to do the light poles. And it may be that the lighting that we do on pole at pedestrian scale might actually shoot light up on and to the ceiling. There are a lot of techniques that we can look at so that even during the day we might get some reflectivity off of that upper surface.

MARY FLYNN: What is the depth of that,

of the --

LARRY GROSSMAN: It varies because this angles. So the shortest point is a little less than 90 feet.

MARY FLYNN: Okay.

LARRY GROSSMAN: And at the widest it's about 110.

MARY FLYNN: Okay.

Well, I like the curtain wall effect very much. I mean, I think it's very, very handsome looking. Again, it's just -- and what I saw in the rendering, I liked. So, I think you get my point, it's just, you know, it falls on Tom's point, we just want it to be as open and active looking and well lit as possible.

My other thought was I know Councillor Devereux also mentioned the fact that she felt that the roadway began to feel more like it was a

private access drive. And so where people were really going to understand that it was a roadway and continue through? I know you wanted to articulate the facade, but I almost wonder if it would be better rather than having those elements project out whether it would make sense to step them back a little bit so that the opening at the front is wider or a little bit more welcoming.

LARRY GROSSMAN: The bay, the bay that projects that I was referencing before --

MARY FLYNN: Yeah.

LARRY GROSSMAN: -- does start a second floor. So --

MARY FLYNN: Yes, I see that.

LARRY GROSSMAN: -- at eye level it's really projecting above. So you have better visibility, you know, down at eye level because this is -- it's actually a column and then

there's a cantilever. And likewise at the ground floor on the building side it steps back a bit. So it does open more at eye level on both sides.

ROBERT SCHLAGER: The strength of this model is not this particular location, the driveway entry, and we apologize for that.

MARY FLYNN: No, no, I understand. And I appreciate the model very much. It's --

ROBERT SCHLAGER: 26 feet in the area is not going to look like that.

MARY FLYNN: It's just beautifully done. Right. And I do realize it is all a question of, you know, scale and everything. Just my thoughts for some, for things for you to look at. I just -- that, that entry just kind of bothers me a little. But, again, as I said, it does look attractive in the renderings. I'm not the architect on the Board.

I think that's all I have right now.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: I think my colleagues have honed in on the questions. The -- another way to treat the penthouse is to have the setback bridge portion have some kind of different character than the perimeter and, you know, whether the same height is needed in that piece, a little less articulation might be something whether the pattern of the material centers horizontal rather than vertical. You said louvers, but the louvers have to be in the ends, right? Based on the way you've got the equipment.

ROBERT SCHLAGER: (Inaudible).

HUGH RUSSELL: You know, you could put a glass curtain wall up there, but I think that's kind of silly.

But I -- the first building I worked on

was the Harvard Undergraduate Science Center.

And the mechanical room was looking too gross, so we made the first nine feet of the mechanical room out of glass. It looks like it's a story of labs but actually it's mechanical room.

I'm less concerned about the space under the bridge seeming dark. I think there's enough sky visible when you're on the ground looking up that that's going to help quite a bit. And I, you know, I like the architecture of this part of the project. I like the architecture of the rest of the project. It's not -- it's fancy in a sort of straightforward way. And, you know, I wonder whether Google Maps will see that as a street. I assume Google Maps can be told to see it as a street and it's the people that follow Google Maps in their car to get to the hotel are the only ones that are really worried about. If you

work here -- and in the week you're going to know what the right way to go is.

I guess I would respond that Steve Kaiser seems to be asking us to revoke the permit that we granted. I'm not sure we can do that, and I don't think it's good public policy to revoke permits once they're granted, particularly for a site that has seen this amount of traffic for the last 50 years only reduced somewhat over the last 20 years because of the time it takes to get back to the size that the project's designed for. So I think it would be something that we should consider.

It's (inaudible) getting the Assistant City Manager who became a developer for Spaulding and Spy (phonetic), brought a proposal that this Board approved almost 30 years ago for a 2 million square foot development on the grace

parcel. He got up before this Board and said, look, it's very simple, the road has a certain capacity and the question is, is it going to be our cars or their cars? And my response was, which was made about a year ago, is you know, we could solve this problem. We could take one lane each direction off of Route 2 and give it over to, you know, bus rapid transit, rail rapid transit, something like that, that's the kind of solution. We can't actually do that as a municipal body, but if we have a vision and if that is the appropriate vision, then I think that's the way we have -- we have to think in that scale. And I -- my own view is bus rapid transit is something that works in many cities, and particularly in many cities, one particular in South America, and it might be quite appropriate as a way of extending the Red Line

out to a whole host of suburban towns.

H. THEODORE COHEN: Well, the Red Line was supposed to go out to 128.

LOUIS J. BACCI, JR.: Tried to get it out to 128.

HUGH RUSSELL: Right.

LOUIS J. BACCI, JR.: Couldn't.

HUGH RUSSELL: It could get out to 128 pretty easily from Route 2. And then, you know, if one branch goes to Concord and another branch goes to, you know, out to Burlington or something, I think you could have a regional system that would serve an area and technology in an area that's proven itself. And that's, that's how we keep all those private cars, that's how people get on the transit.

So, I guess we're about design review tonight. But I think we have to acknowledge that

the site and landscape development is -- I can't think of a better job that's been done in the city in terms of the quality of materials and the quality of design. The return of the open space to the south and east of the Acorn Park Drive or whatever it's called today, I've forgotten.

That's, that's huge. And, you know, attractive buildings. And to me having that site stay that way for another 15 years isn't a good thing. And if, and if you cannot find people who want the individual buildings, then the proposal to make the buildings but still keep the building's character is pretty clever. From a lot of points of view, you know, the bridge, because it's set back disappears. So I think, you know, it's really, it's a good proposal to do what we approved whenever it was, 15, 16 years ago and then we should give it the go ahead.

H. THEODORE COHEN: Thacher.

THACHER TIFFANY: I'll just weigh in a little bit on the covered area. Unfortunately the only precedent that comes to mind is the Government Center Garage in Boston which is, which is horrible. And -- but I, you know, I've been spending a little time thinking about that space going through there the other day, and I think what you have planned, it's going to be much more successful than something like that. You know, it has a lot of things in common; two stories, probably similar depth, I'm not quite sure. It might be a little deeper.

LARRY GROSSMAN: It's deeper.

THACHER TIFFANY: It's deeper? Yeah. But they have no lighting on the ceiling. You know, they aren't, it's a very busy street, it's not luminaire style streets, you have planned.

So I think, you know, if you really achieve the materials you've shown, I think it's going to feel like you've arrived when you go under there as opposed to at like Government Center you feel like you've been trapped.

H. THEODORE COHEN: Steve?

STEVEN COHEN: I don't have too much to say. I think it's a great proposal. You know, it's really a really rich materials, thoughtful design. I like the texture and the movement of the whole design. You know, a lot of it is in fact the richness of the materials and especially in that underpass passage. I would really pool lighting shown in the renderings. You know, you may be shocked to hear that things don't always get built the way the renderings are presented to us.

HUGH RUSSELL: This guy doesn't.

STEVEN COHEN: It's been known to happen. But here, I mean they're great renderings, but a lot of the elements and the beautiful elements in those renderings, the lighting and the wood-like panelling on the ceiling that's what makes that passage work and that's what makes the whole building work and really given the great density of the development. It really is the richness of the detail and materials that makes it work. So I hope and assume that will be reflected in the final product as well as the renderings themselves.

Quick comment I guess about Steve Kaiser's concern. I have expressed -- every time we have a project out this way, I'm the one that has expressed the concerns about the traffic out here. I still have concerns about traffic. And certainly this project didn't create the problem

and its addition to the problem is going to be marginal. But my biggest concern is what the city and state does with the traffic issues, and not what the local property owners do about it. I mean, in addition to being consistently concerned about traffic out there, I have consistently expressed the view that if there's going to be a development in Massachusetts and in the Boston Metropolitan area, as we all think it should be, it should be in or close to the urban core. And if we don't put it in a location like this, the alternative is to put it the way we used to do it a half a generation ago, you know, out in the -- way out in the suburbs. And long term I think that creates greater problems for the region.

So, yeah, as we increase residential and commercial development close to the core, yeah,

it's creating transportation problems for sure and without doing enough to address that for sure. So on that score I'm totally sympathetic with Steve Kaiser. But the response, you know, to those transportation problems is not to stop development. It's to do everything that we can as a Board and as citizens to encourage our government to take a more aggressive stance and invest in these long-term transportation issues. So sorry for that segue. You know, the project itself looks great. I strongly support it.

H. THEODORE COHEN: Lou.

LOUIS J. BACCI, JR.: Just a couple.

I'll go with the traffic issues again, but this is a local traffic issue for this project. You have a two-way road going under the underpass here under the building, no drop off areas? Are you going to stop in the road and drop people off

at the doors? I'm curious what your thoughts are on that.

PAUL FINGER: The drop off areas --

THE STENOGRAPHER: I'm sorry, sir, you are?

PAUL FINGER: Paul Finger like on your hand.

ROBERT SCHLAGER: And who are you?

PAUL FINGER: I'm Paul Finger from Paul Finger Associates. I'm the landscape architect for the project.

ROBERT SCHLAGER: Thank you.

PAUL FINGER: Thank you.

And there are drop off areas. And there's a drop off area as you're -- before you're entering into the garage area. We have not allocated a drop off area directly underneath the overpass. That's supposed to be an activated

pass. So we're trying to avoid having them come into this particular area. The garage is open and just directly behind it, so close proximity but we didn't think it's actually required. So no, there's nothing directly underneath the lane. Because we think that would actually widen that travel way where it's taken away from the public space.

LOUIS J. BACCI, JR.: But this would be the normal reaction from people driving into the entrance of this building. The entrances are below this.

PAUL FINGER: Yes.

LOUIS J. BACCI, JR.: And would be dropping off there. I don't know how far it is to the garage, but it looks like a little bit of a walk.

PAUL FINGER: The garage is directly

behind the building. Actually it's at -- if you follow the walkway right to the right-hand side, it's in close proximity.

ROBERT SCHLAGER: Go to the next one, Larry. Backward.

LARRY GROSSMAN: And I got a landscape plan, how's that?

PAUL FINGER: We can certainly, you know, look at that.

ROBERT SCHLAGER: Stop. Back up, back up. Right there.

I mean you bring up a very good point.

LOUIS J. BACCI, JR.: It's a constriction.

ROBERT SCHLAGER: Absolutely noted and we'll look at making some sort of motor court drop off zone in that location. We don't have one strangely enough at building 100. We did put

one at building 200/300 and it actually served as a negative because we have difficulty policing the cars. They tend to park there. So during the day there's five or six people that just leave their cars for hours on end. Not that they bother anyone other than the aesthetics of what was supposed to be a pedestrian walkway has become a motor court.

LOUIS J. BACCI, JR.: And this kind of goes along with what I'm saying, and you may have a hard time policing that area, also, and get a big backup going in and out.

ROBERT SCHLAGER: We'll look at what we can do widening a way.

LOUIS J. BACCI, JR.: Something with the entrances.

LARRY GROSSMAN: There could be a five-foot zone here that you could pull off of

the road and somebody can go around.

LOUIS J. BACCI, JR.: It seems like you would have a very lot of pedestrian traffic stopping and going and so forth.

ROBERT SCHLAGER: Very good point.

LOUIS J. BACCI, JR.: And also seems like the biggest architectural feature of this building is the mechanical enclosure. It's pretty prominent here.

ROBERT SCHLAGER: Again --

LOUIS J. BACCI, JR.: Please do your best to try to minimize this.

ROBERT SCHLAGER: We'll work with Suzannah and Jeff as we have in the past and Liza is well known to us in terms of refining those details.

LOUIS J. BACCI, JR.: I guess I have one other question. Where do people go to lunch in

this area?

ROBERT SCHLAGER: We have a cafe at Forester at building 200/300. It's an open public cafe. It accommodates 200 to 300 people there with the current tenant. Whoever takes the space, they will also have another cafe because they'll have a little over 1100 workers.

LOUIS J. BACCI, JR.: That's what the concern was.

ROBERT SCHLAGER: And, you know, the new hotel by the way has a small cafe as well. But it is in the opposite side.

LOUIS J. BACCI, JR.: Thank you, that's all.

H. THEODORE COHEN: Lou, do you have anything else?

LOUIS J. BACCI, JR.: That's it.

H. THEODORE COHEN: Okay. Well, I agree

with everything that my colleagues have said.

I've been concerned about the bridge and the roadways since we talked about the Minor Amendment that, you know, that's, it's been approved and it's been approved you can do it.

I may be, and I like the project and I like everything else that's been done. I may be a minority of one, I would like the building personally to look like one building rather than two separate buildings that was subsequently joined by a bridge. And I like, you know, from my point of view what would help with that I'd like the mullions you have on building 500 a lot. I think they're very attractive and wonder why you don't have similar mullions on your bay on building 400, which from my point of view, it's sort of tied the buildings -- the two pieces of the building together? That's really my only,

you know, concern and, you know, I know it's a design issue and you may view it as two separate buildings and want it to look that way.

ROBERT SCHLAGER: Let me respond to that. In design development we talked about building 200/300 which is now a combined building. And as you see in the center there is a zipper --

H. THEODORE COHEN: Right.

ROBERT SCHLAGER: -- very akin to building 400/500 that we just presented. And that zipper in the center breaks up 200/300. So what we tried to do is to carry that same vision across and created that vision for 400/500 which mirrors the hotel as building 600 facing Route 2 as one homogeneous facade, but a much smaller building and following the streetscape frontage on Route 2. We can certainly look at combining 400/500 visually across the front facade if

that's what you like us to do, but we thought by breaking it up with a center zipper similar to 200/300 seemed to be more consistent.

H. THEODORE COHEN: I don't have a problem with that. I mean I think building 200/300 works from my point of view perfectly well because the facade on both sides are similar or identical and the zipper works to combine them. And all I'm saying it's me, and I'm not the architect, and the architect can talk about it, if it seems to me if you put mullions on the bay at 400, then to me it would read as one unified vision rather than two buildings that were subsequently combined. Which is why I asked you earlier might you build them separately and have them as two separate buildings because then obviously you might not want them to, you know, look the same.

ROBERT SCHLAGER: We have no objections to adding the mullions. Again, I defer to --

LARRY GROSSMAN: Yeah, it could be -- the skin could be simpler. There's a number of changes that cross the facades of the buildings and it could be -- I mean, there's a lot of different artists. It could mean this is a precast piece and this is another piece and they join. It could be that instead of having three different expressions, there's only two and the second one joins. So there's a lot of different diagrams that we can use. We were trying to break up the mass along the front and we thought that the building was of a scale that it could support the three of the pieces. And the geometries, and this is responding to angled geometry. We felt this was important corners and that got a new geometry. But it could be

simplified.

H. THEODORE COHEN: I don't disagree with anything you've done and, you know, really it's -- it's just my personal perspective on how it might look.

HUGH RUSSELL: And so on the model it looks like the curtain wall's a different, not only with the fins, but with maybe it's just the glass it gets darker.

LARRY GROSSMAN: Yeah, the only curtain wall, the curtain wall is essentially at the bridge here.

HUGH RUSSELL: Right.

LARRY GROSSMAN: This is a metal panel.

HUGH RUSSELL: Right.

LARRY GROSSMAN: And window, a composite system.

HUGH RUSSELL: So is the color of the

metal the same on both sides?

LARRY GROSSMAN: Yes, yes, singular color.

HUGH RUSSELL: So I think that's not, it doesn't look that way on the model, but it does in the drawings.

LARRY GROSSMAN: Yeah, we did -- yeah, it's because we shaded the drawing and wrap it around so it has a different tone. The intent would be to do the same.

ROBERT SCHLAGER: It's very similar to the hotel that you can see now that they've --

HUGH RUSSELL: It may actually even be more alike than it appears on the model. And I think that -- and I think that's a good thing because then you really, you're saying you've got precast, a metal, and then a curtain wall and over this bigger facade has an extra layer of

articulation but it's still the same basic stuff.

H. THEODORE COHEN: I guess the extra layer wouldn't be sorry to see it elsewhere, too.

I guess my last comment is about the penthouse and the screen. I'm all in favor of screening all the mechanicals. So, you know, if you can be shrunk, great.

LARRY GROSSMAN: We'll study that.

ROBERT SCHLAGER: One of the things we will just talk about when we meet with staff to finalize the details, we're thinking now perhaps we take the center portion and we move it completely. I forget who made that suggestion.

LARRY GROSSMAN: Tom.

ROBERT SCHLAGER: Tom? Okay.

So that may be the best way to handle that division.

H. THEODORE COHEN: I'm saying, you know,

I personally opt for a bigger screen that screen all the mechanicals rather than something smaller and see the mechanicals.

ROBERT SCHLAGER: You will not see mechanicals.

H. THEODORE COHEN: But to the extent that you can minimize it as much as possible and accomplish both that's great.

Anyone have any other comments?

Jeff, do we need to take any action regarding phasing? Or had there been a request?

JEFF ROBERTS: I mean the Board could simply say that that's, that that's acceptable. I think the only, I don't -- I'm not aware of anything in the Special Permit that restricts phasing. I think the project's -- the buildings can -- the only phasing has to do with how the parking comes in along with, you know, all the

accessory improvements that are associated with the building sides. I think the building sides can proceed in whatever order makes the most sense. I guess the only place where it may become an issue is when it comes to building permit, you know, going through building permit certification just as a functional matter, you know, would we -- given what's shown here, you know, we would want to know that if they only build a part of it, if they seek a building permit for just a part of that, that, you know, we could review just that section and approve it rather than having to approve -- and grant a building permit for the whole thing, you know, built in stages. So if the -- if that were incorporated in design review, it would help give staff some guidance in doing building permits on occasion.

H. THEODORE COHEN: Okay.

Anybody have any issue with the phasing that one building may be built first and we don't know which one it is?

TOM SIENIEWICZ: No.

MARY FLYNN: No.

HUGH RUSSELL: No.

H. THEODORE COHEN: And then for design review, are we content with this and it continues with staff? And that if there are significant changes from this, staff would bring it back to us?

TOM SIENIEWICZ: Yes.

LOUIS J. BACCI, JR.: And see what they end up with?

H. THEODORE COHEN: Right, I guess.

STEVEN COHEN: It's a fair question.

H. THEODORE COHEN: It's a fair question.

STEVEN COHEN: But by the time it gets built there will be changes whether substantial.

ROBERT SCHLAGER: Generally insignificant and inconsequential.

H. THEODORE COHEN: Our new policy or procedure or whatever, that when there's some sort of finalization, maybe we get notification, the Board gets notification of it or maybe, you know, e-mail the plans, final plans so we know what is going to be built.

ROBERT SCHLAGER: We'll provide you with a list of changes as we prepare.

H. THEODORE COHEN: Right. It's not you or anyone else, you know, it's I think more of an in-house thing that it has not been the practice for us to see the final rendition, and I think we would like to see it now so that we know what's going to actually be built.

STEVEN COHEN: We had --

HUGH RUSSELL: It's a record submission.

STEVEN COHEN: We had one or two unhappy surprises recently.

H. THEODORE COHEN: And I guess the language you've been putting in all the Special Permits is that if there is a mockup of materials that are going to be used, that the Board would be notified so members could go out and take a look.

ROBERT SCHLAGER: No problem. We do that automatically as we did with the hotel. We maintain regular communication with CDD.

H. THEODORE COHEN: Not suggesting that you're not. It's just more in-house.

IRAM FAROOQ: It's more us and the Board.

H. THEODORE COHEN: Clearer communication of what staff is giving the thumb's up to that we

know in advance.

STEVEN COHEN: It's not you, it's us.

H. THEODORE COHEN: It's us.

All right, Jeff, do you need anything else? Do you need a formal vote?

JEFF ROBERTS: Yeah.

H. THEODORE COHEN: Okay, do we have a motion to approve the design review as presented to us in the plans and as presented this evening subject to ongoing review by staff?

TOM SIENIEWICZ: So moved.

H. THEODORE COHEN: And that -- I'm sorry, and that the buildings -- the structure can be built in --

TOM SIENIEWICZ: Two phases.

H. THEODORE COHEN: -- two phases as necessary or maybe three phases?

TOM SIENIEWICZ: So moved with the

friendly amendment.

H. THEODORE COHEN: Second?

All those in favor?

(Show of hands.)

H. THEODORE COHEN: Unanimous.

ROBERT SCHLAGER: Thank you.

H. THEODORE COHEN: Thank you very much.

We may have one more matter. I don't know -- Liza still here?

MARY FLYNN: Yes, she's here.

H. THEODORE COHEN: Is there someone who wants to talk about the Sidney Street matter?

LIZA PADEN: Yes.

H. THEODORE COHEN: There is a matter going before the ZBA for two monument signs, one would be allowed as-of-right but because the developer combined the two lots into one, they need a variance for a second monument sign. And

that as I understand it, had they not combined the two lots, they would -- each lot would be entitled to one monument sign, and that if they had waited to combine them until they put up a second sign, it would have been a grandfathered sign. But I understand we have someone here who wants to present to us.

ATTORNEY BRIAN GROSSMAN: Thank you, Mr. Chairman, members of the Board. Good evening. Brian Grossman, Anderson and Kreiger on behalf of BMR Research Campus, LLC. You've given a great introduction, Mr. Chairman.

We do have, typical for us, sign packages to show you. And I'll share you and I'll walk you through it quickly.

So the two monument signs are exactly the same. They're both just short of 30 square feet so they're about 29.75 square feet each. One's

proposed to be located near the entrance of the corner of Sidney Street and Erie Street, and the other one at the corner of Erie Street and Waverly Street to mark both of the entrances for the two main points of entry to the building.

It's shown on page, I think it's 4, are the details for you. And then on page 5 and 6 we have two photo renderings. One, obviously the construction's ongoing for the renovations of the property itself. So it's a photo rendition of the final look of the property near the entrance for 40 Erie Street. And you can see the monument sign there in the foreground. And then for 200 Sidney Street you have the actual picture of the existing conditions for the building and then again superimposed the monument sign.

So one is permitted by right, but to add the second so that people can find the campus,

which has been consolidated as you know, and has the two entrances so that people can identify it as the Sidney Street Research Campus proposed the two monument signs.

TOM SIENIEWICZ: So I live a block from here or two blocks from here and I walk by this site everyday and have for the last three years I have on my way to work. The two sides of that block look like two completely different buildings and two completely different, the character of them are very, very different. So notwithstanding the fact that the lots have become merged through the legal processes, the physical, the public environment, to me, appears like two separate complexes in a way. So to the extent that makes a difference within the face of the legal constraint that the petitioner finds himself in, I'm inclined to have sympathy for the

situation here and say that the signs should be permitted.

STEVEN COHEN: I agree with Tom. Now, we have technically it's, you know, circumstances visually, I think they look fine given from the planning perspective and, you know, I would just say that we recommend the approval by the ZBA.

HUGH RUSSELL: I guess I would add to that I think these are actually extremely handsome monument signs.

LOUIS J. BACCI, JR.: They are, that's right.

HUGH RUSSELL: They're very modest in scale.

STEVEN COHEN: Yes, they are.

LOUIS J. BACCI, JR.: Put it in front of Four Washington.

HUGH RUSSELL: And I think Tom's argument

is that the best legal argument, which is it's basically two huge buildings and there's no reason why each one can't have the sign of this sort. And the signs have been done so nicely that they've become an asset to the streetscape.

LOUIS J. BACCI, JR.: They look good.

H. THEODORE COHEN: Any other comments?

(No Response.)

H. THEODORE COHEN: Then do we want to recommend to the ZBA that they grant this variance?

LOUIS J. BACCI, JR.: Yes.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

ATTORNEY BRIAN GROSSMAN: Thank you very much.

H. THEODORE COHEN: Thank you.

(At 10:45 p.m., the Planning Board Adjourned.)

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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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 29th day of June, 2016.

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

My Commission Expires:
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