

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, September 9, 2016

7:00 p.m.

in

Second Floor Meeting Room

344 Broadway

Cambridge, Massachusetts

H. Theodore Cohen, Chair

Catherine Preston Connolly, Vice Chair

Hugh Russell, Member

Tom Sieniewicz, Member

Mary Flynn, Member

Louis J. Bacci, Jr., Member

Ahmed Nur, Associate Member

Iram Farooq, Assistant City Manager for Community
Development

Community Development Staff:

Liza Paden

Jeff Roberts

Stuart Dash

Swaathi Joseph

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7:00 p.m. Petition by Jane W. Heatley, President of the William Noyes Webster Foundation, Inc., to amend the Zoning Ordinance of the City of Cambridge in Section 20.700 Medical Marijuana Overlay Districts by extending the existing Medical Marijuana Overlay District (MMD-1). The larger MMD-1 District would include the existing Industry B-2 Alewife Overlay District 1. 8

7:45 p.m. PB#313, 135 Fulkerson Street, Continued, Multifamily Special permit for 40 residential units by 135 Fulkerson Street, LLC 48

8:45 p.m. PB#301, 249 Third Street, Amendment to the Project Review Special Permit by Equity Residential to increase the gross floor area by 14,484 square feet in the basement level. The building uses and Floor Area Ratio will remain within the allowable limitations of the East Cambridge Housing Overlay District. The height, building footprint and number of dwelling units would remain the same as approved. 82

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H. THEODORE COHEN: Good evening, everyone. Welcome to the September 6th meeting of the Planning Board.

We'll start with the update from Community Development Department.

IRAM FAROOQ: Thank you, Mr. Chair.

Just in terms of the Board's upcoming meetings, September 20th is the next meeting for the Planning Board and the main item then is a hearing on the MXD in-fill plan and design review of the first building, and that is the Boston Properties, primarily the Boston Properties project in Kendall Square.

The next Board meeting will be September 27th and we have not scheduled hearings for that meeting just yet, but we anticipate having 305

Webster Ave. as well as a couple of general business items, like design review of the Binney Street parking garage at 399 Binney, and potentially a pre-application for Cambridgeside Galleria.

And in terms of today's agenda we have a hearing on the expansion of the medical marijuana district. This is the William Noyes Webster Foundation. This is the second MMD District rezoning petition that you are looking at right now concurrently. And there's also continued hearing on 135 Fulkerson Street, and a hearing on 249 Third Street which is an amendment to an existing permit.

Also going on at City Council this week, September 8th, is at 2:30 is the Housing Committee is meeting for their fifth hearing on the inclusionary zoning. We are hoping to have a

final set of recommendations from the committee this week so that then we can start the drafting process of the zoning petition, forward that to the Council, which will then be referred back to the Ordinance Committee as well as the Planning Board for additional hearings.

There's also an Ordinance Committee meeting on September 22nd for the William Noyes Foundation Zoning Petition which you are hearing today.

September 8th is also election day. So after you go to the Housing Committee, please vote. And it will be for those who are here, this room is going to be busy that day.

And I handed you the Envision Cambridge newspaper which is the first issue of one of our multitude of outreach efforts related to this project, and we hope that there will be several

of these during the course of the project, but it was a much bigger endeavor than we had ever thought to pull off a newspaper. So hats off to all the journalists in here. So we don't anticipate it being incredibly frequent, but we expect to have few of these and hopefully they're informative and also fun.

So thank you.

H. THEODORE COHEN: Thank you.

Liza, are there any transcripts?

LIZA PADEN: Yes, we have three transcripts submitted and certified as accurate.

One is for July 12th, one is for July 26th, and one is for August 2nd.

H. THEODORE COHEN: Can I have a motion to accept those transcripts?

AHMED NUR: So moved.

H. THEODORE COHEN: And second?

MARY FLYNN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Thank you.

Now we have a hearing on a petition by Jane W. Heatley, President of William Noyes Webster Foundation to amend the Zoning Ordinance in Section 20.700 Medical Marijuana Overlay Districts by extending the existing Medical Marijuana District, MMD-1. And the larger MMD-1 District would include the existing industry B-2 Alewife Overlay District 1.

Is somebody going to make a presentation?

WALTER SULLIVAN: Do you want me to sit here?

H. THEODORE COHEN: No, please come to the podium. And I will say this is at least the third hearing that we've had a medical marijuana.

WALTER SULLIVAN: So we can keep it brief.

H. THEODORE COHEN: We want to hear about your proposal, but I don't think we need to hear a lot about the value of medical marijuana. I think please address your comments to what you're proposed -- your zoning amendment proposal is and go from there.

WALTER SULLIVAN: Walter Sullivan
Mr. Chair, for William Noyes Webster Foundation.

JOHN HAWKINSON: Is the mic on?

WALTER SULLIVAN: Excuse me?

JOHN HAWKINSON: Is the microphone on?

WALTER SULLIVAN: Walter Sullivan with the William Webster Foundation. With me is Jane Heatley, the President of the foundation and Rick Nagle, the head of security. They will speak after me. I thought I'd start by explaining to

you how we got to where we are.

We've been doing this for over a year and a half trying to find properties in Cambridge. We looked at the MMD-2 Zone down in East Cambridge. There is nothing there at all. We even talked to the old Lechmere Car Wash to see if he was interested. But because of the pricing down there, it's very difficult to find one.

We then began looking at MMD-1 up in Cambridge Highlands. We had a number of locations we were looking at. We stayed away from certain streets as a result of the residential issues and potential growth that the master plan that the city has for the area. We focussed on from Concord Lane all the way up to Smith Place. We ended up with a property at 75 Moulton Street and we received a letter of non-opposition from the City Manager. What

happened after all the negotiations was as a result of the mortgage on the property, the bank would not allow them to lease the property to us. And this has become a big issue throughout the state, especially on federally chartered banks. So we had to go to drawing board again and begin looking for other properties.

We spoke to the landlord at 29 Smith Place. If you Google 29 Smith Place, it does not show up where it is which is very confusing. We looked at the location. I think as you can tell from the charts that we have, is that it is outside any restricted areas. So it -- there's no restrictions. It's farther away from the school by 570-something feet. It is -- from the William Maher Field, which actually isn't listed necessarily as prohibited from being within 500 feet. That's 997 feet away.

And then you have the Rafferty playground which is behind the facility and that's 588 feet away.

And then there's a gymnastics location down at Smith Place. I'm not really sure if it falls into the type of facility that's restricted, but that's 636 feet.

As we began looking at Smith Place even more, we wanted to know what the distance was from Concord Ave. What it would take people from public transportation to get there? We measured it, and as the chart shows you, it's 1,010 feet away from the top of Concord Ave. to get to the facility. So we thought that was important for pedestrians.

As you can see from the charts I provided you, that there are two bus stops; one outbound and one inbound right at Smith Place and Concord

Ave. So we thought that was an important issue to be able to shore and to meet the requirements of the medical marijuana ordinance.

As you go through the photos I sent you, you can see that because of the part of Smith Place we're on, that the sidewalks to be able to walk down the street and then turn on to Adley Street is actually where the dispensary would be located at the -- I think you can see it through the garage, through the picture of Adley I provided you. It's the grey building with the white door that we're looking to use as a dispensary.

Located in that building is the biggest tenant is Special Ambulance along with -- it's a police substation and they do roll calls and other things at the location as well. We thought the site was interesting because not only did it

provide public transportation by way of busses, but it also had parking and we plan on doing more type of -- other type of parking situations there which Jane will discuss. We also plan on doing a shuttle service to and from the Alewife Brook T Station, because it's important for people with disabilities and that need medical marijuana that they have access to the dispensary. That if you don't have parking to provide them and public transportation, it's very difficult for them to get there.

With that being said, I will let Jane explain who the William Noyes Webster Foundation is and then we'll answer any questions that you may have.

JANE HEATLEY: Thank you very much for having me tonight. My name is Jane Heatley and I'm the President of the William Noyes Webster

Foundation. We are a licensee in round one. We have a dispensary location in Dennis and a growth facility in Plymouth, and another dispensary location in Dartmouth. And so we're looking to site our third location in Cambridge. We're really excited to bring high-quality, all-organic medical marijuana to the people of Cambridge and the surrounding areas.

We have a board that's made up of Linda Moulton who is the CEO of Lahey Health International. We have Paul Covell who has been a trustee of the Cape Cod Hospital for nine years and the head of the substance abuse program on the Cape. We have Doctor Deljallo (phonetic) who is a dentist and a pharmacist, and myself. And my interest came with working with my mother on the last three or four years of her life. She had dementia that went into Alzheimer's and I

used cannabis oils and butters for cookies and banana bread, and it really helped her get away from all the pain meds. So we were able to cut her pills in half.

So I got interested in cannabis because of what I saw it do for my mother and I've been working towards, to this end now for six years, since 2010. And then we were lucky enough to be selected out of the 189 applicants in the first round. We were one of the eleven that were left standing after all the shenanigans. But we're really excited about being able to serve Cambridge. And one of the things we were really concerned with, Walter touched on the public transportation and the busses and things like that, what we've done with our business plan is to create a valet service as well as a shuttle service. So we want to be able to help patients

and we really need patients to have access and we feel that Smith Place meets those, that criteria.

I'd like to have Rick Nagle, the head of security address you briefly. So I'm gonna turn it over to him.

RICHARD NAGLE: Good evening. My name is Rick Nagle. I'm formerly with the Massachusetts State Police for over 30 years. I'm also born and raised in Cambridge. Attended high school in Cambridge. My family is originally from Cambridge. My grandparents are from Cambridge. So I have an interest in Cambridge. How I got involved from the state police to medical marijuana I think is important. I received a call from the CEO Jane Heatley, they asked me to get involved. My colleagues said to me, why would you get involved in something like this? And my reply was medical marijuana is not coming

to Massachusetts. Medical marijuana is in Massachusetts. So I welcome the role to make sure that this is secure and that is the role that she asked me to be in.

It also was said that you don't have much experienced people in security with medical marijuana because it was never in Massachusetts. Well, I've been fortunate because I've been assigned to many places. I was a detective lieutenant, that was my rank, when I left the state. And one of the units I was a supervisor in they asked me to go in was all of the drugs, narcotics in the Commonwealth of Massachusetts are stored in one location, and that's at general headquarters State Police in Framingham, Massachusetts. Believe it or not it was broken into. It was broken into and it was someone inside. So they asked us, six of us to go in,

relieve everyone of their duty. And our role was not only to account for all the drugs and controlled substance but to set new policy and procedure for not only the state police and the barracks, the attorney general's office, the district attorney's office. Everywhere there are continuity of evidence from the police to the courts, so we wrote policy and procedure, not only from seizure but also through destruction. So I am somewhat versed in this when it comes to handling medical marijuana, how we're gonna handle. For instance, it's going to be seed to sale. So we need to know what we're gonna do from seed to sale. And also what happens if something goes wrong with it? How do we -- destruction, how do we go about that? So I feel comfortable in handling that aspect of it.

Also what I've been doing, I think it's a

little unique, on the onset I reach out to the police departments, the fire departments, all public safety people and ask them to be involved from the ground floor. So there's no decision being made that your law enforcement, fire department, or building inspector will not know. I'm asking the chiefs of police if they have a liaison from their department that would work with us, security. For instance, come around the building, if you don't like plantings out of there, you want us to replant, maybe you're concerned about people walking too close and there's some type of brush there. We'll do that. Have your patrols come by, look at the building. Also it's fortunate when we had the situation in Framingham, we vetted a lot of companies because we wanted to put a company in there, we wanted to change the whole system; the alarms, panic, the

arrest alarms, detectors, state of the art.

Well, Jane asked me to vet people for her company. And, again, you know, you don't look at the, you don't go with the most expensive, you don't want to go with the least, you want to go with the best. We picked the same company. We had experience with them. It's going to be the exact same company that monitors not only just my former job at the state police but they do major hospitals in the area. So I'm very comfortable with that. We're gonna have state-of-the-art cameras and we're gonna have class -- break detectors, motion and panic alarms, arrest alarms, etcetera, etcetera. I'm comfortable with that. Also we're not gonna have security, hopefully not from a security company. My suggestion is that we have people from the community, because no one cares about your

community more than the people who live here. So I suggested that if we could have public safety people if they're interested in a job. I can tell you the response has been overwhelming. I have applicants from the FBI to state police, local police that want to do security. And I think that's important for any community to know who's working, who are these people. I think that a lot of the people in public safety will know these people.

What does that mean? I mean, I think that diffuses a lot of thing. If you say gee, I know so-and-so, he said he's gonna be working there. Makes you feel comfortable, because you know, everyone is concerned about security.

Also we're gonna have 24 -- not only are we gonna have cameras, detectors, we're also going to have people there around the clock. So

they're going to be there. They're going to be our eyes and ears. We'll have backup security, which means if the power goes down, it automatically goes to another company. And myself personally I'll be on call 24/7, 365 days a year, and I understand that.

But I think what's more important, we're going to be working with the community from the onset. There won't be any surprises. If the chief of police here wants to appoint -- I haven't had a meeting with him or her yet. If they want to have a liaison, absolutely, we will do that.

Also you need to know in Massachusetts, you probably already know this, but there's deliveries in Massachusetts. It's unique. Not all states who would have medical marijuana have deliveries, which means if someone is housebound,

deliveries. That's an important issue for security. So what I want to do is set up with the chiefs of police in all the towns, just because we're in Cambridge, hopefully, doesn't mean we're not gonna go to Arlington. I want to keep them apprised of what's going on to let them know we'll be in in their city or town on a Tuesday. The communication's going to be there. We're going to work very closely with the community, and I think we have a pretty good plan for this. I think we're unique in our security plans. I'm very comfortable. I want to thank the owners behind us because they've given me support on this, and I appreciate that tremendously. I wasn't affiliated with any of these individuals from the onset. I met them, I sat down with them, I felt comfortable with them. So it made me feel comfortable to work with them.

Thank you.

H. THEODORE COHEN: Thank you.

Do the board members have any questions right now?

(No Response.)

H. THEODORE COHEN: If not, why don't we go to public comment. Is there a sign-up sheet?

Ms. Snow.

NICOLE SNOW: Yes, here I am. Good evening, Chairman and Members of the Board. My name is Nicole Snow. I'm the Executive Director of the Massachusetts Patient Advocacy Alliance. We've been advocating for the implementation of medical marijuana program since 2013 and we're here tonight to support safe access for patients.

There are a lot of applicants coming to Cambridge, obviously, and we do support broad access, but about this particular applicant this

evening, the location has parking and we feel that is very important for patients. It alleviates a lot of concerns that they have about transporting their loved ones, themselves, you know, some folks don't have able-bodies and could walk or transport themselves through public transportation downtown. So it is important to have an access point with parking. And also, you know, we think that they have a very professional team and we defer to you for your city planning. We understand that there's been a lot of attention around Cambridge about, you know, we did have a lot of applicants in Boston, and one of the things in East Boston, their applicant had parking and that's really, really important to folks that need to be transported by shuttle. Or I transported my friend to City Hall by van and, you know, it can be a traumatizing experience in

traffic for folks that are wheelchair bound. So I think it would be helpful to the community and thank you very much for considering expanding the zone.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak? Everyone who wants to will have an opportunity to speak. So please state your name. And we ask that you speak only for three minutes.

SONNI ROSE ROBERTS: Good evening. Thank you my name is Sonni Rose Roberts (phonetic). I'm a resident of 20 Ware Street in Cambridge.

I would like to say that I think it would be a good idea if we looked at the future identity of Cambridge. We looked at the long- and short-term six-month, 24-month, 48-month goals. And there was one other thing, I'll

remember it. And that we should consider what Nicole said about parking. Cambridge is an access city. If we were to have -- expand the zone, Porter Square, Central Square, Kendall Square, it would not only be for the marijuana dispensaries and the patients, but it would be for the businesses that would be offshoot, like molecules, they have different offshoots and branches. We have a college of culinary school that would be edibles. We have buildings between Kendall and East Cambridge. I don't know if they're filled or empty, the laboratories would be needed, to be near the dispensaries for the testing of the quality. Then there would be devices, MIT, Harvard, all the colleges, universities, would have the potential to develop the devices in a way we would mimic what Israel is doing, they have now working on exact dosages

for patients for specific diseases. That's all universal. But I think right now for tonight we're talking about zones and accessibility. For me, I'm 70, and soon I have to have heart surgery so I believe to be homebound but then after I'll be out. So security's really important for me. So if I get my medicine, I don't want to be intimidated by some criminal element.

I think Harvard Square needs a boost and we should have dispensaries here, but we should have them in places where people can park big vans, families to do other shopping. So I think it's a good idea to expand the zone.

Thank you so much.

H. THEODORE COHEN: Thank you.

Sir, you wish to speak.

CHUCK MABARDY: I just have two questions.

H. THEODORE COHEN: Please.

CHUCK MABARDY: My name is Chuck Mabardy. I'm an owner on Mooney Street. And is there a minimum footage from a school or a playground to one of these dispensary areas? And I didn't hear the Fayerweather School mentioned.

H. THEODORE COHEN: Yes, the existing ordinance requires that the site be located at least 500 feet distance from the school, day care center, preschool, or after school facility or any facility in which children will commonly congregate. Although that can be modified by the Planning Board.

The materials we were given today indicates that the Fayerweather Street School is 552 feet from this proposed dispensary.

Is there anyone else who wishes to speak?

GAYLE FERRARO: I didn't catch the exact

location.

H. THEODORE COHEN: The address is proposed at 29-32 Smith Place. I guess -- I went there today and you can't find it, No. 29, but it is, it is on Smith Place and it's at the intersection I guess with Hadley Road.

This hearing is based -- is whether for the Board to make a recommendation to the City Council whether they should adopt a zoning amendment or not. Were they to adopt the zoning amendment, which would expand the district, and were this applicant or some other applicant to seek a Special Permit to locate within the expanded district, they would have to come back to a future Planning Board seeking a Special Permit at which point there would be a hearing devoted just to the appropriateness of that location.

GAYLE FERRARO: Second follow-up

question?

H. THEODORE COHEN: Sure.

GAYLE FERRARO: Okay. So isn't that already in that -- I own the building at 160 Fawcett Street. It's on the corner of Fawcett and Smith. I have the gymnastics school and other tenants. So I got this letter. And I thought that already was zoned. And I've gotten calls weekly for either my attorney or my broker for use of -- but I have a gymnastics school there, so it wouldn't work.

H. THEODORE COHEN: Right. So my -- well, I don't know whether the exact location of your school and whether it is in the existing district or not. This seeks to expand the district to include -- it will include Smith, this portion of Smith Place.

GAYLE FERRARO: I thought they already were in it actually, but I guess not. Because as far as I have heard, I'm just a little bit down the road and we are.

H. THEODORE COHEN: Do you by any chance have a -- we don't have a visual of the existing district?

JEFF ROBERTS: Mr. Chair.

GAYLE FERRARO: You're on the other side of the road? I see. Okay. I was just trying to locate it.

H. THEODORE COHEN: I'm sorry, could you please give us your name?

GAYLE FERRARO: Gayle Ferraro,
F-E-R-R-A-R-O.

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

BURT VINING: Hello, my name is Burt

Vining. I'm the chief operations officer of the Cast Foundation and we have received a provisional certificate from the Department of Public Health and we are located within the MMD-1 Zone at 110 Fawcett Street. I just wanted to make that as a point of information.

Thank you.

H. THEODORE COHEN: Okay. Thank you.

And, sir, please come forward.

JOE BURRELL: My name is Joe Burrell.

I'm an abutter of the property and I just want to clarify something with respect to the schools.

If the dispensary went in and somebody approached me as a future tenant and wanted to use our space, would that, would the dispensary now preclude that person from becoming a tenant? Or would they still be allowed to be a tenant and operate a school or an academy?

I have a tenant now that's in the front of our building that runs a school. So I'm wondering what happens, what the effect is for them? Or for my future rentability?

H. THEODORE COHEN: Jeff, do you have any comments about this?

JEFF ROBERTS: Well, the zoning doesn't prohibit -- it only puts restrictions on where a dispensary can be established. It doesn't put restrictions the other way around on where a school can be located. So if a school could be established there, if it were established after the dispensary were established, it would just -- the school would have to be comfortable with that distance to the dispensary. That would -- that's how the zoning would apply.

Now, what I believe the -- and maybe the petitioner can speak more to this, but I believe

there would need to be a recertification process at the state level by the Department of Public Health, and I'm not sure if they would have any concerns if they were reviewing a registration for renewal and found that a school were open, but I imagine that they wouldn't be able to hold that against the dispensary.

H. THEODORE COHEN: I think we're in an area that is pretty new for the state and I don't know that, you know, there have only been a couple of dispensaries that are opened. I don't know what the state's position will be if it met all the criteria at the time it was originally cited and then a school or another area where children congregated chose to open within the distance. So I don't know that anybody can give you a definitive answer right now.

JOE BURRELL: Yeah, I guess I want to be

clear, too. I'm very familiar with my property and the proposed property and the door to my tenant's space and the door to where the dispensary would be located couldn't be further apart. They're completely opposite on both sides of the building. So my concern wouldn't necessarily be from the standpoint of the current tenant, it would be more I was wondering if the language, I guess in the law where the dispensary couldn't go in close for the school, if that was two ways or if it was a one way --

H. THEODORE COHEN: No, it's not two ways.

JOE BURRELL: So my future would be okay?

H. THEODORE COHEN: Yes.

JOE BURRELL: Thank you.

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

AHMED NUR: Can I just -- I'm sorry, can I also just also say that we here at the Planning Board, we don't give you whether your future is going to be okay or not. We're not going to tell you that. We're examining as the Chairman tells you what we're going to recommend to the Council, and the rules are explained to you, 500 feet to the school zone, so on and so forth, private owned property and what effect it may have is absolutely none of our business and we can't predict that.

H. THEODORE COHEN: Thank you.

Board members, comments?

TOM SIENIEWICZ: Mr. Chair, I found the most enlightening document in the package I received this time which is a list of either approved or pending applications in Cambridge and I understand from the gentleman tonight that

there may in fact be a sixth application here in Cambridge. And so I was wondering as this Planning Board, how many dispensaries should community -- how many dispensaries does a community need? There's no question that we need some and why do so many enterprises want to situate here in Cambridge? And I began to wonder, and I really would like the opinion of fellow Planning Board members, whether that's a question that really should be addressed in the comprehensive plan since these dispensaries are affecting the community as a whole?

H. THEODORE COHEN: Okay. I don't recall whether you were here for the last hearing.

TOM SIENIEWICZ: I wasn't at the last hearing. I was here for Sage.

H. THEODORE COHEN: Sage, but not for the one in Harvard Square. We had a pretty lengthy

discussion about this and I think -- well, the Board certainly recommended, did recommend the amendment to the dispensary in Harvard Square, but also suggested to City Council that it might be appropriate to take up this matter citywide rather than on a one-to-one application basis. And I think it's really, you know, really a political decision for the City Council to determine how many dispensaries there ought to be in Cambridge or whether there should be any limit on the number of dispensaries and let the market handle it. I know a number of us were of the opinion that dispensaries should be, you know, ideally -- medicinal marijuana should be at a drugstore and any drugstore in the city could be marketing it. But there certainly was discussion that we thought that it was appropriate in high traffic, high visibility areas, Harvard Square,

perhaps Inman Square, perhaps Porter Square, perhaps at some point in Kendall Square. And so, you know, I think probably a majority of us saw this as, you know, this is not an issue we could really decide. I mean, there were some members who are not here this evening who felt that, you know, maybe we ought to be looking at it on a one-to-one basis, but we felt that the Ordinance at which incorporates the general Special Permit criteria provided enough safeguard that any individual site could be either approved or disapproved because of factors relating directly to it.

And if anyone else wants to chime in as to what we discussed, feel free.

LOUIS J. BACCI, JR.: I think you covered it.

H. THEODORE COHEN: Okay.

So I guess, you know, the issue tonight is while this particular site is obviously going to be in the back of our minds, the issue is whether the, this district should be expanded and whether to recommend or not recommend that it be expanded to City Council. You know, I'm one of the people who took the position that, you know, you can go into a CVS with a prescription for an opioid and why are we making it more difficult for somebody who has a prescription for marijuana? So I personally don't have any problems with this.

I will state that I am -- my kids went to the Fayerweather Street School. It was -- most of the time it was not located in that particular location, but, you know, it's an interesting area of the city. The streets are -- a lot of them are one ways, a lot of them sort of dead end.

It's difficult to get from one location to another location and, you know, if this district were approved and if we did get applications for locations within the district, I mean that's certainly something we can consider. This petition does not seek to change, make any other amendments to the Ordinance, whereas the Sage and the one in Harvard Square, Healthy Pharma, did seek to reduce the distance and this Board was okay with that. So I personally have no particular problem with expanding the district.

It is a fair distance from public transportation. There is the bus on Huron Avenue so it's a thousand feet from that. It's quite a distance from Alewife Station, but we've heard testimony that they intend to have a shuttle and perhaps -- yeah, a shuttle service to and from. And as we heard testimony, this particular site

does have parking for people who wish to drive.

So if people have other comments.

Hugh.

HUGH RUSSELL: I thought it was significant that the actual petition bears the names of many people who live in Cambridge Highlands and that seems to be -- seems to indicate that they are no different than the rest of us in trying to support to facilitate this.

H. THEODORE COHEN: Ahmed.

AHMED NUR: I'm also in agreement that this is the right district for it. As far as the Fayerweather School is concerned, I really don't know, I did not have any kids go there, but my kids, the older ones that I just dropped off in college and the younger one all went to the gymnastics place and it's two full blocks in between, plus probably a quarter of a block on

each side, so it's over 500 feet. And from what I see when I pick and drop my kids off, everyone usually gets into the car and drives their kids right into the parking lot and just go around into the building, they don't walk. And if you were to ask me where would they go, I think of this area would be the only place I would recommend for it. So I think that's it. Yeah, I'm for it.

H. THEODORE COHEN: Anyone else?

(No Response.)

H. THEODORE COHEN: So, does somebody want to make a motion to recommend or not recommend City Council to proposed amendment to expand the MMD-1 District as set forth in this petition?

MARY FLYNN: I just have one question and that goes back to the conversation we had at the

last hearing. Is it, is it reasonable to put the same language in regarding our concern about a more citywide approach into this recommendation as well as the previous one?

H. THEODORE COHEN: Sure. I think we could certainly reiterate that.

CATHERINE PRESTON CONNOLLY: Reiterate that.

H. THEODORE COHEN: The recommendation that we made to City Council --

TOM SIENIEWICZ: Yes.

H. THEODORE COHEN: -- since they are coming with some frequency.

LOUIS J. BACCI, JR.: Good idea.

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

MARY FLYNN: Yeah, so I would recommend that we send a recommendation to the City Council

in favor of this petition with the previous comments that we sent about our preference to approach this on a citywide zoning basis.

LOUIS J. BACCI, JR.: Second.

H. THEODORE COHEN: A second?

Any discussion?

(No Response.)

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: It's unanimous.

WALTER SULLIVAN: Thank you very much for your time.

H. THEODORE COHEN: Why don't we take a five minute break while we wait for the people to set up for the next item of business.

(A short recess was taken.)

H. THEODORE COHEN: Okay, so this is a continuation of a hearing on Planning Board No.

313 relating to the property at 135 Fulkerson Street. And this hearing is to follow up on numerous questions that the board had posed and staff had posed and seeking further information with regard to the applicant seeking Special Permits pursuant to Section 4.26 a Multifamily Special Permit for a proposal to construct 40 residential units.

We have received updated memos from Traffic and Parking and Department of Public Works and from CDD.

Someone going to continue the presentation?

JOHN SULLIVAN: Sure, sure. I can briefly introduce myself again. My name is John Sullivan. I'm with Cabot, Cabot, and Forbes. With me this evening is Jacob Vance from Cabot, Cabot and Forbes and John Harding from Cube 3

Studio and Stephen Martorano from Bohler.

We have a presentation that John will take you through and then we can open it up to questions and answers.

Thank you.

H. THEODORE COHEN: Thank you.

JOHN HARDING: All right, thank you. So as John just said, we should be able to keep this pretty brief. Just kind of gonna show the differences from the previous plan and the previous building design, some of the tweaks that we made to that to address the comments from the last public hearing and then open it up for questions.

So just to relocate everybody, the site is 135 Fulkerson Street. It's just between Binney Street and Cambridge Street, kind of a transitional zone between the residential

neighborhood and the commercial area to the south.

Some of the comments that we and takeaways that we had heard from the previous hearing, reviewed the hardscape design and redesign the parking -- the parking lot area to increase open space.

Review the location and screening of trash.

Review the landscape screening of parking, just trying along the buffer of the sidewalk making sure that the screening of the landscape was high enough that it would be higher than the hood of a car but low enough that people would be able to see over it so there weren't security concerns.

And then look at the transformer area and the screening of that piece and try to make it a

little bit more permanent, a little taller.

On the building side, we looked at the building to make it a little less office building and a little more residential. Again, pushing the transformative qualities of that to really kind of bring out some of the residential feel where this is a residential building.

Consider the architectural treatment to break up the length of the top floor. It was very continuous roof line and siding was all continuous on that one level, so we worked with the staff to address that comment.

The ground floor balconies previously were suspended and there was area underneath them. The comment was to make it more look more stoop-like and kind of address the landscaping around them.

Address visual and noise impacts of the

rooftop mechanicals, and then how the residential and industrial interface with noise and dust and stuff like that.

So, previously this was the site plan that we looked at. Kind of a larger triangular shape parking area. The trash was outside in the center rear of the site, here.

The transformer is on the corner at the pinch point of the site and that's still consistent.

So as we've made updates, we were able to take the trash into the building and that freed up that corner for us to be able to rework the whole parking area, get a single double loaded area through the middle here which opened up a larger landscape buffer along the street, which I think addresses more or less all of the comments that we were looking for there. There's a bigger

landscape buffer from the pedestrians. You don't have parking right up against the sidewalk.

And then the actual landscaping we've clarified in the documents that were submitted so that everything is, you know, much larger over at the transformer location here. And then working with the landscape design and staff to make sure everybody's happy with the landscape that we have along the pedestrian edge so that it does block headlights but still visible over the top.

So one of the key points here that I think we should take away from is that we've actually increased the overall private open space of the area by almost 1600 square feet which is pretty significant on a lot that's only an acre.

On the building side, some of the things that we looked at doing, we added a wood-look material to the canopy trying to warm up the

entrance.

We've -- on the balconies we changed them from a darker color to kind of a medium brown, again, to bring some of the, like, wood tones out. We created a stone base at the bottom of all of the ground floor balconies so to kind of making them more permanent, more stoop-like, similar to other projects that exist here in Cambridge.

And on the top floor we've added some vertical, verticality batons to sort of break up the lengths of that, that piece of facade so that it doesn't feel quite as long.

We also looked at the cornice lines, bringing in some color to the cornice is one of the staff comments. And I think that the memo that was recently released, it sounds like all of these changes had been received positively.

One of the other concerns was the rooftop mechanicals. So what we wanted to clarify here was that on the roof, we have mechanicals that are kind of centered over the corridor and then there's a little wall. An example of one you can see here in a picture on the bottom right. It's on the outside. So you can't from the outside of the building, you won't be able to see the mechanical units, and the walls will keep the noise to the top of the roof. Within the park it was asked what it would look like from the park, how far away would you have to be to see those? You really have to be the back side of the park somewhere between 250 and 300 feet into the park which is really this kind of area here to even get a glimpse of those walls that are set back about 20 feet from the edge of the building. So you -- it would be very, very minimal if

perceived at all.

And then just some updates with all the landscaping changes and everything, we wanted to show you updated renderings of the site. So this is what we had before with the existing street and what was proposed, and now you can see here a lot more landscaping. We've added street trees all the way down the length of the street, working with the DPW, I believe, to get that confirmed that they would be happy with that. And just kind of updates to the building itself.

And, again, the second view here. This is what we had proposed previously and now showing the darker cornice line, the breaks on the building, the warmer tones in the balconies, and the street trees.

And then it was requested what would it look like from the field? And so what you see in

I guess day 1 here and -- sorry, and then our proposed building. It's a little taller than the adjacent building, obviously three stories versus two, but it gives you a good backdrop of what you would see at the field and when people are out there playing.

And that is the end of our updates. I would open it up for questions and answers. So, thank you.

H. THEODORE COHEN: Do Board Members have any questions right now or should we go to the public?

(No Response.)

H. THEODORE COHEN: And is there anyone who wishes to speak?

KEVIN BROWN: Yeah, hi, my name is Kevin Brown.

H. THEODORE COHEN: Please come to the

podium.

KEVIN BROWN: I apologize. My name is Kevin Brown. My family's Met Pipe and my family owns the land Met Pipe's on. Kind of thank you guys for the last meeting because we were kind of a little bit unaware of this one, but we have no problem with this proposal at all.

Thank you.

H. THEODORE COHEN: Okay, thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: Okay.

So Suzannah is not here this evening. I know she's been working on the design. I know, Stuart, have you been involved?

STUART DASH: Yes. Suzannah's comments I think were down there, and if you have any questions regarding her comments, I'm happy to

answer them. But we worked with the proponent on the questions the Board had. Stuart Dash.

Yes, we worked with the comments the Board had including the residential character of the building and improving the landscaping, improving the siting of the parking lot, and the screening of the transformer in the parking area.

H. THEODORE COHEN: And --

STUART DASH: And we included notes on and Suzannah included notes on for further review for recommended areas and to have continued review for some of those areas.

H. THEODORE COHEN: Right, I note the transformer is still in an issue that staff wishes to continue discussing with the proponent.

STUART DASH: That's my guess. That's been our experience, is that continued review is worth it on the transformers.

H. THEODORE COHEN: Board members, any comments? Questions?

TOM SIENIEWICZ: Just a quick question maybe, Stuart, if you can answer or the proponent answer. In the application materials it addressed the issue of doorways on the -- and why that was going to be difficult in the planning. I'm not sure that I understood what the issue was.

JOHN HARDING: Just to clarify. So are we talking about the residential entrances from the building?

TOM SIENIEWICZ: Right.

JOHN HARDING: So there is a couple of factors with that. One was that we've got the finished floor of the first floor up above the 2070 floodplain, and in doing so it puts it about a foot and a half greater above grade on the

outside. There's not a lot of space between our building and the sidewalk to work out accessibility ramps down from all of those. So providing access, we have to provide -- if we provide stairs, we have to provide ramps to each of those entrances because ramp to a residential unit has to be accessible/ and we went through this last time in depth and tried to kind of recap that with our response.

H. THEODORE COHEN: Any further comments about changes to the design? Changes to the landscaping, changes to the parking area?

Hugh.

HUGH RUSSELL: Well, I think I recognize that the changes in the site plan produces a lot more open space along the street which is what we hoped would be possible. And the architectural changes are sort of sharpening up and making the

building more attractive. It really hasn't changed enormously, it's just gotten a little better.

H. THEODORE COHEN: Well, if no one has any other comments, are we prepared to take action on this?

So, Lou, you have a question?

LOUIS J. BACCI, JR.: I guess I have something, I guess I'm always stuck on the transformers.

AHMED NUR: Me, too.

LOUIS J. BACCI, JR.: Any thoughts on relocating this transformer? I know in the notes they were asking you to try to get it behind the building probably where the trash was, but I don't see much on the screening that would also give you another spot to expand the green area in this -- no possibilities of putting it in the

rear of this building somewhere? It seemed like that would make a nice little additional piece of green space at the corner there.

H. THEODORE COHEN: Was anyone going to respond to that?

STEPHEN MARTORANO: I mean -- Steve Martorano, Bohler Engineering.

We looked at a bunch of different options and really what we came up with is that corner you can't put a parking space there. So the compromise is we can either put a transformer there. The alternative would be to get rid of the back patio, and obviously we're trying to preserve that whole right side of the property for the future pathway connection. So we're trying to respect that over there.

Around the building there's really no additional room, and shifting it over to the new

area right opposite the entrance where we've opened up the green space, would be a spot for it that maybe get a little further off of the street, but we thought that was a better green area, more visible from the park to try to preserve. So we tried to balance and put it in different spots. I think that's the best overall location for the site layout. And we can get it some distance off. We can beef up the screening and add some fencing or other things that would help augment that screening, but I think balancing the overall constraints on the site, that is the best location.

LOUIS J. BACCI, JR.: I just hate to see them as a prominent feature of your landscaping. They're always, this is always the problem. I like them below grade to tell you the truth, but I don't see why some are in the rear of this

building along the fence doesn't have enough real estate to site that.

STEPHEN MARTORANO: Not without losing some parking spaces.

LOUIS J. BACCI, JR.: Parking.

H. THEODORE COHEN: Do other members have any comments about the transformer issue? I know that's one that staff wants to continue having discussions about especially whether there should be a fence or some other landscaping.

TOM SIENIEWICZ: Here's a thought, I don't want to hang up the discussion, but within the Ordinance there's a some requirements for a shade tree per every number of spaces in a row, and I'm sure you've checked it, but it seems like I think 10 or 12 spaces that we need to devote, interrupt a row of parking of with a tree, and maybe that -- looking at that more closely, I

don't have the Ordinance in front of me, it might provide the opportunity for moving a transformer to the middle of the parking lot.

AHMED NUR: Mr. Chair, just looking -- this is a minor comment and it really doesn't bother me. But just looking at that island, tiny island of landscaping in the middle of the parking lot, very top. Why wasn't that -- because that's pretty much a trap for senior citizens, they won't see that thing. They'll run it over all the time. So why not continue that all the way to the wall and close it off? What's the purpose of keeping that asphalt behind it?

JOHN HARDING: That's a parking space.

AHMED NUR: That's not a parking space. There's nothing behind it.

JOHN HARDING: That's a parking space.

AHMED NUR: Going this way?

JOHN HARDIN: Yes.

AHMED NUR: Wow, okay.

H. THEODORE COHEN: I have a question.

So I presume you've seen the two memos from Traffic and Parking, July 1st and the August 30th memo. And are you in agreement with all of the conditions that Traffic and Parking has asked in their memos?

JOHN SULLIVAN: Yes, we are.

H. THEODORE COHEN: Thank you.

I think I misspoke earlier when I said we had a memo from DPW, I was referring to another matter we're going to be dealing with later this evening.

Jeff, do you have any comments you wish to make?

JEFF ROBERTS: No, I don't believe I do.

I think there was an original memo from Public

Works on that last point. They didn't have any additional comments to make. And the most recent memos from CDD have an outline of the necessary findings for this multifamily, residential Special Permit and recommended conditions for ongoing design review and for transportation related measures.

H. THEODORE COHEN: Okay. So the findings we need to make for construction of multifamily residence C-1 District for Section 4.261 is that the key features of the natural landscape are preserved.

And I guess we had a garage there before.

The new buildings relate sensitivity to existing built environment.

We have seen what the abutting properties are and --

HUGH RUSSELL: And we have a model.

H. THEODORE COHEN: And they have a model here.

HUGH RUSSELL: That demonstrates that.

H. THEODORE COHEN: And probably the most sensitive, it's not a built environment, I guess is the park across the way, the green space across the way, and it seems to me that the, this building is more aesthetic and appealing than the existing garage.

Open space provides visual benefits to abutters and passersby and functional benefits to the occupants.

There's not a lot of open space, but there is some that has been increased and there are new trees I guess on Fulkerson Street.

Parking access and egress are safe and convenient. We've received comments from Traffic and Parking that they're content with the changes

that have been made and they have proposed various conditions with regard to the access and egress in the parking.

The intrusion of on-site parking is minimized. I think, you know, to get the requisite number of parking spaces on a one-acre parcel, they've done the best they can and through the hearings here and Traffic and Parking's input, I think it's been as minimized as much as possible.

Services such trash collection and utility boxes are convenient yet unobtrusive. The trash has been moved and the transfer, the transformer is still an issue that I think would be subject to ongoing discussion between the applicant and staff.

Then we also have to comply with the Special Permit criteria in Section 10.43:

Special Permits normally will be granted with zoning requirements are met, public interest not to do one of the criteria enumerated in Section 10.43 which I don't have right in front of me. But does anyone have any problem with the Section 10.43 criteria?

(No Response.)

H. THEODORE COHEN: And so I note CDD has recommended there be continuing discussion between them and the applicant, and I think that has obviously become part of our granting of the Special Permit were we to grant it.

Jeff, is there anything else that you want us to make findings about?

JEFF ROBERTS: Just look back at the memo, I believe that's all the findings that the Board needs to make to grant this Special Permit.

H. THEODORE COHEN: Okay.

So, do we have a motion to grant any Special Permit pursuant to Section 4.26.1.

CATHERINE PRESTON CONNOLLY: Mr. Chair, as a procedural matter, I wasn't here for the first hearing.

TOM SIENIEWICZ: Neither was I.

CATHERINE PRESTON CONNOLLY: So I can't vote on this one. So that would be everyone else.

H. THEODORE COHEN: Mary and Ahmed you were here?

AHMED NUR: I was here.

H. THEODORE COHEN: Okay. So we have five members which is sufficient.

So would someone other than Tom or Catherine make a motion to grant the Special Permit under Section 4.26.1 subject to, you know, subject to the findings this Board has made and

subject to the conditions in the two memos from Traffic and Parking subject to continuing oversight and review by CDD.

HUGH RUSSELL: So moved.

H. THEODORE COHEN: Is there a second?

MARY FLYNN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Five members voting in the affirmative. The motion carries. Good luck to you. We look forward to seeing the project. Thank you very much.

We have other matters to attend to so if you can continue your conversations out in the hall, that would be great.

LIZA PADEN: This is a Board of Zoning Appeal case that is for One Memorial Drive which is an office building at the corner of Memorial

Drive and the Longfellow Bridge. And currently the office building has a number of levels of above grade parking and then the office building's on top of it. So the proposal here this evening is for the applicant to request a Variance to convert the top floor of the existing parking garage into office space.

The Traffic and Parking Department has looked at the proposal and has received a traffic study on this proposal and they agree that the existing need for parking spaces is below one and that they don't see it rising above one. In fact, it's about 0.787 -- yeah, 0.87. And the applicant has agreed to follow the proposed suggestions in Adam Shulman's memo for making sure that they don't exceed the amount of parking supply they have.

I have a set of the drawings that show

what the building would look like if anyone wants to look at it.

AHMED NUR: That's the building before you leave Cambridge on the right?

LIZA PADEN: Yes.

So Mr. Rafferty and I were talking this afternoon, and one of the things he said was that while this is a Variance from the Board of Zoning Appeal for this change of the use on this garage floor because of the dimensional relief they're asking for and the parking relief, he was wondering if the Planning Board had any comments that would be useful to the BZA, especially when it comes to the traffic impact on the building and the change of the use? If there was any insight to give to the BZA since this is not a typical BZA case.

LOUIS J. BACCI, JR.: They don't think

they'll get you their parking requirements with the expanded offices?

LIZA PADEN: No, because they're planning to -- they're not at it now, and by the number of spaces they're reducing and the amount of gross floor area they're increasing and they have agreed to this traffic management plan, that they are confident that they won't exceed what their spaces are.

TOM SIENIEWICZ: Well, the world is changing faster than zoning can I think. And the -- all of the elements that they're agreeing to in terms of the mitigation of the conversion here which is bicycles and ride share and this whole list is really impressive, and it reflects the progressive ways in which we transport ourselves to and from work. So this Planning Board member could recommend to the BZA that they

take that into consideration, that the ratios as outlined in the Ordinance were well founded at one time, but the world is changing. So in Cambridge it's leaning in this way in this regard in terms of seeing the automobile go away. So for me, it makes a better city to convert a parking garages to something that would be occupied by people that would be gainfully employed and contributing to society rather than automobiles.

LIZA PADEN: And also Suzannah looked at the design of the building extensively with the applicant beforehand, before she went off on vacation, and she said, you know, having actually more activity on that garage facade is an improvement.

MARY FLYNN: Yeah.

AHMED NUR: I mean I might add, also,

that the location of this building is so close to the bridge and all the pedestrian walking areas and it's sort of a bottleneck in terms of traffic and, you know, less parking garages anywhere near that bridge I think better for traffic.

LIZA PADEN: I can just relate a story. I know a number of people who work at this building who live on the North Shore, and they discovered the North Station connection and they actually walk it all year round and with -- happily to do that. They don't even bother to go in to get the EZ Ride shuttle.

H. THEODORE COHEN: So we wish to recommend to the BZA that they look favorably upon this petition because decreasing the number of parking spaces in keeping with the City has been doing. And I think it improves the appearance of the building.

LOUIS J. BACCI, JR.: Certainly does that.

MARY FLYNN: Yeah.

H. THEODORE COHEN: By adding a lot more windows where there had just been panels.

CATHERINE PRESTON CONNOLLY: Yes.

HUGH RUSSELL: So do we have any clever ideas as to how they would address hardship?

AHMED NUR: One thing that comes to mind is the location. That roadway does not really move at all. I mean, there seems to be traffic backed up constantly and maybe accessibility is one of the issues.

CATHERINE PRESTON CONNOLLY: I think coming up for arguments for hardship for the applicant is beyond the scope of what this Board should be doing honestly. So, I think we can make a recommendation that we think that it's

supportive of the City's transportation and planning goals but it's on the BZA and the applicant and their attorney to figure out what kind of arguments need to be made on that score.

TOM SIENIEWICZ: I think the BZA needs some help understanding what hardship is, from my understanding, a little bit of help. This is an unusually shaped lot, that's referenced absolutely in the enabling ordinance. And so I would start there and then I would say it's incumbered by an antique building, which is as I said before, that lots incumbered by antique building and use, at least on this particular floor, which is increasing on horse and buggy which is parking garages. So I guess at the risk of leading the witness at the Zoning Board, I guess that's where I would start. I don't know, the conversion of this building to office in

another way, the demolition and reconstruction there's not a sustainable approach. I think the conversion of this building and retrofitting is a very progressive way to think about structure and I believe the lot is incumbered by it.

H. THEODORE COHEN: Any further comments?

HUGH RUSSELL: It seems to me those are valuable comments that we don't have to use the H word.

CATHERINE PRESTON CONNOLLY: Yes, I feel more comfortable with that, thank you.

H. THEODORE COHEN: Liza, you have enough to transmit?

LIZA PADEN: Oh, yes, thank you.

H. THEODORE COHEN: Thank you. I guess you can contact Mr. Rafferty tell him there's no need for him to comment.

LIZA PADEN: I'll text him right now.

H. THEODORE COHEN: Were there any other BZA cases?

LIZA PADEN: Nobody asked to pull anything so I don't have anything.

H. THEODORE COHEN: Okay, great. Well, we have seven minutes. So we'll take another break and let people -- they can start setting up for the next hearing.

(A short recess was taken.)

H. THEODORE COHEN: We are back and now we're having a hearing on Planning Board 301 regarding to the property at 249 Third Street. It's the request for an amendment to the project review Special Permit by Equity Residential to increase the gross floor area by 14,484 square feet in the basement level. The building uses and floor area ratio will remain within the allowable limitations of the East Cambridge

Housing Overlay District. The building height, building footprint, and number of dwelling units would remain the same as approved.

Someone is making a presentation?

ATTORNEY JOHANNA SCHNEIDER: A very brief presentation. Good evening, Mr. Chairman, Members of the Board. My name is Johanna Schneider. I'm legal counsel for --

JOHN HAWKINSON: Is the mic on?

ATTORNEY JOHANNA SCHNEIDER: My name is Johanna Schneider, I'm legal counsel for the project. I'm here with members of the Equity team, Dan Egan and Paul Barrett, and also David Stockless from Icon Architects.

Around the time last year this Board did grant Special Permits to allow the construction of an 84-unit apartment building at 249 Third Street with about 1500 square feet of ground

floor retail. As some of you may recall, the Board during our hearings did express a very strong preference that we look at moving the electrical transformer for the project from the rear courtyard of the project to a below grade location.

We looked at that. After working with Eversource, we determined that it was in fact feasible and we started to implement the change. Unexpectedly excavation for the transformer, however, unearthed hazardous materials, including PCBs and asbestos in the soils beneath the property. And this requires extensive remediation including the excavation and off-site removal of over 10,000 cubic yards of contaminated soil. The extent of the excavation will be 10 to 12 feet below grade throughout the entire site, and in some spots going down as much

as 14 feet. Rather than backfilling this area after the excavation and clean-up is complete, Equity is proposing to use this unanticipated set of circumstances as an opportunity to enhance the project for the benefit of its residents by adding a full basement to the project. To do so as Mr. Chairman mentioned, we're seeking an amendment to the previously granted Special Permit to allow approximately 14,484 additional square feet of gross floor area to the project and that will bring it to a total of 86,381 square feet.

As noted, the project does continue to conform with the requirements of both base zoning and the overlay zoning. There are no changes being made to the unit count, and the parking configuration that was previously approved remains unchanged. We're not adding any parking

with this below grade addition.

We also previously sought and received permission to reduce the required side yard of the building to ten feet. This also remains unchanged as a result of this addition. So we really are only asking the Board to amend the Section 19.20 Project Review Special Permit.

I'm gonna turn it over to David Stockless in a moment to walk through the details, but the overview that these changes really are just internal to the building. We will be creating additional resident amenity and storage space. We will be improving the ground floor lobby to create a better visual connection between Third Street and the project internal courtyard, and we also will be relocating the bicycle parking room from the first floor to the new below grade level and we'll be providing elevator access to the

rear courtyard of the building.

We think that these changes result in a better building for future residents of the project, and also a number of design improvements that benefit the public realm and are consistent with the City's urban design objectives. And unless there are any questions for me, I'll turn it over to Dave Stockless to walk through the new design.

HUGH RUSSELL: I have one question. Will the current facilities be available to other properties that you have nearby?

ATTORNEY JOHANNA SCHNEIDER: No, it will be limited to residents of the building.

DAVID STOCKLESS: Good evening. David Stockless with Icon Architecture. Johanna walked us through a very simple modification that we're looking to do here at 249, and I'll just point

out how the plan changes relate to what we're doing on the facade which the majority of the public would see and these are minor modifications to the plan.

This plan on my left is a plan on the basement. The vault area is here, which is about 600 square feet.

The bike parking, which is the green tone, has been moved to the basement. And as Johanna had said, we're providing elevator access down to this basement level to also provide access to the amenity which is a work/share space, fitness, sports simulator, and some water closets.

The remainder of the basement is primarily the utility and storage. We have moved all of our infrastructure down to the lower level other than our trash room. What that has done

for our first floor has -- it has opened up an opportunity creating a visual or a more enhanced visual connection between Third Street and the park to our rear courtyard which I know in working with the City and Suzannah, she was very much in favor of this modification to create more glazing along the street front of Third and we were able to create a little more glazing in our courtyard.

We mirrored the lobby door. Previous the door was over here looking into our back corridor. We were always fighting that design element, and this, this change has helped us enhance that feature, whereas now you come in you see straight through back to the courtyard which we feel improves the project.

Move in, move out is still through our rear courtyard into the elevator bank.

We've added a leasing office on this southeast corner -- southwest corner, sorry. And the retail is primarily the same other than an added basement storage portion for them.

So what I'd like to do now is walk you through what's changed on the elevation in relation to these modifications.

So, again, it's modified three areas of the building: The Third Street elevation, the Rogers Street elevation, and the rear courtyard. What you see here is the Third Street elevation and a view from the park and the proposed entrance to the building. As you can see here, as I stated before, we mirrored the entrance and created -- we primarily just took the element and mirrored it here, created the windows on this side, and even created a better visual through our lobby and clubroom to the courtyard.

I'm gonna leave these up, I'm not too confident of these stands.

So the view down Rogers Street, again, we were able to create more of a storefront approach to Rogers Street. And in talking with the CRA about potential development at the Foundry, this element of adding the retail and leasing along that whole facade may become a great opportunity to connect better with the Foundry building architecturally and aesthetically, possibly using a shared street and things like that. I think that helps that whole corridor.

You can see it better here where we take our retail detailing and bring it to the southwest corner and just kind of continue that feel as you're walking down Rogers Street from the park.

The last element is in the courtyard. So

what we've been able to do here again and again, this is the club room that we created on the first level and which opens up into the courtyard, and again provides that better visual access. Nothing else in the courtyard has really been modified at all as well as our rear courtyard designed as previously been shown to you.

So we think in all by adding this additional square footage in the basement, it has allowed the building to give itself a little bit of elbow room on the first floor to make it better for the residents of the project.

So any questions?

H. THEODORE COHEN: Anyone have any questions?

(No Response.)

H. THEODORE COHEN: No?

Then we will go to public comment. Is

there anyone who wishes to speak?

(No Response.)

H. THEODORE COHEN: Apparently not.

So, Board Members, any questions,
comments on this proposal?

CATHERINE PRESTON CONNOLLY: I'll just
comment briefly that I think it looks like an
overall improvement and I'm glad you ended up
having to dig up the backyard even though I'm
sure that the overall cost, it seems like it's
going to be a better project not just because the
transformer gets moved as a result, and I for one
think that's a good result.

DAVID STOCKLESS: Yeah, the cost is going
to be about six and a half million dollars.

TOM SIENIEWICZ: So despite the added
square footage, what I understand is there's no
change in the intensity of the use at the site,

so -- and the architecture as ultimately explained is much better. So it's a win/win.

AHMED NUR: I'm just, I'm just curious, you don't have to answer but what type of contamination did you find in the soil?

ATTORNEY JOHANNA SCHNEIDER: It's asbestos, PCBs, and all of that is being remediated through federal statutes and also complying with the MCP. Basically the whole thing has to get dug up and shipped off site.

AHMED NUR: I know. It's probably good you guys did that.

H. THEODORE COHEN: And, Jeff, I just want to confirm with you it's my understanding that had the original proposal been included this basement, the gross floor area still would have been within what was allowable under the Ordinance?

JEFF ROBERTS: That's correct. It still complies with zoning, it complies with the zoning at the time that it was approved. And in fact I looked through the -- just a minute ago through the Special Permit decision from before, and there's really nothing I can see in the findings or conditions that is changed with this proposal. The real substantive change that requires the amendment is that the change, it's a substantial change to the gross floor area and to the plans. So it really -- the only action is for the Planning Board to, as an amendment, Planning Board could make the same findings as before and just reference the updated plans and dimensional form.

H. THEODORE COHEN: Any other comments?

Lou?

LOUIS J. BACCI, JR.: I have one. I'm

just really curious how this kind of snuck by everyone. I looked up your 21-E this afternoon, so this was known to be dirty in 2009. Didn't expect any of this to have to be remediated?

ATTORNEY JOHANNA SCHNEIDER: Well, we were never intending to do any sort of subsurface excavation. It was a paved parking lot, and so that was completely permissible. It was covered. And so there was never the intent to go below grade. Nothing that was under there was going to be disturbed. It was effectively capped by the paving. So it was only once we started going below grade and far enough below grade to put the transformer down there, that it became, that it became evident. In fact, I think that sampling that was done immediately below the surface showed cleaner soils than what happened when we got further and further down. It was really the

depth of the excavation for the transformer that indicated how serious the problem was and also how extensive it was. I mean no one would take samples of the entire site and that far down if you weren't planning on, for example, excavating the site to put in a parking structure which we weren't going to do.

LOUIS J. BACCI, JR.: No, but you at minimum had a five to six-foot cut in this site, never mind the utilities, correct? I mean you have to put a foundation in this building?

ATTORNEY JOHANNA SCHNEIDER: It was -- the foundation was at most four feet, four feet deep.

DAVID STOCKWELL: Cross wall not the entire site.

DAN EGAN: I can give more detail.

LOUIS J. BACCI, JR.: I'm just wondering

how it got by, that's all.

H. THEODORE COHEN: All right. Anything else?

Well then I guess taking Jeff's suggestion, we could incorporate by reference the findings that we made previously. So we could find that this leads to improved design and grant an amendment to the gross floor area to the square footage in the charts and in the plans.

Jeff, that's satisfactory?

JEFF ROBERTS: Yes.

H. THEODORE COHEN: Okay. Do we have a motion for that effect?

MARY FLYNN: So moved.

H. THEODORE COHEN: Second?

LOUIS J. BACCI, JR.: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: It's unanimous.

Thank you very much.

ATTORNEY JOHANNA SCHNEIDER: Thank you.

H. THEODORE COHEN: And unless Liza has something else for us.

LIZA PADEN: I have the meeting materials for the hearing on the 20th if you want to take it with you.

H. THEODORE COHEN: Okay.

So we are adjourned. Thank you all.

(Whereupon, at 9:05 p.m., the

Planning Board Adjourned.)

* * * * *

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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 11th day of October, 2016.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
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My Commission Expires:
April 29, 2022

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