

PLANNING BOARD  
FOR THE CITY OF CAMBRIDGE  
GENERAL HEARING

Tuesday, February 28, 2017

7:00 p.m.

in

Second Floor Meeting Room  
344 Broadway  
Cambridge, Massachusetts

H. Theodore Cohen, Chair  
Hugh Russell, Member  
Mary Flynn, Member  
Tom Sieniewicz, Member  
Steven Cohen, Member  
Louis J. Bacci, Jr., Member  
Thacher Tiffany, Associate Member

Iram Farooq, Assistant City Manager

**Community Development Staff:**

Liza Paden  
Jeff Roberts  
Swaathi Joseph

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H. THEODORE COHEN: Good evening.

Welcome to the February 28th meeting of the Planning Board. Before we get started, let me state that we are having a soft test of the streaming system of our hearings and everything is being streamed tonight on the City's website. And so when you speak, please speak as loudly and as clearly as you can and be aware that you will be broadcast on the internet.

First, we have the update from the Community Development Department.

Iram.

IRAM FAROOQ: Thank you, Mr. Chair.

So tonight's agenda includes a hearing on the Healthy Pharms project which was just up on the screen. And there are a couple of General

Business items which includes a Comprehensive Permit review of 675 Concord Ave. which is an affordable housing project being proposed by Homeowners Rehab on Concord Ave. And the permit actually is issued by the Board of Zoning Appeals. As with all the BZA cases, it comes before the Planning Board, and since it's significant enough, we have it as an item, a more standalone item on the agenda.

And the second item is design review for building 3, and I think they will also be bringing landscaping for MIT's South of Main project.

Next meeting will be March 7th. And that will include a public hearing on 75 Holworthy Street. I think this is a continued hearing. And we will be looking at a BZA sign variance on 40 Erie Street.

March 21st is a public hearing on the fire reconstruction zoning petition which is essentially responding to the fire in Wellington-Harrington and the number of buildings that were destroyed or had to undertake significant reconstruction and rehab. And this is trying to modify the existing provisions in 8.23 in the Zoning Ordinance to try to facilitate that process, targeting of course the incident right now, but of course will have impacts on future -- hopefully we won't be having such incidents in the future, but if we do, these will be in place. Those are key things that are coming up at the Planning Board.

In terms of what's happening at Council, Jeff and I are slightly discombobulated because we're coming here from the Ordinance Committee hearing on inclusionary zoning, and the committee

has made some changes, some minor changes, and is forwarding the inclusionary petition, minor changes, and sending it on to the full Council. And the idea is that the report will go up for the meeting of the 20th of March and then be able to be passed to a second reading and potentially ordained on the 3rd, which is a very, almost clockwork timeline, because the petition expires on the 4th of April. So it will be touch and go there, but I think the Council is committed to adopting the changes.

The Council's Public Safety Committee will conduct a hearing on drafting to which to impact short-term rentals, Airbnb type rentals, and that's March 1st at four o'clock.

And I think those are the most pertinent things that impact the Board.

Well, March 16th the Ordinance Committee

has scheduled a hearing of the Harding petition which focuses on the Mass. and Main project and the Bishop Allen -- related Bishop Allen Drive project.

And I guess just one note of interest is that the Council on Monday night adopted the Central Square rezoning petition. So that's one less thing that's coming back to the Planning Board.

And that's it for me. Thank you.

H. THEODORE COHEN: Thank you.

Liza, are there any transcripts?

LIZA PADEN: So we have two transcripts that have been submitted. One is for January 17th and one is for January 31st. And they've been certified as complete.

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

MARY FLYNN: So moved.

H. THEODORE COHEN: Second?

STEVEN COHEN: Second.

H. THEODORE COHEN: All in favor?

(Show of hands.)

H. THEODORE COHEN: Thank you.

We now have a public hearing on application for Healthy Pharms, Inc. for a Special Permit at 98 Winthrop Street pursuant to Section 10.43, and new Section 11.800 for a registered marijuana dispensary. It's proposed to convert an existing space into a registered marijuana dispensary.

ATTORNEY VALERIO ROMANO: It's on here. There's -- I can play with this as we discuss because the presentation in chief does not require the PowerPoint. So my name is Valerio Romano. I've been in front of the Board before

for the rezoning to create MMD4 towards the end of last year. I represent Healthy Pharms as an attorney and a compliance officer. Also -- my address is 109 State Street, No. 404 in Boston. Also with me is Jeremy Shaw who is an associate in my office. Paul Overgaag who is one of the founders and principals of Healthy Pharms, and Nat Averill who is president of Health Pharms, founder and principal as well.

Many of you know Paul. He's been operating businesses, rather well regulated businesses with liquor licenses in Cambridge for decades without incident. He's a member of Harvard Square and a well valuable --

And so we're here as stated, for an application for a Special Permit for a registered marijuana dispensary. We did not make an effort to turn out a room full of sick people to talk,

to talk about their illnesses. We did not really feel that that was necessarily what we're in front of the Board tonight. We didn't want to turn this into a referendum on Question 3 from 2012, but instead to respond to the Board's inquiries about the Special Permit criteria and make sure that we've satisfied them. So you may not have a -- we made a particular effort not to do that because we didn't want it to turn into that. And so our application is for a registered marijuana dispensary under 105CMR725 to site at 98 Winthrop Street in Harvard Square. We have written Special Permit criteria from the Cambridge Zoning Ordinance which has recently been amended. And I would be happy to run through the various criteria from 11.800 the new Zoning Ordinance if the Board wants me to.

So, you know, the way I sort have laid

this out was to go step by step and ask the Board if they would like me to engage in something.

And if not, I'd move on to sort of the next portion. We can make this sort of as, you know, as quick or as long as the Board wants me to.

So the first step was to run through the written Special Permit criteria that's in 11.800. And so I welcome direction from the Board. I can make it brief, too.

H. THEODORE COHEN: We have seen your materials, but if you want to, for the benefit of the public, if you wanted to run through things quickly as how you comply with those various revisions. You know, we've heard many applications for registered marijuana dispensaries. We've heard from a lot of people about the values of them and the need for them, so don't feel that you need to cover that area.

We've heard it before. But now we are talking about whether you comply with the terms of the Special Permit. So if you focus on that, I think that's how we should be proceeding this evening.

ATTORNEY VALERIO ROMANO: Thank you, Mr. Chairman. And similar to my reluctance to fill the room with sick people from Cambridge, that's exactly sort of the mind frame that I had as well.

So the 11.801, the statement of purpose, and the purpose of the section to establish registered marijuana dispensaries that were authorized under the CMR. This is for medical. The Ordinance prohibits the -- the new ordinance prohibits the co-location of medical and adult use or recreational. This is purely for medical. That's all that's before the Board.

11.802.1 the use, notwithstanding

anything, any of the limitations that the base zoning district. RMDs shall be allowed within the Medical Marijuana Overlay District upon granting the Special Permit by the Planning Board. That's why we're here.

802.2, you have to be registered with the Department of Public Health. We are as far -- we have a provisional Certificate of Registration for siting in Cambridge from the Department of Public Health. It's as far as you can possibly be in the process without having completed construction after final inspection from the department. So we're there.

And that you have the Special Permit. And that you have the application materials in the packet that was provided, that we provided to the state as part of that process.

It's a limitation of approval, .3. Only

the entity that's asking for the Special Permit. Otherwise it's -- and it's only for on -- for the site that the registered marijuana dispensary has been authorized. It goes without saying what's going on with that.

The building shall be located only in a permanent building and not within any mobile facility. The 98 Winthrop Street address is exactly that, it's a permitted building. It's for dispensing only. No cultivation or processing. All sales will take place within the facility. We satisfy that criteria as well.

.5, the dimensional requirements. As noted in the CDD's memorandum transmitted to the Planning Board, no dimensional changes are proposed and the building currently complies. So we satisfy the .5 requirements.

.6, parking and loading. So there had

been some discussion of parking and loading throughout the course of its process. The excellent Cambridge officials that we met with throughout this process, I mean it's incredible the quality of work that's done, and I know that there was a -- the Traffic and Parking has expressed a memo, has given a memo to the Planning Board which summarizes a lot of this. One of the concerns or issues was loading. Whether the loading would be done from a loading spot or live loading, our preference was for live loading and it seemed that the police department's preference was also for live loading. And the Harvard Square Committee -- I'm sorry, the Harvard Square Business Committee that met with us as part of this process also had a preference for live loading. But, of course, we're at the Board's discretion how they would

like us to complete the loading.

As far as parking, additional parking, the City of Cambridge Traffic and Parking has expressed additional parking and roadway mitigation is not necessary. The project will both have minimal impacts on transportation in the Harvard Square vicinity. They encourage us to offer TDM incentives and to that we will. We have significant transit subsidies for employees. Gold Hubway memberships. Lockers for employees who wish to ride their bikes. Bicycle maintenance. Tools on-site.

We'll designate an employee as a transportation coordinator with significant information about local public transportation, both for employees and for patients who come in.

We'll encourage carpools for employees.

We will have all public transportation

information, as I said for patrons.

We're going to hire Cambridge residents, absolutely whenever possible, and so that will also contribute to not having extra parking or traffic.

We will implement a transportation monitoring program, and we will have results from that frequently, periodically.

We'll monitor the loading and parking and pick up on Winthrop Street, and we will keep a log and a journal of that so that we can address any issues that may or may not arise.

And finally, we'll contribute to the City's Public Bicycle Parking Fund. So we feel that we satisfy that criteria as well. And the memo from the City of Cambridge Traffic and Parking seems to concur as long as we do those things that we said that we're gonna do.

Signage. So all signage will conform to the requirements of Article 7 of this Ordinance. We have a copy of our sign. This hasn't come up yet and I'll pop it up. I think you've seen it. It's small and inconspicuous sign on the door. It's simply that one door. This is not, you know, it's not Denver with neon signs and all that. I don't want to devolve into that too much.

The location, Business B. We're in there. So we satisfy 11.802.8.

And 11.804, the registered marijuana dispensaries locate and serve an area currently does not have reasonable access to Medical Marijuana.

I realize that Sage is also planning on opening. As far as we could tell from February 17th, which was the last information in front of

the Department of Public Health, there's no, there's no final Certificate of Registration for Sage, but you may have different information.

Even if they had one and even if they were sited next-door, there is simply not enough access for marijuana to patients in the Commonwealth.

Strains and forms of ingestion for people are sparse. We represent -- our office represents other dispensaries in the Commonwealth, including one operating in Quincy. And we know that they frequently sell out. There is simply not enough high CBD (inaudible). There's just not enough production. No less retail outlets.

Cambridge and Harvard Square is absolutely a population center. This is Cambridge and Harvard Square frankly, is the ideal location for a dispensary in the Commonwealth. This is perfect for patient

access. We strongly satisfy that criteria. The closest open RMDs are Boston, Newton, Brookline. Our location has the best public transportation access out of any dispensary that will be anywhere in the Commonwealth. We will help patients. That's what this is about. We absolutely satisfy that.

And I can get more into that in a number of applications there were in the past and how few are open. In August of 2013, there were 181 applications to site dispensaries in Massachusetts. There are nine open today with two final registrations. One to two final registrations out there as well. So 100 as of February -- or as June of 2015 when the Baker administration reopened the application process, there's been another couple hundred dispensaries. The only one that's gotten final is East

Bridgewater. So out of all of these, you know, 400-odd applications to site dispensaries in the Commonwealth, there are only nine open with a few other finals. And the point of that is that no matter how many provisional registrations you hear of, and there aren't that many even around here, or how other sites that people plan on doing, ultimately they're not getting open. There's somewhere around 100 finals and provisionals throughout the Commonwealth and again, nine open. So we absolutely satisfy that criteria as well.

The site is located at least 500 feet distant from a school, daycare center, preschool or after school facility or any facility in which children commonly congregate. Or if not located at such a distance, it is determined by the Planning Board to be sufficiently buffered.

And so we, you know, we were in front of the Board towards the end of last year sort of with this same issue. It's not exactly the same issue. It wasn't a Special Permit criteria, but it was whether the 98 Winthrop Street location is appropriate to site a medical marijuana dispensary. Despite the fact that the Medical Marijuana Overlay Districts that existed at the time required this 500-foot setback. And the Board agreed a 250-foot setback, direct pedestrian access, which was the bylaw, the ordinance that was implemented due to our presentation and our efforts last year was appropriate. So I think it's certainly arguable that at some point the Board considered the specific, this criteria one way or the other, although not necessarily in this exact context.

We have met with the Harvard Square

Business Association and we have gotten a letter -- supermajority letter of support for our location and our application and what we're trying to do. That's from the Harvard Square Business Association.

I haven't seen a supermajority letter of support in all the different dispensaries we represent in the Commonwealth. We also met with University Lutheran Church which was the offending use that we were able to define and we got a letter of non-opposition ultimately in support of our petition and our siting there. So we tried to do our homework on that. University Lutheran Church is in fact 300 feet away. It's across JFK, a busy thoroughfare, and on the interior of the Harvard University campus, we feel that it is sufficiently buffered and they provided that letter to us. We feel that we

satisfy, although we don't satisfy the 500-foot criteria, there is, there is room for the Board to make a finding that our location would be sufficiently buffered. And we believe that given the history of this and the fact that we've been through this before and the fact that we've approached the Uni Lu and gotten their support as well and of course from the Harvard Square Business Association and all the different meetings we've taken between police and various members of the community, that we are sufficiently buffered. And we hope the Board is well equipped to make that finding tonight.

So traffic generated by client trips, employee trips, and deliveries to and from the RMD shall not create substantive, adverse impacts on nearby residential uses.

As noted in the TP&T department

memorandum transmitted to the Planning Board, they agree with the conclusions of HPI's traffic analysis and do not see that there's going to be an adverse impact on residential uses nearby.

Loading and refuse. We've been through the loading issue. There is no marijuana refuse that will ever be disposed of there. Any -- we're doing all the production, the cultivation, and for the most part, packaging. There may be something that needs to be broken apart during the operation of the dispensary, but cultivation, production, and packaging will be happening in Georgetown. All the refuse is going to happen up there. If -- let's say there's a recall, the client returns a product containing marijuana, we'll bring it back up there to dispose of. And so there will be no marijuana refuse. Just regular business trash will go into dumpsters

that are in an alleyway that are totally, they're not visible to abutters.

So we believe that we satisfy the secure and shielded from abutting uses criteria as well.

Finally, the building had been sited and designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result. As noted in Section E of our narrative responses, we do not negatively impact the aesthetic of the area. And if I get this to work and we can look at again at how it's only one door of the Red House Restaurant which is changing. The operation will happen in that hallway and in the back of the Red House. We have this, the site plans, and we'll run through them really quick. So we do not have -- and the signage is just the Red Barn Healthy Pharms. No pot leaves. No neon signs. We do not -- this is

good aesthetically. There's no -- there's really no negative impact. So we believe we satisfy that criteria as well.

And so I will, in the event that the Board wants me to also address the citywide urban design objectives, and the general, the general requirements, I will, but I believe we've run through the Special Permit criteria.

H. THEODORE COHEN: I don't you need to do that.

ATTORNEY VALERIO ROMANO: Sorry.

H. THEODORE COHEN: I don't think you need to.

ATTORNEY VALERIO ROMANO: Okay, great. If you give me one moment, I'll get this working and we can quickly take a look at the site. I'll try re-plugging this in.

H. THEODORE COHEN: While you're waiting

for that, question: We have a memo from Traffic and Parking and they had numerous conditions regarding the TDM and parking and loading requirements. Are you in agreement with all of those terms in their memo?

ATTORNEY VALERIO ROMANO: Yes, we are.

Well, the one issue was the loading issue and so I wanted just to -- they didn't actually have the requirement that we could not do live loading definitively, and we talked to the police department and to the Harvard Square Committee, and it seemed that live loading was their preference. Like I said, we would defer to the Board, but speaking with the Commissioner and the member of his staff, they thought that that would be the better, the better way to do the loading. But I'll defer to the Board unless, Paul, do you have anything to add to that?

PAUL OVERGAAG: No.

ATTORNEY VALERIO ROMANO: All right.

Here we go.

So here's Winthrop Street. Approaching you can see the patio of the Red House. This remains. Nothing here changes. This -- we retain the character and the usefulness of the location of Winthrop Street. The valuable, you know, people seating outside and the vibrant nature of Winthrop Street. And in fact, during our previous hearing, a member of the Harvard Square Business Association and their committee actually expressed that they thought it would be good to have patients coming back and forth. And being around it just adds to the vibrant nature of Winthrop Street. You can see that we're not changing that.

And, Paul, feel free to jump in.

PAUL OVERGAAG: You're doing a good job.

ATTORNEY VALERIO ROMANO: Thanks, Paul.

This is the one door that we will, that will be devoted now strictly to Healthy Pharms. You can see the sign is low key. And this is, this is the only change, is, so patients will enter through that door.

And you know, I don't -- unless the Board wants me to, I will not run through what it, you know, the whole patient experience and going through the man trap and all of that. To the extent that the Board wants me to I will. I feel that a lot of that may also be code compliance later on as well and building permits, and I'll defer to the Board. I'd be happen to do it, but I don't want to take any more time or belabor things that we all talked about sufficiently before.

H. THEODORE COHEN: Why don't you proceed and if we have questions, we'll ask you about them.

ATTORNEY VALERIO ROMANO: All right, great.

Here's further architect's rendering of what's happening there.

Here's a site plan. Winthrop Street. The adjoining businesses. Here's the business with the entrance right here. And this is all in the materials.

So here is, here's the operation if we can see, this -- thanks, Jeff. Perfect.

You can see the entrance here, and this is where the security checkpoint or vestibule will be. And patients are allowed in after showing a program ID card that's issued by the Department of Public Health, state issued program

ID card from the outside, they'll be allowed in.

That time it wasn't me.

And so they'll be allowed into the dispensary. They'll queue up in that long hallway in the event that there's any queueing up required. And there's a limited patient access -- a limited access area in the back. There will be -- thank you.

Patient services. Registration where they could have their first time meeting when they first show up. And then the counter space where patients will be able to make a purchase.

This -- there's a vault locker room like we discussed for employees who want to ride their bikes.

And order prep in the event that when a patient makes a purchase, anything that needs to be organized will go from the vault to the order

prep room and then out to the dispensary floor. After the patient makes the purchase, no on-site consumption. We will have a security agent on-site at all times to make sure that there is no on-site consumption. And patients will be allowed to see educational materials further, further client -- patient consultation if they want. But then after that they will have to leave. And we will have cameras outside and inside. We will also have some admin -- there's a bathroom. And then we'll have some administrative offices upstairs. A security office required by regulation, required by the Department of Public Health and an administrative office. There's no patient access to the upstairs. All in that downstairs area, from the entrance, down the hallway, to the back.

Here's the zoning map showing that we are

in Business B.

The context map. All of this was in your materials showing what's around. I think probably most are aware of what's going on.

The traffic impacts we discussed, but we anticipate 35 vehicle trips per weekday with a majority of our patients coming via public transportation. The area's served by four parking garages, and it's easily accessible by public transportation; nine bus routes and the Red Line. And like I said, we will have all of that information available to patients when they show up, to all of our employees. And we'll actually have an employee who is going to be responsible for disseminating that information to the public.

We talked about inventory deliveries. This is just about the end anyway. We talked

about inventory deliveries and the loading, whether it's live loading or otherwise. You know, Harvard Square as I said, is an ideal location for an RMD. The proposed 98 Winthrop Street facility is the ideal location within Harvard Square, because we're just using that one doorway. I'm finished anyway. This is really the last slide.

So we're only really using that. Unless in case there are further questions we have to go back through. But we're only using that one doorway. And it's all happening in the back. We're not monopolizing or giving up any real frontage requirements. And we're maintaining with the balcony seating with the Red House, the vibrant nature of that facility. So Harvard Square is an ideal location with the Commonwealth. The Winthrop Street is a fantastic

location within Harvard Square, but then equally importantly is the operator.

You all know Paul Overgaag. He's been operating liquor licenses for 20, 30 years in Cambridge without any incident. He's somebody you can trust to do this the right way. So we have the best location in the state, the best location in that location, and the best operators. With that I'll turn it over to the board for any questions.

H. THEODORE COHEN: Thank you.

Board members, do you have any questions now or should we go to the public comment?

(No Response.)

H. THEODORE COHEN: None appearing then we'll go to public comment.

When I call your name, please come up to the podium and state your name and address and we

ask you to speak only for three minutes.

ATTORNEY VALERIO ROMANO: Mr. Chair, may I ask one thing? Will the Board want us to respond to any of the public comment? I did read all the letters that were sent and I actually could go through that now if the Board wants but it's -- I'm at your disposal.

H. THEODORE COHEN: No, we'll hear from the public and then if we have questions, we'll address them to you.

ATTORNEY VALERIO ROMANO: Okay, thank you.

H. THEODORE COHEN: So -- can you get this to function?

TOM SIENIEWICZ: It's queued up already.

H. THEODORE COHEN: When I call your name, come forward, speak for three minutes, you'll have a green light when your time starts.

It will turn yellow near the end, and when it's red, we ask that you conclude your comments.

Adrian.

ADRIAN: Thank you. Hello, my comments address location.

H. THEODORE COHEN: Your name and address, please.

THE STENOGRAPHER: And spell your name, please.

ADRIAN: A-D-R-I-I-A-N. I keep my address private, please.

Like anyone, I have empathy, a lot of empathy with anyone who has a lot of pain and wants to gain immediate access to their pain medication. In fact, I can remember when I had extreme pain from a wisdom tooth impacted extraction, and it was when the kind of -- what do you call it? Childproof caps were first

introduced, and I knew that I was not able to open it. So I actually borrowed a hammer from elsewhere in the store and had it with me at the pharmacy counter. And when they gave me my little jar, I put it carefully on the floor and tapped at the cap to try and dislodge it. And of course somebody came out to help me. And with that memory in mind and with extreme empathy for anyone who suffers from pain or pressure from their eyes, some people who have glaucoma, and are very eager to have, to begin immediate use of the medication that they finally have access to, I am concerned with the heavy dense smell from smokeable marijuana. It's a lot stronger than it used to be. I live -- I walk through a weed park, Memorial Drive on the way to the Kennedy School. I walk through a weed street, Church Street, on the way to the subway. And I walk

through a weed walkway at near Harvard's restaurant on the way home everyday. And even when no smokers are around, the heavy, dense smell hangs in the air and I feel -- remembering my experience, I fear that people who are extremely anxious to gain immediate use to their medication will be so in need of using that, they'll start using it immediately. So I brought some photos to show about the street. And I hope you will look at all of these.

First, well this street, Winthrop Street, has finally -- after many years of disuse or inadequate use, it has finally become basically -- the entire street has basically become a dining plaza. So here are pictures from a sunny day in the summer. First look at this one, please. And there are totes on the back.

Now the second picture shows one minute

later how somebody could walk up the street and from the direction of the Red House, and let's assume that somebody like this might be so eager to start using their medication, that they might be walking passed with it. Here we go.

And my third picture is about, a third picture is a beautiful picture of Winthrop Park, and this shows a lot of people enjoying passive use of Winthrop Park.

And my last picture is to be held vertically. And this shows the people -- this shows that Winthrop Park used by smokers thus far cigarette smokers. And here's something you can notice below the bench any time you sit within Winthrop Park, and this particular bench is facing Staples.

H. THEODORE COHEN: If you could wrap up your comments, please.

ADRIAN: Okay. I have to give them pictures, I have to give you --

ATTORNEY VALERIO ROMANO: Thank you. Right here. Thank you very much.

ADRIAN: And I think that's the last thing I have to say. Oh, yes, I have been told that there will be a security guard and/or police on-site. But I want to point out that the security guard and/or the police, their job is to protect the facility and the costly and valuable and possibly stealable contents in the facility and any moment that they look away from --

H. THEODORE COHEN: Ma'am, if you could wrap up, please.

ADRIAN: -- they're not doing their job. And so that's a summary of my concerns.

H. THEODORE COHEN: Okay. Thank you.

Daryl Janes.

DARYL JANES: I'm a little under the weather. You'll have to forgive me. Green?

H. THEODORE COHEN: Your name?

DARYL JANES: Daryl Janes, 45 Linnaean Street, Cambridge. I was born in Cambridge. Are we going?

H. THEODORE COHEN: Yes.

DARYL JANES: First of all, I'd like to ask if there's anyone from Harvard, MIT, or Radcliffe here?

H. THEODORE COHEN: I'm sorry, please just address your comments to the Board and don't ask the public questions.

DARYL JANES: I'd like to know if anyone from Radcliffe, Harvard Radcliffe or MIT is here?

H. THEODORE COHEN: Mr. James, please just make your presentation.

DARYL JANES: Okay. Let me just -- I

don't know where to begin. To me the whole thing is completely foolish. My family moved into Harvard Square in 1948 and my father bought 50 Boylston Street at that time. Now it's JFK Street. Marijuana happens to be unthinkable back then. In school they would say watch out for the pushers. And what does a pusher look like? You might look around here and find out eventually.

But I'm telling you -- marijuana's absolutely unthinkable. And if my parents were alive they would be amazed.

Now as far as 98 Winthrop Street, which is across the street from our property, that's the worst location in the world. The violence in that area is now classified as a combat zone. Gladys Gifford told me about that. The Harvard Square defense fund said it's a combat zone. There's no law in Harvard Square. And I stayed

there, came back in 1990. It was 22 arrests in front of our door in two nights. Teens were running around drunk. It's extremely easy for teens to get alcohol. Now it's gonna be just as easy if not easier to get marijuana. I've got a video that I took of teen violence in Harvard Square. You'd be amazed. It's going to go over my three minutes. But if you'd like a copy, let me know and I'll give you a copy. You would be amazed. I was going three 9-1-1's a day for violence right in front of the house. And the neighbors were doing -- I estimated from conservative, 500 9-1-1's a month. Maybe up to a thousand 9-1-1's. I can't tell you how bad it was.

The presentation here today, just keep in mind that it's just enough truth to make it plausible. But behind it is, you don't see

what's going on. But you will see in six months. Six months from now, they're going to be back here and they're gonna reapply for recreational marijuana. This is just -- there's nothing. People get beer and wine permits, six months later they come back later they want four bars. Same thing here. They're gonna be medical marijuana and tremendous controversy about that and they'll be back six months from now if not sooner.

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

DARYL JANES: Mothers Against Drunk Driving. And one last comment. 50 liquor licenses in eight square blocks. Now they're gonna put marijuana here. It's gonna intensify the problem. Please deliberate this thing carefully before you make a decision.

Thank you for your attention.

H. THEODORE COHEN: Thank you very much.

And we have received your written comments.

DARYL JANES: Oh, good.

H. THEODORE COHEN: Rachna Balakrishna.

RACHNA BALAKRISHNA: Hi. Good evening.

My name is Rachna Balakrishna, R-A-C-H-N-A

B-A-L-A-K-R-I-S-H-N-A. Thank you for hearing our

comments. I'm here on behalf of Raj Dhanda who

is a direct abutter. I'm sure you've received

his written comments. We are the owners of 96

Winthrop Street, which is a direct abutter to 98

Winthrop Street, as well as numerous other

properties in the area including 57 JFK Street

and 52-54 JFK Street.

96 Winthrop Street, as I'm sure you all

know, is currently leased by the Hasty Pudding

Institute and is largely used by Harvard

undergraduates. I'm here to express our opposition to this application for a Special Permit. We have numerous concerns which I will go through now and which are also covered in the written comments. Again, with the fact that we are a direct abutter, this Special Permit will cause irreparable harm to our properties, to our business interests, as well as the business interests of our commercial entities.

We do not believe that this is an ideal location. I'm sure you all know Sage Cannabis is planning to open in March on Mass. Ave. This is a side street. It's a small narrow walking street. There's a lot of activity. We've spoken to other RMDs, including one in Brookline, NETA. The applicant has significantly understated the expected number of visits. His attorney mentioned that they expect that they will be very

busy. They have not indicated how they will manage all of the traffic. I echo the concerns that were just mentioned by the two people before me in terms of smell and other issues related to security. You all know of course that Winthrop Street is and Winthrop Park are historic. They have a beautiful feel to it now with Winthrop Street being pedestrian and Winthrop Park being a great place to relax, and it would certainly be adversely affected with the addition of Healthy Pharms.

The other thing I should note and it was indicated in the written materials, is that we did not, as a direct abutter, receive notice of the early engagement hearing, the HSBA meeting, or the Planning Board meetings that were held before this and we should have being a direct abutter.

We are really concerned about the fact that there is alcohol being served at the same location. Even though it may be separate, the reality is that someone who is coming for this purpose could also be consuming alcohol. It's unprecedented in the Commonwealth to have Medical Marijuana RMD location that also has a full liquor license and could easily raise additional problems with policing and controlling the area and the numbers of people that will be coming and going.

The Special Permit criteria also says that this should be -- the RMD should be located in an area that does not have reasonable access to marijuana or it needs to be established by the DPH that supplemental service is needed. As I just mentioned, Sage Cannabis being down the street on Mass. Ave., there is reasonable access

in this area for -- there is an RMD right down the street. So this is not necessary. And the finding would have to be made on supplemental.

H. THEODORE COHEN: If you could wrap this up?

RACHNA BLAKRISHNA: So again, echoing the person who spoke before me, you know, it's certainly expected that while it may be for a medical purposes now, it could easily be -- approval could be sought for recreational marijuana in the future. So, again, I just want to state our opposition to this application and thank you for hearing my comments.

H. THEODORE COHEN: Thank you.

Paul Charos.

PAUL CHAROS: My name is Paul Charos C-H-A-R-O-S, and I represent the interests of the property owners on the entire block opposite 98

Winthrop Street which is one former Mount Auburn Street, 90 Mount Auburn Street, 102 Mount Auburn Street, 100 Mount Auburn Street, 97 Winthrop Street.

I've known Paul for a long time. I think he's a great operator. I'm not here in direct opposition to what his business interest might be. I think whatever is there, he will manage it. However, I'm sure the Board -- I'm not gonna be here to judge the appropriateness of a dispensary or pharmacy that serves alcohol behind the wall. That's the Board's position here. But I do have grave concerns about traffic and congestion on Winthrop Street. As you know, half the day it's pedestrian street, loading and unloading is only done in the early morning hours and that's when most of the vendors and providers service the restaurants that are on the street.

There are -- other than Paul's, there are two restaurants on our side of the street that have outdoor seating which is directly across the street from where the dispensary will be.

Concern I have regarding the size of it, is that it won't be able to handle, as they say, there's extreme amount of interest in that by the public of use. And, you know, there may be lines outside or people waiting outside to get in because of the -- as he said, one small door to get in. So we have concerns about that.

As far as parking is concerned on Winthrop Street, for the past 20 years that I've been associated with it over there, there is no parking over there. The bicycles that are used by the employees over there are routinely chained to the safety rail that serves to block the egress, ingress, from tenants and fire egress for

our buildings. So there is no place to put a bicycle on that street. There's no car parking. There's no place for a sick person who can't drive to be driven up to the door and dropped off, etcetera. So I have grave concerns on how this thing will actually work.

And obviously I agree with a lot of what Rachna has brought forth to the Board regarding the appropriateness on the site and the use. And I am unfamiliar with the parking study that was done in the memo and how that was received by the City and what their findings were. I just wanted to bring these concerns to the Board.

Thank you.

H. THEODORE COHEN: Thank you.

Kari Kuelzer? Chrysler? Crauzer?

KARI KUELZER: That's me.

H. THEODORE COHEN: I apologize.

KARI KUELZER: That's okay. It happens all the time. Hi, my name is Kari K-A-R-I Kuelzer, K-U-E-L-Z-E-R. I am a resident of Cambridge at 19 Copley Street. (Inaudible) Winthrop Street and I am the chairman of the board of trustees of Winthrop Park. And I'm just here to say that I'm very familiar with the project. I served on the Harvard Square Advisory Committee. So I've actually been walked through the entirety of the proposal for the dispensary there. So I'm -- I know, I know what I'm talking about. I also have a long sort of neighbor relationship with Paul Overgaag and I can attest right now to the fact that he's -- as somebody who is already essentially in the business of selling controlled substance in a very busy retail district with parking, traffic, pedestrian issues and has always been above and beyond the

call of duty when it comes to compliance and being a good neighbor and a custodian of the public space that is abutting his businesses, that I feel as a business owner, very confident that if there's any issues that come up with the impact of the business on the immediate neighborhood, he will be extremely pro-active about addressing them. He's already proven to be thus. Winthrop Street currently is, I will tell you also, is not quite as congested as it was before because we have way fewer alcohol permitting establishments on the block than we did five or ten years ago. Five or ten years ago when there were more establishments, Paul was the first one to hire a police detail to -- out of his own pocket, to manage the foot traffic and the behavior of the patrons as they were coming and going. So I mean I think that is an actual

real life example of what we can expect from this operator.

I think that having something in Cambridge like a marijuana dispensary really deserves to go to an operator who has proven himself this way. This is me as the business owner and the resident.

As the trustee of the park, I will say that concerns about the impact on the historic park, Winthrop Park are something that we've already been working with Paul. We have the board meeting next week that we will be attending. And we are also working with the police department at that board meeting to take care of anything. I'm very confident that the park trustees will come into -- be able to share any grievances or difficulties that come up with the operators of Healthy Farms. We have not had

this meeting yet but we are having it next  
Wednesday.

I have not heard any concerns from any of  
the other board members. They have not sent me  
any requests to ask Paul any questions so I'm not  
gonna do that. And I have also received as -- in  
my other capacity, many of the complaints from  
the abutters. And I just wanted to address a few  
of them here tonight for you guys.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to be  
speak?

(No Response.)

H. THEODORE COHEN: None appearing then  
we'll go to the board members.

Anyone wish to start?

MARY FLYNN: I have a question.

H. THEODORE COHEN: Mary question?

MARY FLYNN: I'm just wondering if you could just briefly run us through some of the requirements of the state; Department of Public Health and the Cambridge Police Department in terms of some of the issues that have been raised regarding, you know, access to the facility, you know, the impact on the public way, things like that. And also I'm assuming that like the Department of Public Health has to look at your floor plan and approve the entrance and exit. So if you could just give us a sense of what their comments are in those issues, I would appreciate it.

ATTORNEY VALERIO ROMANO: Of course. So thank you through the Chair.

So the next step at the state level will be architectural review. Which architectural

review for the state -- they don't really have any architects that are reviewing these things. It's more security review. So they will do exactly what they said. They will go through and make sure all of our cameras are there both inside and out. They'll make sure the patient flow and access allows for security. They will be extremely differential to the host community that if any issues arise, they'll get contacted and they'll come down on us. So they're monitoring on us frequent drop ins. Before you can open, they'll have retail ready inspection where they'll go through your seed-to-sale tracking software, and make sure only patients are allowed in and that you've done everything you possibly can to treat marijuana like the Plutonium that it is. And so -- and they're very, very diligent and thorough about that.

They have a strong compliance team. So from top to bottom we'll be responding to all of their requests. They will review every bit of our plans. You know, one of the issues that I heard and I think it's absolutely germane to your question is, you know, the security issues that happen, that had been raised and sort of perception that this detracts from the security of an area. The only crime that has been associated with one of these dispensaries thus far was across the street from a dispensary in Brookline, New England Treatment Access, and it was a totally unrelated crime, but they actually solved it by using one of the cameras that was outfacing from the Brookline facility. It had nothing to do with the facility. But that was what solved the unrelated crime. So the fact is when you look at what a dispensary does and

particularly in a super highly regulated jurisdiction like Massachusetts and also with the incredibly thoughtful oversight of Cambridge, this is not a locally undesirable land use. This does not contribute to crime. This is actually more like a CVS or a Walgreens, something that is actually good for a host community. Those are the facts. And the Department of Public Health's oversight, whether it comes to checking IDs before people come and checking both forms of identification, the program ID card and driver's license or other form before you're actually allowed through the sally port or man trap into the actual dispensary. And then at the time you make a purchase you check IDs again. We actually enter the purchase into the two different databases; the state's tracking software as well as Healthy Pharms' seed-to-sale tracking

software. And every night they have to reconcile those two entries to make sure that there's no discrepancy and chase down the discrepancy. We just had a long meeting with the Department of Public Health at the Georgetown location. And all five of the compliance officers that were there talked to us about what our protocols will be for addressing any discrepancy. They're on top of this from top to bottom. I hope that helps to answer your question.

MARY FLYNN: It does. Thank you.

Have you received any comments from the Cambridge Police Department regarding the location and operation?

ATTORNEY VALERIO ROMANO: Not actually in writing. But we had multiple meetings with the Cambridge Police Department. The last one was with the Commissioner and another police officer.

And I actually called and solicited any written comments and never received any. They told us in those meetings -- I won't pretend like they said oh, we love marijuana or anything. But they didn't really have any additional concerns, and we're pledging to continue to work with them as we open this up. And as we roll this out, we will respond to anything in any meeting at any moments' notice. Of course they'll have full access to our dispensary at any time. Any authorized municipal official will. But we sat down with them more than once for quite sometime both at City Hall and at the Cambridge Police Department and went through all of our operating plans and responded to all of their concerns.

MARY FLYNN: Thank you.

ATTORNEY VALERIO ROMANO: Certainly.

H. THEODORE COHEN: Mary, any other

questions?

MARY FLYNN: That's all I have. That's all I have for questions right now.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: I note that the property, the area has a single means of egress and most remote portions 100 feet from that means of egress. And I'm curious is the building fully sprinkled?

PAUL OVERGAAG: Yes. Yes, it is and we're --

IRAM FAROOQ: Paul, introduce yourself.

PAUL OVERGAAG: Good evening. Paul Overgaag, O-V-E-R-G-A-A-G. The building is fully sprinkled and the longest distance I think is 85 feet to the front door.

HUGH RUSSELL: Okay. So maybe the scale on your plans isn't accurate or something. But

that's not really our issue. I'm just curious because that will be obviously subject to review by the Building Department.

Have you shown the plans to the Building Department?

PAUL OVERGAAG: Yes, I've had preliminary meetings Dave Byrne. And we've come through all the issues. And we are now working on the variances for handicap accessibility.

HUGH RUSSELL: Yes, it seems like there are some door issues.

PAUL OVERGAAG: There's two issues. One will be that there is no five-foot landing at the door, and that's on the dispensary side. The restaurant had a variance for this already.

The second variance that we're looking for is no handicap accessibility through the front dining room because of -- because we're

trying to save historical material inside the bar which doesn't allow us to come up with 30-inch opening to that front room because we would have to take the whole fireplace down. And I went through this with the Historical Commission.

HUGH RUSSELL: Okay, well, I feel that we have very diligent people in the Building Department to address these issues and we have issues that we need to -- I'm just curious about this.

Thank you.

PAUL OVERGAAG: You're welcome.

H. THEODORE COHEN: Tom, do you have questions, comments?

TOM SIENIEWICZ: A couple of comments. And actually following up on Hugh's questioning about the particulars of peculiar conditions of the site that we're looking at and inspired by

the presentation which suggested that these are businesses that sell out that are very popular. You know, I wonder whether this is the appropriate size and shape for a dispensary given that it's tiny. And the suggestion that there might be a lineup, because you've got to show your credential or there may be insufficient space inside to deal with the customers that are coming. I hope it is successful.

But the other particular peculiar condition at this site that differs from this site is that it's on a pedestrian mall. After the hour of eleven in the morning, the vehicle access is prohibited. You walk to the thresholds of the businesses on the street as everybody knows, but this is a service for people that may be infirm. And so I'm wondering whether this is the appropriate place for this type of business

because of this particular street condition here. So those are the questions in my mind as a Planning Board member. I will go on record, as I have in the past, that this is a vital commodity for our community. I'm massively in support of it especially as it relates potentially to the alleviation of the opioid crisis in our community. So that leaves me to the question of accessibility to this vital substance and we had a lengthy hearing relative to Sage Cannabis operation on Mass. Ave., which was argued within walking distance of this subway stop and the Red Line stop and the bus line. And what I would, what I'm beginning to think is what I'd like to really see what the traffic is like around an operation which is about to open up and then measure the -- since it's a new use, and measure the effect of traffic and business at that one

before I override my concerns about the appropriateness of this particular address and this particular physical plan for this dispensary. And that's certainly where I'm coming out on all of this tonight.

H. THEODORE COHEN: Well, let me just follow up on that. What are you suggesting that the Board not act on this until after the sage facility opens and that there is then some historic information of how crowded they are?

TOM SIENIEWICZ: Well, that may be one way to proceed. I'm just -- the levels of concern I have about the particulars of this application mean that I'm hesitating about voting for this tonight. So whether, what course that might mean given that that business is about to open, maybe it's possible to see the effects and delay the decision on this. I don't know. We

could simply deny it and reapply in a different location. I don't know.

H. THEODORE COHEN: And your concern is that we don't now know how much traffic there will be?

TOM SIENIEWICZ: My concern is, yes, we don't know what the nature of -- we don't know in detail what the nature of the traffic is at these sorts of businesses. It was reported in the initial presentation with some enthusiasm that they're hugely popular and they sell out routinely. That's a representation of presumably need in the community, but it's also a measure of the impact potentially of a business of a new kind of business like this. Furthermore, it gets my attention that there are a number of abutters, direct abutters coming in here today explaining that they feel pretty strongly that this will

have adverse effects on their property and we need to make a finding that this impact doesn't do that. And so, you know, I have some concerns.

H. THEODORE COHEN: I guess I'm just trying to figure out how we proceed. I mean, this Board recommended probably six months ago or less to City Council that it could amend the Zoning Ordinance to include this location as a marijuana -- as a registered marijuana dispensary. City Council has gone, did that, and now they've gone beyond that point to rezone large areas of the city as appropriate locations for registered marijuana dispensaries subject to the requirements of the Special Permit. And so I think it comes down to particularities, I think, of this particular location. The issue of how much traffic there may -- how many cars will be coming and going, how many people will be coming

and going, I think have been raised in the Sage petition and also on the Fawcett Avenue petition and Traffic and Parking has indicated, you know, it's a new business, they don't know exactly what it's going to be. You know, if -- there are many facilities that could go in that space that would need a Special Permit and would not have any question about traffic. So I'm just trying to figure out -- I mean I think, yes, we have to determine whether this is an appropriate location for an RMD, but I don't know that -- I guess I don't know what historic information about what may happen at another location is going to, what information is going to give us for this location.

TOM SIENIEWICZ: So of course I sat on the cases that you reference.

H. THEODORE COHEN: Right.

TOM SIENIEWICZ: So I know the details of that. It was a district, absolute district zoning, but the Special Permit that in the wisdom of the City Council suggested that the applicants need to come here for a Special Permit process is simply to vet the particulars and peculiarities of the property, right. So I have two concerns about that:

One, that it's on a pedestrian way, which makes it an unusual property for use.

Two, this particular size, scale, and entrance configuration and whether it is a space that's of sufficient size to bear the kind of traffic which the applicant has suggested would be enthusiastic. Those are my questions. There are a lot of other addresses in Harvard Square that could address those concerns head on. So relative to making a finding in the criteria, in

the criteria before us, I'm raising those questions.

H. THEODORE COHEN: Steve.

STEVEN COHEN: I think there are a lot of legitimate questions about the wisdom of legalizing marijuana, medical or otherwise, but those questions have been resolved by state referendum. So that's off the table.

I also think that there are legitimate questions about whether we should be permitting a number of such locations without really knowing anything about how it's going to play out. And actually if you recall when this last came before the Board and we were asked to opine on permitting the use in a number of locations in Cambridge, I actually opposed it at that time because I felt that we should permit one location, observe the operations, learn something

from those operations, and then proceed with greater experience, knowledge, and wisdom to permit in other locations with the benefit of that first experience.

This Board didn't accept that approach. And the City Council didn't accept that approach. So in its wisdom this Board and the City Council has said it is generally permitted in these designated zones unless we find it is not in the public interest to permit it in any particular location.

You know, I'm sympathetic with the concerns that Tom raises, but there's nothing in the law or in the Ordinance which allows us to say well, there may be other better locations, but more appropriate locations. I think, you know, all we can do is act on the location which is presented to us and to deny that application,

we would have to find that it is not in the public interest to do so in this location. I don't think that there's anything in the record or anything in our knowledge at this location that would support that particular finding. And I think there are many elements about this location and application which are, you know, very much appropriate for the use. So while I agree with you that in some respects it's not ideal, I don't think it's in our purview to say it's not ideal and there may be other places. I think our purview is much more limited. And I think, as I say, that there's nothing in the record that would support a finding that it is inappropriate here or that it's against the public interest in this location. So given the decisions made by the state, by this Board previously and by the City Council and evaluating

this particular location, I see no basis upon which to deny this application and I would support granting the application. I think ultimately the specifics of the proposal are good. The impact on the street is minimal. The concerns expressed by some are entirely speculative, and I would, you know, support at this point and this evening granting the application.

H. THEODORE COHEN: Well, while I generally agree with what you just said, Steve, I will point out that under the general criteria for a Special Permit in 10.43 we would have to determine whether traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character. So I think that goes to some of the issues that Tom has raised. But I

agree that we can say there might be a better location, we would prefer a different location. I think it's either, you know, we say yes or we say no to this particular location for the reasons we may articulate.

STEVEN COHEN: Certainly, and I didn't address the specifics. I think we would be hard pressed to support a finding that the traffic and congestion would be against the public interest but others may, you know, like to address the specifics. But you're right, those are the only specifics upon which we could conceivably found a denial.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: I guess I'm going to start with a question to the applicant. Does this operation plan to have a home delivery service?

ATTORNEY VALERIO ROMANO: Through the

Chair, thank you, Mr. Russell. Yes, it does but not from here. So if we were to deliver to patients that couldn't make it, we would be -- we would do it from Georgetown. We would not have cars come and go from here to do any deliveries whatsoever.

HUGH RUSSELL: So that means that someone might have to come down once to register or go to Georgetown to register, but after that, if they were very infirm, the material could be delivered to them?

ATTORNEY VALERIO ROMANO: Yes, Mr. Russell.

HUGH RUSSELL: So that's one comment.

The second comment is the front door of the dispensary is 120 feet from the Eliot Street. And while I don't think you're likely to find a parking place on Eliot Street, and that's -- but

I mean, it's sort of a humorous comment, but actually having kind of an office for 40 years in Harvard Square, the only way I can park near my office was to park in the loading zone across the street. And I was assured by the then director of Traffic and Transportation that if I was indeed loading, that I had the right to be there, I didn't have to have a commercial plate, but I couldn't park there. I could just load from there. So I think the few locations in the business districts of the city, you know, like Central Square or Harvard Square where you're going to be able to be reasonably assured of being within 100 feet of the door. And then there's a question of how many people are going to come. And so using as my guide to this, I used the Traffic and Parking Department memo that references an estimate of 65 to 115 patients

visits per day. So let's say it was 115 patients per day, now the discussion that we might feel that there might be more, but that's a number, that's the high end of the number range.

And let's say that occurred over a period of eight hours. So that would be an average of eight visits an hour.

TOM SIENIEWICZ: 12.

HUGH RUSSELL: Sorry, 12 visits an hour. And each visit would involve two trips; walking to the place and walking away from the place. So it would be about every two minutes on average a person would walk down Winthrop Street either to or from this location.

Now, two comments: One is I think they're going to get lost in the general traffic on Winthrop Street. And I think that's good for two reasons: One reason is just security of the

patients. Being in a busy location, I think is better than being in a non-busy location if you're worried about bad people jumping them and trying to take their medicine from them.

And it also sort of gives them a sense of security. I think it gives them real security to be in a busier area. And they don't, they don't stand out, you know. If as people speculate they're going to walk out the door and pull out a marijuana cigarette and take up, then they'll be noticeable. And we don't believe that's appropriate behavior. And it may require some management to make it clear to the people who are getting that form of medication. And I don't know myself whether that's, how many percentage of people are going to have that form of medication. There are lots of different forms. And if your goal is to get, you know, the active

elements, maybe smoking is not the most reliable way to do that.

So I don't think there's going to be a noticeable impact or change in a busy place. And I think there's a way to -- people who are very infirm can get the material even though they -- other people are going to have to walk to it. Everybody is going to have to walk to a location in Harvard Square. And a lot of them are going to come by T and it's more than, more than ten feet from the T.

So I guess my feeling is that there are unknowns here. You know? It might, you know, should we send investigators to sit outside the other dispensaries that are actually in operation? Probably would get the interest of the security person in those places. But, you know, that's one way to find out.

Also I'm not clear where Sage is. Are they actually under construction or not?

H. THEODORE COHEN: I thought I saw something that said they plan to open by the end of this month. But it's --

LOUIS J. BACCI, JR.: I thought I saw that also.

H. THEODORE COHEN: But it's the end of this month already.

HUGH RUSSELL: We think it's imminent.

H. THEODORE COHEN: Liza, do you know where they are?

LIZA PADEN: There's a process with the Planning Board Special Permits that they have to have a certification to get their final sign off from Inspectional Services and we don't have it yet. They have made payment for their bicycle parking, so they're moving forward with that.

And I think I read that as the end of March. I didn't read it as the end of February. But I haven't talked with them recently to find out what's the status.

H. THEODORE COHEN: And what is the status of timing on this Special Permit?

LIZA PADEN: When's the 90 days?

H. THEODORE COHEN: Yes.

LIZA PADEN: So the 90 days is from today would be June 5, 2017.

H. THEODORE COHEN: Before -- I have a question for the applicant.

How does the whole patient/client procedure work? If you have the card, you get the card from the state?

ATTORNEY VALERIO ROMANO: Yes,  
Mr. Chairman.

H. THEODORE COHEN: Can you go to any RMD

anywhere at any time?

ATTORNEY VALERIO ROMANO: Yes, you can.

H. THEODORE COHEN: And so once you go to one, say you go to Sage one time and then next time you decide to go to Healthy Pharms, is there a process you go through every time you go in?

ATTORNEY VALERIO ROMANO: So, just quickly, in order to become a patient, you have to be a Mass. resident, you have to visit a Mass. doctor, they have to find that you have a debilitating condition. Not too far into that. And then you do not have to -- under the original iteration of the regulations for the Medical Marijuana program, you did have to designate a particular dispensary. Then the Department of Public Health in 2013 had a bunch of listening sessions and they abandoned that. And the Public Health Council and the Department of Public

Health and the final regulations, a patient could visit any dispensary until they purchased their legal limit for up to 60 days at which point they couldn't go into any dispensary until that time period had lapsed. So assuming you hadn't purchased your legal limit, to vet another dispensary you could go to Sage and to Healthy Pharms without any additional registration process in between.

One of the things I think as far as registration process with any dispensary, particularly a first time patient, I left some of this out because we had been through this before, but I think it's important with the things that come up. That a patient when they come in, particularly a first time patient, we will sit down with them with an acknowledgement form that they're going to have to sign. And some of the

basic stuff, no operating heavy machinery, no, you know, no operating vehicles or how to store cannabis and not in the reach of children. But also anything that was important to the City.

And so anything, any direction that the police department had, an explanation that if they're smoking cannabis that they purchased at Healthy Pharms, outside of Healthy Pharms, one, we're gonna catch them on our cameras and we're gonna notify local law enforcement, the Department of Public Health and keep them out of our dispensary.

But, two, anything else that the police department wants them to know, we're going to keep that acknowledgement in perpetuity. And if they're a willful offender, then we're not going to let them back in. We're going to let the local police department and DPH know. I think

with that, although it's not a registration process that has to happen each time, there is an opportunity for the patient to be explained all of the different things that are a concern to local communities and also the Cambridge Police Department, and we're gonna make sure that they follow those rules.

H. THEODORE COHEN: And how is the -- who makes the determination of when they've reached their legal limit in the 60-day period.

ATTORNEY VALERIO ROMANO: Well, their doctor can certify them for up to ten ounces for every 60 days. And ten ounces sounds like a lot of cannabis. And the reason is -- a dry flower it certainly is. But when you do the conversion to infuse products, it's actually a lot less. So that why they have it at ten ounces because of the infused product, the tinctures, ointments,

you know, whatever it is. And so that's why it sound like a lot. But under the new regulatory changes that are happening right now as we speak, because they're expressed that a doctor can certify them for less than a year. So I have knee surgery and I need serious pain medication, I don't want OxyContin or whatever, I can get a month worth of cannabis. But also they can certify me for an ounce, you know, during that month or 60 days or whatever they think is appropriate. Expressly the new regulations are going through the process right now.

H. THEODORE COHEN: But if somebody goes to -- is there a computer network statewide that's going to keep track of all of this?

ATTORNEY VALERIO ROMANO: Yes, Mr. Chairman. So there's two databases that are at issue here. The Healthy Pharms seed-to-sale

tracking database that they use through a company called BioTrack. But then there's also the Department of Public Health database. And we actually have to be closed unless we have a live internet connection to the Department of Public Health. When a patient first shows up, we check them in that database to see how much they've purchased at another dispensary. If they're over their limit, they have to leave. If we don't have the live internet connection to the Department of Public Health, then they can't come in. And we do -- and we actually check that multiple times. We do that when they first show up, and also at time of sale. So yes, there is a live statewide database that you have to have real time access to both for inputting information and for reading from the database to make sure they haven't purchased that legal

limit. So they couldn't go to Sage or to Brookline and make that purchase and then quickly run over to Harvard Square and make another one.

Additionally, I mean there really is an incentive for, you know, not to say anything too earth shattering, but marijuana is sort of out there anyway. This is, you know, the purchase price of cannabis here is not, you know, so cheap that somebody would have some incentive to go buy a bunch and go resell it. Right? I mean, that's a part of the way that we detract from diversion for nonmedical uses is by doing that. So, I hope that helps to answer the question.

H. THEODORE COHEN: Thank you.

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

H. THEODORE COHEN: Lou.

LOUIS J. BACCI, JR.: While we have you here, the issue of access. People with mobility

problems, am I right that part of this law creates a caretaker?

ATTORNEY VALERIO ROMANO: Absolutely.

LOUIS J. BACCI, JR.: That does a lot of -- can do a lot of the access problem?

ATTORNEY VALERIO ROMANO: Yes. So they could send a caregiver, yep.

LOUIS J. BACCI, JR.: Okay.

The what time will this be operating?

ATTORNEY VALERIO ROMANO: So when we were in front of the Harvard Square Advisory Committee, we asked for eight to eight. So, you know, the idea is that we wouldn't start out with full hours, but if you contract your hours and you have that one patient who comes, you know, every day or every time you're really going to make that person frustrated. We would start with more contracted hours, but we really would like

to offer eight to eight.

LOUIS J. BACCI, JR.: And one more.

After the initial visit what's the usual transaction time?

ATTORNEY VALERIO ROMANO: So it's usually just a couple of minutes. From -- I'm also the compliance officer for the dispensary that's operating in Quincy, and the attorney and worked closely with them over the years to get open. That first visit, the patient consultation, the acknowledgement, but patients typically know what they want when they show up after that. So it's really just a couple minutes, make the purchase, check their IDs. And in fact now with the regulatory changes, we'll be able to post prices on-line. Patients will be able to order even before they get there. And then if there is any queueing up in that hallway, patients will be

able to place an order during that queue period and then it will be ready to go right when they get to that. So we have a bunch of sort of mechanisms to make sure that people aren't in there for any extended period of time.

LOUIS J. BACCI, JR.: One more. Medical marijuana still illegal in public?

ATTORNEY VALERIO ROMANO: Of course.

LOUIS J. BACCI, JR.: Just wanted to check.

ATTORNEY VALERIO ROMANO: Yeah, absolutely. That changes nothing with that.

LOUIS J. BACCI, JR.: That's all I have.

H. THEODORE COHEN: Any other questions?  
Comments?

STEVEN COHEN: Mr. Chair, with your indulgence I'd like to briefly take advantage of Mr. Romano's expertise. It's not often that we

get an expert in here on such matters.

Recreational marijuana use has now been legalized in the state and I gather it's in the process of examination and generation of regulations and so forth. But what is your understanding of how the ultimate legalization of recreational marijuana would affect a dispensary such as this? And my recollection of the wording was something along the lines of where medical marijuana is to be permitted, recreational marijuana cannot be restricted. So does that mean that in short order that this dispensary will be permitted to sell recreational marijuana as well as the medical?

ATTORNEY VALERIO ROMANO: Definitely not. So, and we'll go through all the reasons why:

The first reason why is sort of the obvious one. We're in front of the Planning

Board for a Special Permit. The Special Permit, and we've obtained many of them in my office for other dispensaries around the Commonwealth will have to say the use. And every single one of these Special Permits all across the Commonwealth have the use as RMD Medical Marijuana dispensary under 105CMR775. If for medical that's the only use that's allowed with us.

Additionally, the Special Permit holder, under your Ordinance, but also typically is the non-profit, in this case that's the applicant Healthy Pharms, Inc. So Healthy Pharms has to operate for its non-profit purposes to provide medicine and educational materials for patients of the Commonwealth. Healthy Pharms will not be able to actually sell recreational or adult use marijuana either. So we have to use -- we have the Special Permit holder as two fundamental

reasons. Additionally the section that you refer to in Question 4 that the voters passed last year, what it said was that if a location is zoned for a medical and there's a medical facility in that location, then the zoning will be the same -- then it will automatically be zoned for that particular activity for adult use or recreation. That being said, it also allows for all the zoning restrictions and Zoning Ordinance that a city or a town wants to implement. So it doesn't remove your ability to make zoning restrictions on that particular use either at all.

Additionally, right now in front of the legislator there are a whole bunch of new legislation to amend the act to tax and regulate marijuana like alcohol, and a lot of it actually -- the argument wasn't enough mobile

control. In order for a city or town to ban adult use, they would have to call a popular, anonymous vote of the residents that city or town under the current law to ban that use. That would probably not pass in Cambridge. You know, not, not stating the obvious again, that would probably not pass in Cambridge like it would in some other cities or towns. What they're doing, and Senator Jason Lewis is really leading the charge on a lot of the legislation, is that they're trying to give that local control, take it away from the voters and actually give it back to the City Council or Board of Selectmen. And they're actually trying to make it instead of an opt out, it's actually an opt in. So what they're really trying to do is make it so that a City Council or a Board of Selectmen have to actively say I want to get in or I want to allow

medical marijuana -- or excuse me, recreational or adult use medical facilities in my town.

Finally another reason why we can't just to flip a switch and go recreational is because the letters of support are not oppositional requirement. We have that for medical. There is absolutely no reason to believe that the Cannabis Control Commission being set up by the Treasurer's Office will not also have a letter of support for non-opposition requirement. It has given incredible local control back to cities and towns, and we were able to get that and we met with -- you know, we were in front of the City Council asking for that. We have met with so many people in Cambridge over the last few years trying to, you know, cite this. It is absolutely going to be a requirement under adult use or recreational for their application requirement.

So there is a whole litany of reasons why we would not be able to flip a switch. And then just look at the site. There's been some expression of concern that there isn't a lot of extra space in that site. We're not going to have I a second door where we can separately secure adult use sales in that site as well. It just doesn't follow. So I hope that helps to answer your question.

STEVEN COHEN: Yeah, thank you.

ATTORNEY VALERIO ROMANO: Of course.

H. THEODORE COHEN: Any more questions?

Comments?

(No Response.)

H. THEODORE COHEN: Well, it seems to me that we've talked about access. But two of the other issues we have to talk about is that it's my understanding that there is a Sunday school in

the Lutheran church that's 300 feet away from this site. And we've heard testimony that the church is not opposed to this particular site and that it is across JFK Street and it's actually within the arms of Harvard's boundaries. So one thing we've had to determine is whether we're willing to, if we were to go forward with this, that we were willing to say that that was sufficiently buffered from the facilities so that users wouldn't be adversely affected and adversely impacted, and I assume that it is just a Sunday school and kids are only there on Sunday rather than every day of the week.

And I guess the other issue, which I'm not 100 percent clear on, is the question about the loading. That I guess the -- your organization and the police would prefer live loading on the street rather than a designated

loading dock?

ATTORNEY VALERIO ROMANO: Yes, Mr. Chairman. And the Harvard Square Advisory Committee expressed that that was their preference as well.

H. THEODORE COHEN: And the Traffic and Parking hasn't fully --

HUGH RUSSELL: They've addressed that.

H. THEODORE COHEN: They have addressed that in the memo?

HUGH RUSSELL: There are two or three conditions. They want a loading and service delivery management plan, and they have certain criteria. It's on page 3 of their memo.

H. THEODORE COHEN: So they have agreed to the concept of a live loading subject to their plan and their review.

HUGH RUSSELL: The point B is existing

loading spaces in the area, such as the loading spaces southeast of the facility on Winthrop Street should be used.

H. THEODORE COHEN: Thanks.

STEVEN COHEN: Mr. Chair, just to clarify and just to confirm my recollection, Winthrop, isn't that managed actually loading is permitted for a limited number of hours in the morning?

LOUIS J. BACCI, JR.: Right.

STEVEN COHEN: Before they put the barriers up and then obviously --

H. THEODORE COHEN: Right, Traffic Parking's memo condition is between two a.m. and eleven a.m.

STEVEN COHEN: Yeah, okay.

H. THEODORE COHEN: Okay. Well, what is the Board's --

MARY FLYNN: Well, just in regards to

your point about the Sunday school, it would seem as though since you're going to have to -- the applicant is planning limited hours to begin with, that we could, as part of the permit, say that, you know, if you were to operate on Sunday, it would have to be from noon on or whatever in which case. That then further isolates the impact on the Sunday school. Just a thought.

ATTORNEY VALERIO ROMANO: And,  
Mr. Chairman.

H. THEODORE COHEN: Yes.

ATTORNEY VALERIO ROMANO: We actually, we offered that specific resolution to University Lutheran, and they actually declined it.

MARY FLYNN: Okay.

ATTORNEY VALERIO ROMAN: And they still issued a letter to our proposal. We offered that expressly to them.

MARY FLYNN: There you go.

H. THEODORE COHEN: We could override the church.

MARY FLYNN: No, no, if they're not concerned, then I certainly am not.

H. THEODORE COHEN: Right.

So what is the Board's pleasure? Are we prepared to move forward with this now or do we want additional information?

STEVEN COHEN: I'm prepared to move forward, Mr. Chair.

LOUIS J. BACCI, JR.: Me, too.

HUGH RUSSELL: I'm certainly willing to move forward if most of the board members wish to do that. It's hard for me to -- the question is will we learn something in the first two months of operation of Sage Cannabis that would affect our decision?

TOM SIENIEWICZ: Well, since I seem to be the one stick in the mud here, that's my sense of reading the Board. Rather than -- if it was specific findings that I need to make a finding that no nuisance or hazard would be created to the detriment of the health, safety, and/or welfare of the occupant or the proposed citizens of the city, and I'm just finding I don't have confidence to personally make that finding. But, you know, that may not be serious because I don't know. Reading the through the comments of my fellow board members, it may simply mean that the applicant is not getting a unanimous vote.

STEVEN COHEN: I'm a little perplexed because when we reviewed the Ordinance, I was proposing exactly that. I proposed that there are too many unknowns and let's adjust permit one use in the city. Let's take a look at it for a

year or so, learn something from it, and then proceed. And at that point, and I can't remember whether you were there at that point, Tom, but I was the sole voice in the wind on that point, and the rest of the Board felt strongly but there was no need for such a trial. And, you know, and I agree with what you're saying in concept. I'm deferring to the process.

TOM SIENIEWICZ: So we're looking at a particular property, not in general. We're looking at a particular address, a particular property on a pedestrian way, and I'm voicing my concerns. You know, I think a way to give to, to give the applicant his unanimous vote would be to simply see what happens with a real life beta test.

STEVEN COHEN: I guess my feeling is, again, if we had a trial of a year or two, that

would be meaningful to me to delay it for a couple of months and try to draw some sort of conclusion from the startup of this use which is probably going to be a little rocky as any startup is. I don't know what we could reliably conclude from that. So I still think it would be a good idea to have a one year trial before we start approving them all over. But I think that train has left the station. So I --

H. THEODORE COHEN: Yeah, I'll remind the Board that actually this Board recommended to the City Council that they not adopt the expanded medical marijuana until we had clarification of the density of what the recreational marijuana would do and City Council chose to go forward and to rezone the city.

STEVEN COHEN: Yeah. So we have to defer to the process.

H. THEODORE COHEN: So I think, you know, yes, we have to determine whether there's a problem with this particular site, but I agree with you, Steve, that I don't know that a one or two month experience in this facility is going to give us that much information. And this, especially if -- we have to find if there's a feed for a another one. And so if there are two, then presumably the traffic will be cut in half at the two. And then if there was a third, it will be cut into a third. And, you know, there's a proposal to put one in Davis Square. So, you know, it's --

STEVEN COHEN: So that's the solution, if there's too much traffic, we'll just encourage more dispensaries.

H. THEODORE COHEN: Well, you know, a lot of the members of this Board said that they ought

to be allowed -- that it ought to be at a drugstore. That you just go in with a doctor's prescription and get it.

LOUIS J. BACCI, JR.: Right.

H. THEODORE COHEN: And then there wouldn't be a lot of this discussion.

So, you know, I'm prepared to go forward. But I think the Board has generally deferred to a single member if he or she had very strong feeling that, you know, you needed some additional information and so I guess that's --

TOM SIENIEWICZ: Well, I'm simply saying that I personally have a problem making a judgment about one finding that we have to make in order to grant the Special Permit. And that has to do with my understanding -- you know, lack of understanding of this new use that's coming forward. And some testimony tonight about how

the other ones are operating in other communities and how successful they are. And then this particular address in this particular location. Hugh has analyzed that on the record beautifully, arithmetically and he's not concerned. And so I'm guessing he's not concerned. And so I don't know the deferences. I may have lost the argument. I'm a big boy. I'm an adult. I certainly would not be the first time even today that I lost an argument. I would get over it. The petitioner may feel badly about me forever, but that's part of the job description here on the Planning Board. So I don't think deference by all, by other good thinking members is necessary, Mr. Cohen.

H. THEODORE COHEN: Okay.

And, you know, we all have the power to vote yes or no or to abstain.

STEVEN COHEN: You know, if I could just say finally, I totally agree with your instincts on this thing. And, again, I felt that we should permit one, take a look at it and before we go further. But that's not I way it played out. So I feel that having lost that argument the last time around, I'm ready to proceed on the basis of the way the decision and law was ultimately passed, and I see no basis to delay in the approval of this one under the law the way it ultimately evolved and was passed. And, again, I don't think a couple of months' delay here would be meaningful.

H. THEODORE COHEN: Okay.

LOUIS J. BACCI, JR.: One other thing. Depending on how these are permitted and so forth, they may actually be the test case.

TOM SIENIEWICZ: That's true.

H. THEODORE COHEN: Well, it's possible.

All right, if I could run through the criteria and see if we are in agreement.

And so the registered marijuana dispensary's located to serve currently does not have reasonable access to medical marijuana.

From my point of view, we've -- if there is waiting lines -- but we don't know. But there's speculation is is that there is enough demand, public demand for them having this in this location even though it may be the second one in Cambridge is necessary.

The site is located at least 500 feet from a school, daycare center, preschool, after school facility. Where we determined that it's sufficiently buffered from such facilities. That users will not be adversely impacted.

The one facility, the Sunday school and

the Lutheran church is 300 feet away, and apparently you can say that it is buffered by JFK and by the grounds of Harvard and the note that the church has not indicated any objection to it.

The site is designed to --

HUGH RUSSELL: I would say they're adjacent to the Harvard rather than.

TOM SIENIEWICZ: Within the grounds of Harvard.

H. THEODORE COHEN: Within the grounds.

The site is designed so that it provides convenient, safe, and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation.

I think we've had that discussion.

Traffic generated by client trips and police trips and deliveries to and from the RMD shall not create a substantially adverse impact

on nearby residential uses.

I don't think there are any residential -- well, there's obviously the condos above Winthrop Square.

HUGH RUSSELL: Right.

And there are apartments across the street.

MARY FLYNN: Yeah.

H. THEODORE COHEN: But as Hugh has summarized, I don't think the additional traffic generated will be significant given the number of people who go and come on Winthrop Street.

MARY FLYNN: Right.

H. THEODORE COHEN: Loading refuse in service areas are designed to be secured and shielded from abutting uses. And loading will be pursuant to Traffic and Parking. And refuse will be -- refuse and service areas will be as any

other facility.

The building said to be designed to be compatible with other buildings in the area. It's basically not going to be changed except for the sign, and we have received Certificate of Appropriateness from the Historical Commission, that they are in agreement with the proposed plans.

So those are the requirements into 11.804. The requirements of Chapter 10.43, the general criteria for issuing a Special Permit. I guess the issues there are traffic generated or patterns of access or egress will cause congestion, hazard, or substantial change in established neighborhood character. We voted, we will make that finding, that discussion.

Continued operation of or development of adjacent uses permitted in the Zoning Ordinance

will be adversely affected by the nature of proposed use. I mean, we have heard testimony from some of the abutters indicating they would propose it. And we also received other testimony from other facilities in Harvard Square saying that they're in support of it.

And the City Council rezoned all the business areas in the city. So they've made a determination with this and other areas in the city that are appropriate for the use.

Nuisance or hazard will be created to the detriment of the health, safety, and/or welfare or occupant of the proposed use or the citizens of the city. You know, we've heard from the applicant about what they would do if someone was attempting to light up right outside the facility. They would catch them by camera. They would notify the police. It is not authorized by

law.

For other reasons the proposed use would impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance. I don't see how we can say that other uses have been approved by City Council.

And the new use for building construction is in consistence with the urban design objectives, and since the only design change is to the front door and the sign which has to be in compliance with the sign ordinance, I have no problem with that.

Now in terms of conditions, we have conditions from Traffic and Parking which the applicant has indicated that they are in agreement with. I'm trying to remember, Jeff, whether CDD proposed any additional conditions in

the memo.

JEFF ROBERTS: Not having the memo in front of me, my device kind of shot out on me. But I believe there were some comments, as there had been with other applications, about further review. Some of the design details, I think particularly, any advertisements outside of the building, mechanical equipment or other security cameras and lighting.

H. THEODORE COHEN: Right. You said review of proposed mechanical equipment on the rooftop of the side or exterior of the building in review of exterior signage, lighting, and other security features. And that proposed after lighting has utilized appropriate design measures to mitigate light pollution and trespass and review of loading and service management of TP&T. So I would say that there's first two conditions

should also be part of the decision.

STEVEN COHEN: Mr. Chair, would it make sense to have some sort of provision for some sort of report back after, you know, six months or a year, whether it be by the applicant or by staff who could, you know, review and report operations during that period? I think it would be useful for the Board and for the City in general to have some sort of formalized review and reporting in operations.

HUGH RUSSELL: It's as simple as reporting that the volume of their business -- the number of visits or something like that because that seems to be one of the big issues.

STEVEN COHEN: Yeah, but it may be even more subjective in terms of, I don't know, reports of complaints from neighbors or, you know, I would leave it up to the staff if that's

who we leave it to to determine what might be relevant or might take us more time.

H. THEODORE COHEN: I guess my question is whether we want to make it a condition of this Special Permit or whether we simply ask staff say in six months or a year to report on the traffic and the use at all marijuana dispensaries.

STEVEN COHEN: It looks like Iram would like to....

IRAM FAROOQ: Mr. Chair, I just wanted to point out that staff does not have a great way to monitor and report that information. And if you ask us to report complaints that we might have received, that might just simply be an invitation for abutters to complain to us. So I think it would be better to pose that question to the proponent. Certainly we will of course keep an eye on it, and if, I guess, if something that is

anomalous or problematic emerges, we will of course, we will report that back to the Planning Board knowing that's something you're interested in. But I think in terms of if we want some kind of monitoring or usage or utilization data, it would be better to us than the proponent.

H. THEODORE COHEN: Okay.

JEFF ROBERTS: And just to add to that one of the conditions recommended in Traffic and Parking is for them to conduct monitoring, transportation monitoring program which would essentially be, you know, keeping track of visits, surveying their visitors as to how they're getting to and from the site, and it also includes some provisions about monitoring activity and loading zones. That will go to Traffic and Parking. We can talk with them about how best to generalize that information, make it

available to the Planning Board at the time when we feel like we have good information.

H. THEODORE COHEN: Would that include pedestrian access to the property?

JEFF ROBERTS: Yes. Well, the monitoring sort of looking through the details right now, but it would include a survey. So they would, the proponent -- we do this in general for Planning Board projects, but they would on a regular basis, make either annual or twice a year would conduct surveys of its visitors and ask them how they're getting to the site. Are they driving or are they walking or are they taking public transportation? And then we would have that information available to report back. So we would have a sense of what the split, what the actual split is of how people are getting to the site.

STEVEN COHEN: Mr. Chair, I might also, and as I'm thinking about it for the first time now, I think that it would be appropriate and useful and interesting to have a one time public hearing after that year and simply, you know, for instance, some of these abutters who have expressed great concerns, give them the opportunity to report back on what their experience actually has been and if they have difficulty. Hopefully nobody will show up which will tell us, you know, that there has been no negative impact. But --

HUGH RUSSELL: And it would be --

STEVEN COHEN: Pardon me?

HUGH RUSSELL: And if we permit two or three, they would cover everybody, right?

H. THEODORE COHEN: I'm just trying to think. So Sage, though, has a Special Permit who

presumably doesn't have any such condition in it.

HUGH RUSSELL: Well, I feel like we can hold a public hearing and we can invite them, and I would -- I can't imagine that the present applicant would refuse to come.

H. THEODORE COHEN: Right. So you're not envisioning that requirement of this hearing as part of the Special Permit, but as something we would ask staff to schedule and invite all the RMDs in the city to come and participate?

HUGH RUSSELL: Yeah.

STEVEN COHEN: Yeah, I think that makes sense.

H. THEODORE COHEN: That makes sense. And so now are you satisfied with the report that will be generated for TP&T as --

STEVEN COHEN: You know, if all we could really get is objective data from the applicant,

you know, Traffic and Parking objective that is probably it. Though as you mentioned, it may be just a report of usage, number of customers over what sort of time period just to give us better base information for going forward. But other than that simple objective measure, I agree TPT is probably sufficient.

H. THEODORE COHEN: Okay. I'm just, just so that I can be clear on it. We don't need to put anything more in the condition in this other than to have the TP&T condition?

STEVEN COHEN: And just reporting of the numbers, number of customers, you know, just to see whether to what extent it corresponded to the projections and expectations.

H. THEODORE COHEN: All right. And, Jeff, do you think we could --

HUGH RUSSELL: Make sure that's part of

the TP&T report.

H. THEODORE COHEN: Make sure it's part of the TP&T.

JEFF ROBERTS: So are you talking about information that you -- from that monitoring that you would like it to be transmitted to the Planning Board or just particular information that you would like to make sure is included in the report to Traffic and Parking? I'm sort of missing the -- what's the --

STEVEN COHEN: I guess what I was thinking is if we're going to have a public hearing, that you know simply had a copy of that report from Traffic and Parking.

JEFF ROBERTS: We'll certainly work with Traffic and Parking to just get the best and most up to date information we might have at that point, if we have a future meeting to talk about

this as a general topic.

H. THEODORE COHEN: Whatever report is given is obviously a public document and we could simply request that it be given to us.

Okay. So could I have a motion to approve the Special Permit under Section 11.800 and 10.43 for Healthy Pharms, Inc. At 98 Winthrop Street in accordance with the findings that we have articulated and subject to the conditions that we have thus articulated.

STEVEN COHEN: So moved.

LOUIS J. BACCI, JR.: Second.

H. THEODORE COHEN: And there's a second.

All those in favor?

(Show of hands.)

H. THEODORE COHEN: Six in favor.

All those opposed?

(Raising hand.)

H. THEODORE COHEN: One opposed.

Thank you very much.

ATTORNEY VALERIO ROMANO: Thank you,  
Mr. Chairman and members of the Board.

H. THEODORE COHEN: We'll take a -- do we  
have to set up for Concord Ave.?

LIZA PADEN: Make sure your microphones  
are off, please.

H. THEODORE COHEN: We'll take a break  
for ten minutes.

(A short recess was taken.) .

H. THEODORE COHEN: Okay, welcome back.  
We now are in the General Business period of our  
board meeting this evening. And first I want to  
tell everyone that this is an experiment this  
evening of a soft rollout of our being broadcast  
over the internet. And so we are all being  
broadcast this evening. So I would ask everyone

to please speak up when you're speaking, and especially the board members, I've been asked to remind us all to please speak into the microphones. And when we turn our heads, as I do, that remember where the microphone is.

TOM SIENIEWICZ: And no swearing.

H. THEODORE COHEN: And no swearing.

And so this is a General Business discussion of the Comprehensive Permit for new construction of a multi-family structure with 98 rental units on Concord Avenue. And relief is being sought to Sections 5.32 dimensional requirements, 6.12 parking, 22.23 green building, 20.64.2 and 20.64.3 as the parkway overlay and Sections 20.95.1 and 20.95.2 and 20.95.4 of the Alewife Overlay District.

And, Jeff, if you could give us a brief overview of what the Comprehensive Permit

procedure is and what the Planning Board's role and what the public's role is this evening.

JEFF ROBERTS: Thanks, Mr. Chair, I'm going to do this very briefly because I think maybe the team can describe a little bit more of the particulars of the 40B process.

So the Chapter 40B of state law establishes that for certain affordable housing developments there's a procedure by which any Special Permits and Variances that may be needed to approve the project are encapsulated into one Comprehensive Permit review which goes to the Board of Zoning Appeal. So in this case, so this will be heard by the BZA at a public hearing. Because this is a project that if it were done under ordinary zoning requirements would come to the Planning Board for various things, including project review, including some of the provisions

you listed, including the Alewife Overlay District provisions which generally come Special Permits under that section come before the Planning Board as well as Special Permits under the Parkway Overlay District because this is along Concord Avenue which is considered one of the parkways, that would also come before the Planning Board.

The Planning Board's role in this case is advisory. To review the application and to make comments to the BZA. The board doesn't have to, is not in a position of making findings of granting approvals.

We have met with the project team staff both from our department and from Traffic and Parking and including Suzannah, while looking at urban design, and members of our housing division, which some of them are here. And we're

happy to -- we didn't provide a report as we would for cases for when the Planning Board has to make a decision, but we're here and we're familiar with the project and can provide some discussion comments, answer questions as needed.

H. THEODORE COHEN: Thank you.

And would the proponent please start.

JANE CARBONE: Yes. Thank you, members of the Planning Board. My name is Jane Carbone. I work at Homeowner's Rehab and we are a housing non-profit developer. And we are seeking, we are submitting this application for recommendation from the Planning Board to the BZA for their hearing next week. Jeff described the Comprehensive Permit pretty -- described it very well. I don't think there's anything else I need to add. The only few comments is that DHCD is the state body that also approves the

Comprehensive Permit, and we have submitted the application to them. They have done a site review, and we're waiting for their final signoff. But in order to get the BZA approval, they also need to signoff on the development.

And we have had an extensive community process of this development. We have had meetings with individual groups in the neighborhood. We've met with the Cambridge Highlands, the Fresh Pond Residents Alliance, and the Cambridge Residents Alliance last summer. And met with them and talked to them about the project. And then we had three larger community meetings at Neville Manor where we, again -- the first meeting we didn't have any designs, just requested feedback from the neighbors and what they wanted to see this development to look like. And then after that -- and talked about their

concerns. And then after that we had presented a design to them and they gave us their comments back.

And then the third meeting was the final meeting in which we incorporated a lot of the comments that we had heard at the previous meetings.

And then in addition to that, as Jeff said, as part of the design process, we met with different inter-department meetings with Cambridge Fire Department, Department of Public Works, Traffic and Parking, and Community Development so that we were able to incorporate all of their questions and concerns and comments into the final design that you are looking at now or the final design as designed in the schematic stage as it is now.

So a little bit about the project. And

I'm gonna talk about the affordability and the overall project and then Michelle Apigian from Icon Architects is going to go through the design details.

So as described, it is 98 units of rental. It's on a one-story of podium-style parking. There are six floors of residential space and 32 one-bedrooms, 45 two-bedrooms and 21 three-bedrooms. There are 67 -- so that represents 67 percent family housing. And of the 67 percent, 21 percent of the development are three-bedroom units.

There are 67 parking spaces. And we're seeking relief on the one-to-one ratio.

There are 103 bicycle parking spaces in the garage and 10 visitor bike parking spaces at grade in front of the building.

Five percent of the units will be

accessible. In addition two percent will be for hearing impaired.

And then for the sixth floor we have designed a community room, a large community room, for -- to be programmed for the residents with rooftop open space and laundry at that level.

And this is a comprehensive chart that talks about the affordability levels here. There are six different tiers of affordability. The first four tiers are what we're calling low income. So that it goes between 30 to 60 percent of median -- average median income. So that you can see in the last column a family of four will be earning \$29,430. That would be the income for 10 of those units. And then as you go down the chart, the income changes. So the next will be family of four earning 49,000. 15 units will be

set aside for them. So those first four columns are what we're calling the affordable low income tier.

And then the last two low moderate, the what we're calling the moderate middle income. So a family of four earning 78,480, will be able to rent in this development. And those are workforce units that we're getting assistance from Mass. Housing for. And 21 units will be set aside for families in that income range. And then the last tier is the high mods or moderate income which is for a family of four earning 98,500. And 17 units are set aside for those families.

And this is the site. It's on Concord Avenue. It was originally two parcels that were combined so it has a wider frontage and a deep, deep setback into the -- into the back of the

lot. So it goes back pretty far. And we've worked -- spent a lot of time with the fire department on designing our access for the fire trucks in and around the site.

So this is the site as it exists now. When we purchased it, there was, you know, two businesses; Cambridge Park and Loan which was previously Belmont Oil, and then another smaller restaurant that went out of business. So we demolished the buildings last summer and that's the parcel now as is.

So this is our design team. Michelle Apigian from Icon is gonna go through the design and then I'll be talking briefly about some other sustainability measures and other zoning relief that we're seeking.

Nitsch Engineering is our civil. Peter Peterson is the mechanical, and Lynn Consultant

is our structural, and Foster Martin who is here tonight is our landscape architect. So I'll now introduce Michelle Apigian who is going to talk a little bit about the design and at some point I might interject as well.

MICHELLE APIGIAN: Apologize for those who I can't see over the screen here.

So, when we start to look at any project it's important for us to understand the context. And so when we started looking at the site, one of the most obvious and amazing features is that it's across the street from the Fresh Pond Reservation which is an incredible ecological and open space resource for this whole community and beyond. When we look at the context, we're thinking not just of the physical context but also of, you know, the cultural context and the policy framework that surrounds that. So from a

physical perspective beyond this open space, we've also got this very interesting and diverse built context on the north side of Concord Avenue which really on one end is flanked by a very tight knit residential neighborhood, the Cambridge Highlands neighborhood, which has Rafferty Park as a substantial open space that also provides more specific play structures for kids in the neighborhood.

On the other end we have a mixed use commercial, very, very vibrant edge that clearly supports not just the local neighborhood here but a much more regional context and is very active. And those two ends are connected by Concord Avenue which I think we're all aware is a very busy street and has some transit along it. In the middle we've got this interesting neighborhood that is really evolving. It has

historically been industrial and commercial and that is beginning to transition. And so we're kind of one of the early pioneers into what has become clear to us as a community and citywide vision for what this neighborhood might become, and so that's a really interesting opportunity for us. And that whole neighborhood is not far from Alewife to the north there, but we also understand, though, not far in proximity not exactly necessarily the most accessible T station in part because the bus lines don't get there at the moment. And also not far from much -- the much broader, you know, Minuteman Bike Path and all of the connections that that brings.

We also looked at the Envision Cambridge plans and can see that there is a very interesting future in mind for this neighborhood over time. If we can work together to get it to

happen, it would be -- it could become a mixed use neighborhood that really has its own identity and is connected not just at Concord Avenue but connected on the interior. And that might ultimately have an opportunity to connect better to Alewife with the pedestrian bridge that would definitely ease that connection and make the parkway not the main method for getting there.

And then there's this potential for a path of some sort that might kind of really link this neighborhood. And so our site happens to front the edge of what could be that future path, but at the moment is certainly not that path. And so that's been an interesting thing for us to think about in the design process.

We always want to look at the ecology, and this site is not in the floodplain, but we certainly are thinking about resilience and the

longevity and the long-term value of any involvement that we're doing. So we looked at the 2030 storm surge and the 2070 storm surge, and we have anything in the building, everything in the building other than the parking is up above that 2070 storm surge. And we think that's really important to make sure that we're thinking about the future and not creating problems unnecessarily.

When we look a little closer at the site, you can see the diversity of the context just in the plan by the scale of the buildings, some large footprints, some small footprints, clearly a lot of different uses all around this site. And that, you know, gives us an interesting opportunity because there's not necessarily a lot to react to that -- as you might have on some sites where there's a very clear context that

you're trying to connect to. You can also see that the site is narrow and has a very -- a relatively small frontage on Concord Avenue, but is quite deep. And here you can start to see the curve of what could be that future community path that links this neighborhood that we're just kind of touching, kissing up against on the back edge.

And here are some of the views of the context of the site so that the upper views are really looking up and down Concord Avenue and you can see we've got one-story buildings, we've got six-story buildings, we've got office and commercial and multi-family. And then when you look at the bottom views down Smith Place, we obviously see quite a different context which is much more long and kind of really reveals the industrial history and sort of that transition that this neighborhood is in.

There's a number of zoning districts, or this falls into a number of zoning districts. There are several overlays beyond the southeast quadrangle and they certainly establish for us some clear setback parameters. They also establish -- which the dotted red lines are identifying. There's a 25-foot setback off of Concord Avenue to recognize this parkway, and then there's 10-foot setbacks off of the rear and side property lines to give us some breathing room. There are also height restrictions that talk about sort of a 55-foot front plain. And then stepping up at a certain degree off of that, but to kind of help ensure that Concord Avenue has the air and light that I think the corridor's looking for. And so we're taking all of that sort of into account and it starts to articulate for us where the footprint of this building is,

what it really can be.

So when we were thinking about the aesthetics and the form of the building, we were really inspired by the Fresh Pond Reservation across the street and just the warmth and the vibrance of the feeling there between, of course, the woods and the pops of green in the spring. And we really wanted to invoke that in our materiality and kind of find that sort of sense of texture in the facade. So you can see that this is looking at the main facade on Concord Avenue where we've got, you know, kind of a muted body that is punctuated by this much, much warmer richer material that we hope would invoke the kind of woods and the forests of the reservation. And then these pops of green that are more playful and more vibrant. And as you can kind of -- as we look around the building, you'll see

how those kind of start to form a rhythm around the building. We also, as you see in that bottom right corner, we were thinking about the front entry and how that really wanted to be highlighted and very, very visible from Concord Avenue, and to sort of evoke the lightness again of the woods. So we've, we've sort of established this, this -- these simple columns that can create this kind of treehouse effect, this light and we hope, you know, it's just helping to respond to what's happening across the street in a fresh way.

And that's, that entry canopy can also help to provide not only shelter for people coming in but a seating area as people are coming in and waiting for a bus. So the perspective view on the top right is really how the building might look from the street. And then the

elevation is sort of that true frontal view. And what you'll see at the top floors is that we change the materiality to make it much lighter and hopefully let the building start to recede as it gets higher. And then that top floor is really where we're stepping back because we've got that 55-foot height limit. We really have some fun featuring the community space up there which is also adjacent to outdoor roof space for the residents and that becomes a really playful kind of overlook of Fresh Pond and highlights, you know, what this amenity space for the residents within.

Here we're looking west on Concord Avenue, and on the top and in the context of the existing buildings that are there and on the bottom sort of a direct view of the west facade which you really won't exactly get because it's

so close to the property line. But, again, we're trying to take this rhythm of punctuating the facade with these recesses that help to create a sense of rhythm and break it up so that the mass of the building, which is quite long in the property, does not feel --you know, is broken up. And then, again, sort of finding ways to use that wood look to playfully articulate the facade so it sort of dances down, down the length of the building.

Here you can also see an elevation.

These slim lines of what we're envisioning could be our future photovoltaic panels which we are planning to be PV ready for the project and ready for the time when we might be able to actually install them. And what's interesting and what was very interesting to us is that we can get quite a lot of -- we have room for a lot of

photovoltaic panels for the building. When you actually look in the renderings, they're in the model. And you can't actually see them in the actual rendering because of the fact that they're set back from the edge of the building and also because of the angle that you have.

Similarly looking to the east -- to the east? Yes, to the east. At the top we've got an elevation kind of in the context. And, again, I think you can see we try to turn the corner with our richer wood look. And sort of -- it's not so obvious here at this scale. Maybe more obvious there, but you can -- dancing down sort of the edge of the facade are these, these slim pylons that can help support the building. And then up above, of course, you're seeing that community space that's really a feature of the building and a feature for the residents.

And then the, you know, what we think of as the rear of the building but could some day be an important facade up against the community path, this portion here is really the rear of the front wing of the building which has a community space at which is directly off the lobby space. And then this portion here is the piece of the building that really kind of reaches out more toward that community path. And I'll jump into the plans here in a minute to help you understand and orient yourselves.

So, again, we were really thinking about resiliency and wanting to be above that 22.9, 2070 flood -- or storm surge. So we've set our entry to the building at elevation 24, well above that line. And we have an interesting situation where our entry level is about a half level below this kind of long bar of the building. And that

allows us to tuck most of our parking below the building and out of site of Concord Avenue.

The primary access to the site from a vehicular perspective is to the west through an access drive that immediately begins to drop down with the natural change and grade of the site. The site starts at elevation 24 out at Concord Avenue and slowly sort of naturally drops to about elevation 18. So the entry drive is intended to really follow the natural grade and get you to sort of some surface parking at the rear that is already below Concord Avenue and concealed from visibility, and then from there we're able to drop down a ramp and get us into the garage below the long wing of the building.

And I should say that Jane mentioned that we did spend a good amount of time discussing the site plan with the fire department. And the

building you'll see doesn't extend the full depth of the site. And the reason for that is the fire department really needs the building to be within 250 feet from the right of way so that they can get their hoses that distance. That's really a kind of a limit for them. And so that defined for us what set the back edge of the building and we were not able to go deeper. So while the parking is below the building for a stretch, at a point the building stops and the parking continues and it becomes surface parking at the back side of the parking lot. And I want to zoom in now -- oh, and so I guess one thing that's very important to point out is that this drive lane is actually dropping under an upper level wing of the building and that's what this section is really telling us, is that here we are at Concord Avenue, our entry lobby is sort of at

this level, but the drive lane just sort of drops down under the second level of the building to get you to that rear parking, and the building floats out above it. And here we see the community space sort of sitting up perched at the top of the building. And here we also see our setback from our 55-foot plain to where we're able to jump up a little bit higher.

So when we kind of zoom in at that entry, again, you can see that our, you know, if you're a pedestrian and you're accessing the building, you're going to kind of come off of Concord Avenue into our lobby space which is essentially at grade with Concord Avenue. There is a rear vestibule that can get you down to this exterior parking level if you're parked back in there. If you're coming by bicycle, we understand how important it is to have bike parking for both the

visitors, which is kind of right upfront and easy access, but also for the residents to have sheltered bike storage. So we've developed this gentle ramp that kind of slides down the length of the building, turns the corner, and drops into the garage. And I'll just kind of go back one to highlight that.

So this whole front knuckle of the garage is actually dedicated to the bike storage and it's all sheltered. Privately accessed through this, through a door off of that ramp, and then immediately adjacent to an elevator up in the lobby to get you into the building.

And then if you're coming by car, you'll come down the driveway and you could either be parking in some of these spaces or pulling into the garage. We know these days there's a lot more delivery so we, through our community

process, we really became aware that we need to think more about that. Concord Avenue is not a place where you want to see UPS trucks pulling over and parking on the side of the road for a period of time and creating traffic and congestion.

So we've got a couple of spots right here just off of the drive lane that are specifically intended for short-term parking, whether that's drop off or whether that's a delivery truck or even on a move-in day so that they're not impeding the parking of the residents and it's immediately accessible to the vestibule and the lobby to get in.

And then the fire department certainly looked at this access and, you know, we made sure that we had ample height there for that level of building that's coming out above so that they

have access and they can pull their fire truck in here and easily reach the whole back of the building and the back sides of the building.

Just quickly, a typical floor is just a mix of one, two, and three bedrooms that stack pretty consistently level to level. And then when we get up to the sixth floor, you can kind of see how the building starts to pull back here to maintain that 55-foot plain at the principal plain. And here -- where is my mouse? Is the community space perched out over everything. And kind of an outdoor roof deck space that we think will be integrally programmed at that community function. Up at that level we've got a laundry room that has fabulous views and would certainly allow folks to be, you know, doing their laundry and taking part of activities in the building and making it practical for the residents as much as

possible.

When we looked at the landscape plan, certainly the Concord Ave. edge is very, very important. And then we've got a lot of building and a lot of parking, but then there's this sort of back edge that's also important potentially to the future, and so we didn't want to look at that as a rear of the building. We wanted to think about a potential future where there is one pedestrian path here and where one might actually want to hop out of the building and access the path through this pedestrian sidewalk on the site. And so this is really, it's certainly not the front of our building, but we're thinking about how this might be landscaped and treated with some sort of art that would really engage people and create an elegant entry, but that also kind of shields our parking which is essentially

at surface level at this stage.

So when we kind of zoom in on that, again, our main entry is up here. We're thinking that along Concord Avenue we have a low wall that might help define the front yard of this building and create a seating area with a series of trees that sort of reference the zoning requirements for regular tree spacing along Concord Avenue and provide a combination of shade trees and more ornamental upright trees.

On this wing, that in particular where there are actually residents at the first level, even though it's a half level up, are really creating sort of a treehouse feel for those residents and a bit of privacy and screening. And then it really opens up at the main entry and we've got, you know, pavers and some sort of treatment here to really create a space where the

residents might gather outside, wait for their friends, kids might be kind of running around. And it's similarly in the back, you know, a space that really could tie into this future community path. And I won't go at length, but we have our landscape team here to answer any more detailed questions on that.

A few final slides here. Sustainability is critically important to Homeowner's Rehab and it's also critically important to Icon and our whole team really. And so we've been thinking about it on a lot of levels. Certainly resiliency, keeping out of the storm surge is important, but it goes beyond that for us. It really, it's about, you know, keeping our systems out of that plain as well, but also our thermal envelope and thinking about how this building might be able to weather power outages and

maintain temperatures. And so we're really thinking about an exceptionally high performance building all around from the envelope to the windows to the systems that will have terrifically low energy use and high levels of comfort and air quality.

As I mentioned, we're also planning to be PV ready so that everything is ready to install the photovoltaics on the roof.

Jane will probably talk about this more, but Cambridge has tended to use LEED certification or LEED certifiability as its benchmark. In this case we're looking at Enterprise Green which is really more geared toward multi-family development. And we're also thinking about not just universal design but active design, which engages people to use the stairs and be more mobile on the site in their

day-to-day experience and more connected to kind of nature. So we're thinking about how our main stair is more, is very visible and bright and inviting and so people are more inclined to just be active on the site.

And then finally we know Cambridge is very focussed on how do we ultimately get to NetZero. So the systems and the thermal envelope that we're thinking about for this building are going to be very, very low energy to begin with. PV ready to help offset the electricity use that's expected. At the moment or heating and cooling systems along with our energy recovery would all be electrically based and so that would be an easy offset. So the one place I think we'd need to think about modifying our systems down the line were we to get there, would be with our hot water system which for the moment is intended

to be high efficiency condensing gas boilers. So that would be the place I think we'd need to target a new system.

And then finally transit. We're thinking that, you know, we think a lot about multiple modes of transit. The car is certainly one. But this is a community that is close to Alewife, but we've heard is a little bit hard to get there.

So while there is the MBTA bus lines, HRS is thinking about the shuttle service that exists there and budgeting for that at the moment for some period of time to help the residents to find that mobility. Of course we have great access to the bike path and we're certainly thinking about having ample bike storage to meet the zoning requirements for both visitors and residents.

And so in terms of the relief that's being sought, there were a lot of, a lot of --

there was a lot on that list that you gave earlier. I think the main points are all summed up in this table down here. So we are -- we have a higher FAR of floor area ratio than what the zoning would allow.

Our principal plain is that we're suggesting 26 feet rather than 65 at Concord Avenue, and that's primarily driven by the fact that we want to have a robust thermal envelope and we like to get exterior insulation on our roof to make sure that that happens. And it's challenging to do it with less than 56 feet.

Similarly related to the FAR, because we are putting a fair amount of density on the site, we are beyond the dwelling units that would be allowed based on the amount of space on the site. And in terms of parking ratio, we are less than one to one and that is really driven in large

part by Homeowner's Rehab, looking at their parking portfolio -- their portfolio of residents and their average parking use and understanding what that is and understanding what their needs are relative to the site. And we can talk more to that certainly, but we think that kind of 0.68 ratio is kind of right for this population.

And then there's a stipulation about ground floor transparency on Concord Avenue. We are -- it stipulates 30 percent of the ground floor. It doesn't actually say that's only on Concord Avenue. And of course our site goes very, very deep. So, if you looked at our full first floor, we are a little bit under that transparency. So the majority which is not visible from Concord Avenue which is where I think the transparency is really geared.

And then the last one is this point about

the rating system. We're proposing the Enterprise Green rating system which is very, very targeted toward multi-family and particularly multi-family, but it has a similar focus on all the same components of energy and water efficiency and site design as LEED does.

And I think --

JANE CARBONE: Yeah, I just wanted to say two things.

One about the parking. And the parking that we, we have done our internal study on the developments that we've done in the past that have provided for parking. And our affordable units upon lease, 54 percent of our residents have cars. So we took that and devised that model to come up with a number of parking spaces that we would have here. And so we have 60 low income units here, so we're designating 32 spaces

for the affordable component of this development. And 38 mod units, it will be about 92 percent of those residents will have spaces. So of the 38 mod units, 35 parking spaces will be allocated to the mods.

And in addition to that, we did perform a traffic study to go over, you know, the impact of our development on the traffic in the neighborhood and we hired Vanasse Associates. And according to their traffic study they said that there are no changes to the current level of service and minimal changes in the delay at nearby intersections upon occupancy. And so in summary they were saying that we probably would be a few seconds of a delay at the intersection at the Concord Ave. lights.

And, again, as Michelle said, that we are offering the TMA shuttle as a service to our

residents. And obviously there's the bus routes and then the ample parking as bike parking as an alternative for families as well.

And the last item I wanted to talk about was the reason why we're switching from the LEED criteria to the Green Enterprise is because one of the things that is stricter in the Green Enterprise is that it's more geared towards mixed income housing developments, more residential, but it also has requirements that not only the building envelope has to be energy efficient and reduce its consumption, but they also require residents and programs to be incorporated in your development, so which is why we have designed a significant area for community space so that we could have cooking classes and we could have activities for the residents that also show them how to reduce energy but also provide

opportunities for activities as well. And also the Enterprise Green Communities has a lot of, a lot of criteria on how to reduce energy within the mechanical systems, which is a little bit deeper than what the LEED Gold criteria is. And so we feel that in operating the property, we really want to get as efficient as possible in terms of the operations from the mechanical not only for our benefit but also for the benefit of our affordable residents there.

So I think that does conclude our presentation, and if folks have any questions we can talk to you about that now.

H. THEODORE COHEN: So, Board Members, since this is not a public hearing but general business, we can take public comment at some point. I think would be appropriate for us to discuss it amongst ourselves, raise any questions

that we have, and then see if we opt to take any public comment.

For the public, this will be heard before the ZBA and you will have an opportunity at that point to raise any questions or comments you may have.

So who would like to start? How about this side first. Steve.

STEVEN COHEN: I think I'm going to pass today. Mark that down.

H. THEODORE COHEN: Lou, do you have any comments or questions right now?

LOUIS J. BACCI, JR.: Just one quick one. On the bedroom spread why so few three bedrooms? Not so much so few, but why that particular number? Why not more?

PETER DALY: Peter Daly Executive Director Homeowner's Rehab. And we tend to do

more three bedrooms than most developers in Cambridge because we do see that need, but we also work very closely with Community Development Department to try to assess what the overall demand is. And what we're seeing is that there's much more demand for twos than there are for threes. So we look at them both not only with the site that we have but in the context of our entire portfolio which is about 1250 units and look to see what we have as that portfolio as well. We thought the number of threes we have here is the right number for this particular site.

STEVEN COHEN: Mr. Chair, rather than commenting, actually, this is the first time I've actually sat as a board member on a Comprehensive Permit project and I'm just wondering what exactly our scope of review is in the

Comprehensive Permit context in which the application you know to a large extent trumps -- I shouldn't use that word. Trumps local regulation.

HUGH RUSSELL: I guess in some sense I'm vaguely responsible for this. When I was on the Zoning Board 25 or 30 years ago, I managed to convince people were doing affordable housing in the city to use the Comprehensive Permit permit rather than seeking variances. These were somewhat early days of this legislation and people didn't realize that anybody who provides affordable housing can use this mechanism. And as we know it, it is easy to achieve a permit rather than a variance. And so I eventually convinced the Housing Authority to add to it and then other people see the simple wisdom of it.

I've done a fair number of projects

myself under these rules. And the advantage -- I mean, the theory of the process was one stop shopping. You go to the Zoning Board and every other Board has put in their comments and concerns, it's all on the table at one time rather than having to go around Board by Board collecting comments. The advantage I think is that you can think a little bit outside the box without any -- to give people relief that may -- I mean, like the 56 versus the 55 feet. In the ordinance that's rigid. We could have the opinion as a Planning Board that it doesn't make much difference. And so that's sort of a basic idea behind it. We're to identify issues and concerns and also to help explain to the Zoning Board why a particular proposal makes sense from our point of view.

H. THEODORE COHEN: You know that pretty

much sums it up except that, you know, our role is to make recommendations to the BZA of, you know, if there are things that we think are inappropriate or that could be changed or we could tell them that we think everything is perfect. Ultimately when the BZA grants us a Comprehensive Permit, as I recall the review process, is that they cannot impose any condition that makes the project uneconomic for the developer because it's the state statute that is to promote affordable housing in the city. And so, you know, they will take our concerns and concerns of all the other departments in the city and craft one Comprehensive Permit. But in the back of their minds is that they cannot do anything that makes it uneconomic.

IRAM FAROOQ: Mr. Chair, may I just add one thing. You know, you would see this project

as a BZA project in any case, but this is also a city supported project. This will be -- receive funding through the Affordable Housing Trust.

And so in some ways there is, compared to any other project that might be receiving a

Comprehensive Permit, if it was just a private developer that was not working with the city, they may not have gone through the same amount of process. But part of the fact is that HRI is one of the non-profits that works closely with the city. They've done some newly, some of the projects, some of our high profile affordable housing projects like Auburn Court, Charlie Square, Putnam Green, and they have consistently worked very closely with the city. And it gives us that relationship through the Affordable Housing Trust funding and our Housing Division gives us the ability to in fact work much more

closely with them. The amount of time that they have spent with city staff from various departments is probably similar to any private development, and that's also I think why we feel it's important for them to come to the Board and, you know, also have a more robust presentation and opportunity for you to comment and for them to be able to hear and internalize your comments into as they proceed forward. So I think it's partly also that relationship that brings them here in this bigger format than it might otherwise have appeared if it was just a BZA case.

H. THEODORE COHEN: You clear on that? Basically we're going to review it and make recommendations.

STEVEN COHEN: Well, now that I'm hearing all of that, I'll give a profound and wide

reaching comment which is I'm looking at the front elevation and those portions of the building which are visible from the Concord Ave. and I very much like that design. I like sort of the story about how it relates to the forest. I'm not sure that a non-architects really appreciates the profundity of that relationship. But it is appealing and I think that's important obviously that public policy and being served by the project are laudable. And as far as the actual details of the project, I'm not steep in the details and I defer to the process to date on that. But I feel very positively about the project generally and about what I see from the public way.

H. THEODORE COHEN: Hugh or Mary?

MARY FLYNN: I just wanted to sort of second Steve's comments. I think it's a very

handsome building on the Concord Avenue edge in particular. I, too, would not have caught the connection, but now that I know about it, every time I drive by it I'm going to think about that. So thank you for sharing your thought process with us.

I think it's a wonderful project so I wish you the best of luck with the BZA. Not that you'll need it.

H. THEODORE COHEN: Hugh?

HUGH RUSSELL: I have sort of long list that I'm going to defer that to the end if people want to get in their words first.

H. THEODORE COHEN: Thacher?

THACHER TIFFANY: I actually just have, I have one. I mean I agree with what others have said. I think this is an important effort to bring multi-family housing and especially

affordable housing to Cambridge.

One question: On the -- let's see, it's the fourth floor in the renderings it looks like the facade is like a light grey but in the elevations it looks like it's more of like some kind of, I don't know, maybe a silver panel or something that Icon has used frequently.

MICHELLE APIGIAN: Oh, that's a perfectly fair question. We are hoping that that will be metal panel.

THACHER TIFFANY: Metal panel? Okay.

MICHELLE APIGIAN: On the fourth floor.

THACHER TIFFANY: I agree with the other comments. I think it's a -- you know, if we were doing multiple sessions, I might have some sort of critiques on design to come back, but I don't think that's really our role here in terms of recommending, you know, passing on comments to

another board. I think subtleties would probably get lost.

TOM SIENIEWICZ: So I agree with Steve, I think, and Mary. I think it's handsome. I also love the idea that, you know, in a market rate building the roof would be devoted to some rich individual and I love the way in which this is a community that's on the roof and I see advantage of that perspective and that's not lost on my me, and I think that's just wonderful. And it's wonderful in terms of what that represents both in terms of your mission but also in terms of what this community looks for.

I have no issue with the density. I think this site could tolerate the increased FAR. And I also, you know, even though it wasn't described at being close, I want to look at maybe the way in which the building uses its

neighborhood. It's actually proximate to some pretty vital shopping. Unlike maybe other affordable housing developments that maybe include desert. If we have such things in Cambridge. This seems very close to Trader Joe's and all of the amenities of the malls. And you could walk, take the bike, bus, and serve yourself very, very well without a car. And I suspect there's another board member here who has got a more careful analysis about that. But I think that the site could take the spirit of that roof, and is there a way in which we might geek out more space on the site for community use? I know that we've got the reservation across the street, but I really wonder about that and would defer to my colleague here who I think has got more well-formed thoughts about that. But I think that the landscape is vitally important

here in a project that is looking to increase the density at this level. And so I'd like to talk about that a bit.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: I agree with the analysis that I'm hearing from my colleagues, but I have some questions and concerns.

I imagine there could be quite a few children living in this building. If there was one kid in every two-bedroom apartment and two kids in every three-bedroom apartment, that would work out to 85 kids. But even if it was 50 kids, that would be a lot of kids. And I don't see places for them to be accommodated on-site. And there's a little tiny sitting area at the end of the parking lot. There's, you know, some bench out in the front. There are the rooftop spaces which I don't think you're going to send your

four-year-old to play in. In a way it's, once the kids get to be a certain age that there can be more independence, this is a great resource across the street. But so it's the kids who are younger than that.

I would prefer if there was less parking and more usable open space at the end of the parking lot on the north side of the site. And a minimum I would like to have the BZA built in the flexibility to convert parking areas to recreational use if they find that they can do that. I don't think there's much of a soft pack there, you know. You could put up a basketball hoop or two and it's away from the building so it won't be too noisy to disturb the tenants. And your abutter's a parking lot which would be pretty secure for a while. And so that's one concern.

I looked up the bike ramp and I thought, you know, it's nice to have an exclusive bike ramp that leads right to the room, but it's pretty expensive because of the retaining walls you have to build. And, you know, you're going to be out in the street mixing it up with the cars pretty quickly. You've got the cycle track if you have to going that way, and you can go the wrong way on that cycle track going eastbound. And, you know, the idea of there's a nice gentle ramp that the cars are using to get down to the same level. And is that part of a recommendation? I don't know. But it seems to me that particular, that slot space is going to be somewhat hard to maintain. It's not going to be particularly nice. And it may not be necessary. And the concern I have is the structural depth that is shown on the drawings

for the first floor and on the second floor. And there's one section that shows a 14-inch steel beam. The second floor is a concrete slab because you can only build five floors of wood. So it's a seven-story building, the bottom two floors have to be noticeable construction. And the upper floor is supporting all five floors above it. So it's taking quite a bit of load. And the spans seem to be something in the order of 32 or 33 or 34 feet. You can't do that on a 14-inch beam. So when you discover that, what's going to happen is a building is going to grow another foot in which case you should be getting bigger exceptions or the part of the ceiling going down to -- or there are going to be a lot of low beams.

I don't know what the heating system is because those beams on the ceiling of the first

floor are in the same place that you would want to put ducts. And so is it an air system or is it entirely hydronic?

MICHELLE APIGIAN: So for heating and cooling we're thinking about air source heat pumps. We haven't -- we're evaluating whether those will be individual by unit or whether we'll have a VRF system that would have larger condensers serving multiple units. We don't expect a lot of duct work in that sense. Just to set back in the structural, we are at the moment though our section may show a beam, we're assuming two full feet of depth for the slab elevations at the garage, at both of the podium levels if you will.

HUGH RUSSELL: Right. The two feet with a six-inch slab will leave you 18 inches of steel. And then there's like two inches

underneath it. Waterproofing. And so I'm concerned that -- I mean, I've only done 9,000 units of housing and I haven't done every possible kind of building, but this just kind of -- this worries me.

And another thing that worries me about that is the size of the unit and the design features. These are tighter units than are being built in the market these days, mostly which means they're tighter than the inclusionary units that are being reduced by that process. The bedrooms are mostly ten feet wide although they're ten feet deep usually, but if it's being shared and there's kids that doesn't leave a lot of space for putting other furniture and bunk beds would make a difference.

About 60 percent of the units you have to walk through the living room to get to the

bathroom and the bedroom. A lot of those are one-bedroom units where that might be less of a concern, but there are significant number of units where you have to do that. And so are we pulling units that are sort of compromised in that, you know -- or are we on the leading edge of a trend of more compact housing units? You know, we've got inflated -- and this is what we were doing 30 years ago, these kind of dimensions, and some of the projects we see are getting smaller so that's a basic concern.

And then I want to present an argument for the FAR. The FAR is 2.0. And if this were a market rate project, the inclusionary bonus would make the FAR 2.6 which is only ten percent less than the requested FAR. I think it might be important to make that point to the Zoning Board. It's not a huge increase. It's a rather

unsubstantial increase. And -- but being 100 percent affordable, it's not using the inclusionary language. It's so much better than inclusionary.

Those are my observations. I don't know what to do with them really. I don't want to say oh, you know, make everything bigger, make it work not work financially. Don't do the project. That's not what I want to do. And I don't know whether I can give you my observations and wondering what to do about them.

H. THEODORE COHEN: Perhaps, Suzannah, have you been looking at some of these issues that were raised and do you have any comments about them? I don't mean to put you on the spot if you have not.

SUZANNAH BIGOLIN: We have not looked at a lot of details that Hugh has raised. We didn't

get into the details of the apartment layouts or structural details at this point in time. That's probably something that would happen as part of the continuing review process and when we review the Building Permit.

H. THEODORE COHEN: Since we -- do you wish to --

JANE CARBONE: I can just speak to a couple of your concerns because I think, you know, we have also had similar concerns and when we went through the community process, you know, we, we want to do, we wanted to have more open space and not use a lot of the footprint for parking, but there was a concern in the neighborhood of the reduction that we had already made and that people felt like, you know, that was going almost a little too far in that even though we have seen our residents not have

vehicles. People felt in the community groups that we met with that, you know, there would be additional traffic and so we should provide as much parking as possible.

And there are gonna be children here, but like other developments in the city, you know, we, we did design the community space to be programmed for residents. And we have a resident services coordinator that creates programs on a weekly basis with our children and our development. And so we have a very robust program that we're going to schedule here to have the residents' children use that space and then the roof area. And, you know, we were looking at potentially extending the roof beyond the footprint of the building to cover, you know, what we called a fun deck which we could program, you know, additional open space at the top floor.

But that, the premium on that was about \$600,000. So it was just not feasible. So we were able to get a small little area at the front of the building for a roof deck. And what we've seen -- what we've done in the past in those areas is that we've had programs, community gardens in those spaces, as well as we were talking to the community folks about having this area as sort of a CSA possibility for our residents and then the abutting community. But I think, you know, if there was a way to use some of the parking spaces for additional landscaping area, that would be tremendous as well as 101 bike parking spaces. You know, we don't any we're going to use all that bike parking space. And if that in the future can be reprogrammed that would also add open space.

In terms of the bike ramp, that was

something that was very important to the Traffic and Parking Department, specifically the bike -- the representative for the bike and traffic here where they wanted to create a very safe space for cyclists to get in and out of the building. So that was, that was designed basically in those meetings with Traffic and Parking.

In the design features, the unit square footages, there are minimum and maximums that the state requires under the tax credit program and these units are within those units. They are reducing the square footages. That's the trend in the tax credit program where they're reducing square footages. And so these unit sizes are speaking to that requirement.

H. THEODORE COHEN: Okay, I just have a couple of comments and questions.

Well, while you've got that up there,

what is the material at the very top of the roof in the center? From here it looks like cinderblock and I assume that's not the case.

MICHELLE APIGIAN: That's unfortunate. You're talking about up in this?

H. THEODORE COHEN: Well, on the next rendering below. Right in the middle. The middle of the top.

MICHELLE APIGIAN: This here? Yeah, it probably does look like cinderblock. That's our elevator shaft and stair tower which probably would be clad in siding like the rest of the building. But it wasn't done effectively in our rendering. But they would be clad and insulated.

H. THEODORE COHEN: Okay.

And will there be other mechanicals on the roof that we're not seeing in these renderings?

MICHELLE APIGIAN: The only mechanicals that we anticipate being on the roof would be condensers. The number would depend on the heating and cooling system or kind of a gained system. But the condensers are actually modeled on the roof. And what we're realizing is they're sitting really over the corridor with the intention that the vibration that may come with them is not happening over living units. We are seeing just as we barely see the PV in the renderings, that they're not visible in large part because of the angle that you actually have to access views that's so high up, it just, you're not gonna see them.

H. THEODORE COHEN: And would that be true from people who are in Fresh Pond themselves?

MICHELLE APIGIAN: We'd have to go

further back, but we've got, I think it would be largely true because we have none in the front whole portion of the building where we've got the community space and units. They're all back within that 60 swath of buildings. I don't think you can see them from Fresh Pond but we can also look at that.

H. THEODORE COHEN: And also I guess from the desired path that may be in the rear at some point in time --

MICHELLE APIGIAN: Right.

H. THEODORE COHEN: -- whether people would be seeing them from at that area.

MICHELLE APIGIAN: Right, we have not looked at that view. That's definitely true. What we did see is that if and when we are able to put photovoltaics on the building, those would be out more than the condensers. If you see

anything, you're going to see those at that time.

H. THEODORE COHEN: Well, I agree with most, but I think it's a very handsome building. I'm generally not wild about driveways going through part of the building, and I was wondering do you have a rendering that shows the west side so you're really seeing what you'll be seeing? Whether you're driving down Concord Avenue or going to Burger King for instance?

MICHELLE APIGIAN: This is the elevation. The driveway is coming under the building there.

H. THEODORE COHEN: And you have nothing larger than that?

MICHELLE APIGIAN: We do actually. We pulled it back a little bit actually. But we do have it. We could zoom in on that view. I don't have anything in the presentation now.

H. THEODORE COHEN: You don't have it

here with you?

MICHELLE APIGIAN: No.

H. THEODORE COHEN: I mean, I would be curious. And I think the BZA ought to say what it's going to look. I mean, I know Hugh's been talking about the structure, but the little, tree-like --

MICHELLE APIGIAN: It's gonna levitate. I'm outside the box here.

HUGH RUSSELL: It's tall which means that light can penetrate. There's a Burger King parking lot is not going to prevent light from getting there.

H. THEODORE COHEN: No, I know.

HUGH RUSSELL: That means it may work better than --

H. THEODORE COHEN: Than most of them.

HUGH RUSSELL: Yeah.

H. THEODORE COHEN: Yeah. I'm just really curious what it would look like.

MICHELLE APIGIAN: We could have a closer view of that for the BZA.

H. THEODORE COHEN: Okay.

I also was wondering why there's no playground. I mean it seems to me you're going to have a lot of little kids, and they're not going to be sent to play on the roof. And the community room I take it will be mostly indoors, if not all outdoors. So if there was some way, you know, I would even forego some of the landscaping that you have in the back to have some sort of playground for kids. And I know, yes, they could go across to Fresh Pond, but given the number of kid you got there, it would be nice if they did something right there.

You talked a little bit about the

shuttle. Are there other TMD matters that you've discussed with Traffic and Planning and what they're proposing to do.

JANE CARBONE: Well, we, we had programmed for the TMA shuttle in our budget and the ride share is something that we're looking at as well. And we also have a program for our residents and a service to get folks to grocery stores, back and forth to grocery stores. But I think the TMA shuttle and the bus, the close proximity to the busses are sort of the primary mode of transportation that folks will use. And we're hearing that on the TMA shuttle that service is limited now, but as more development come on board in this neighborhood, then they can expand their services. So we're hoping that this community of 98 families will be a good opportunity to expand their services in working

with the Traffic and Parking Department and the TMA shuttle with us as well.

H. THEODORE COHEN: Okay. I mean I know typically in a complex of this size Traffic and Parking would require things like Charlie cards and bicycle repair stations and signs indicating that the nearest public transportation and its frequency. Have they discussed any of this with you?

JANE CARBONE: Yes, and I think we have had cost estimates on all of that. And so we're working with Community Development to see if that's something that this project can fund so that residents would get a Charlie card, you know, move-ins would get a Charlie card. And we typically have a board in our lobbies, so that is not the very expensive item to just give people ideas of what transportation is available. A

monitor. The bike, the repair that is standard in some developments. You know, there's a cost to that. So I think we're looking at the cost of that with the Community Development Department.

H. THEODORE COHEN: Okay.

Tom, you have other comments?

TOM SIENIEWICZ: I too was on the Zoning Board. I didn't invent 40B like Hugh did. I think in my ten years there I did get to look at as many as 20 applications for 4B. And I just was reminded thinking about this, of course in our community it's friendly 40B. And overwhelmingly whenever you ask Cantabrigians what the primary issue is in their community is affordable housing. There's great empathy and naturally a huge respect for your organization and Peter in particular for the quality of work that you do. And look, parking is an emotional

issue, right? An article in The Globe this weekend talking about how parking ratios are not based on science, they're based largely on emotion. And a measurement of the broader metropolitan community is showing that developments are overparked. And so, I think you should go on your experience. I mean, with all due respect to the community, I know it's an emotional issue, but the need for affordable housing in this community is overwhelming. And putting resources into parking that is not needed doesn't seem right to me. And the 40B is the correct vehicle by which to take a rational approach to those issues. So I would encourage you to design and detail the amount of parking you think you need, and give some oversight to the children and people that are going to live here that doesn't cost \$600,000 -- well, maybe it

does. So I guess that's where I would just give you courage around the parking issue.

On the ramp, I guess, the Planning Board, at least this Planning Board member disagrees with the staff here on where that ramp should be. And I agree with you that you're on a bike, you're in the traffic pretty quickly.

H. THEODORE COHEN: Steve.

STEVEN COHEN: Yeah, I would just have one follow-up comment on that question about the parking and the rec area. I can't say what the right amount of parking here is and apparently you're responding to some pressure to provide more parking. I would only suggest and recommend when go to the ZBA, that they include in the Comprehensive Permit some sort of a simple flexible mechanism whereby if Parking and Traffic certifies that based on observations and first

year whatever, that there isn't the need for all of that parking, that it can be easily converted to recreational non-parking use. Just build in that flexibility so you can respond to experience.

One other question I have on the PV, my experience nowadays is that there are a number of outfits out there that will install PV at no cost, initial cost, and they of course then to have the opportunity to charge for the electricity generated by either -- and I'm sure you're more familiar with all the ins and outs than I am. But since you like to have the PV and you're planning for it, it seems to me that you ought to be able to find some sort of mechanism or third party provider to actually install that PV upfront rather than later. And I believe you can do that at probably zero cost. I think that

was my only comments.

JANE CARBONE: On the PV, we've -- we actually have probably eight PV installations in our developments and we actually have a solar farm on one of our properties that provides solar PV to a scattered site. Our scattered site portfolio. So we definitely want to do it. There has been some changes in some of -- the utility programs are available for renewables through -- for affordable housing developer. So we're sort of waiting for funds to be available and they're on a cycle. And so potentially that's the source that we would use them for. And we think we're going to be getting them before this gets developed, but right now we aren't showing that, but that's typically how, you know, we've funded the PV systems in the past. And it's likely that will happen here as

well.

H. THEODORE COHEN: Thank you.

Suzannah, did you have any other comments you wanted us to think about?

SUZANNAH BIGOLIN: My only other comment would be to the treatment of the podium facades internal to the side and where they might be visible. It was a little unclear in the elevations what the actual facade treatment was and whether we can make that more attractive along the internal pathway and where it might be visible from Concord Ave.

H. THEODORE COHEN: Do you want to respond to that?

MICHELLE APIGIAN: Yeah, I could just say you're right. We haven't thought about that as well as we like to. But I agree, it's on the inside of the site and at both edges it's gonna

be fully exposed for the most part. And so we need to think about whether we need -- it will be landscaped on the edges. This will be an open garage. Do we need screening to deal with birds? Do we need, you know, what kind of treatment can we use to do that and also what is more inviting and more engaging particularly on the side of the pedestrian path to the back.

H. THEODORE COHEN: Lou.

LOUIS J. BACCI, JR.: On my list was also somewhere for the children to play. But besides that I suppose new electric service for this building. Have you spoken to Eversource? New transformer switch and where does it go?

JANE CARBONE: We tried to put in a work order for this project and that was ignored. But we have a location for the transformer on the back of the site.

MICHELLE APIGIAN: I'll show it to you.

LOUIS J. BACCI, JR.: Is that the one in the corner?

MICHELLE APIGIAN: I should have mentioned it.

So it's actually right here at the bottom of the drive ramp in the corner so it would be below Concord Avenue but above the floodplain. Tricky business but....

JANE CARBONE: And we actually have a contact person who has been very helpful on our projects. We're not gonna reveal his name because we don't want to share, but I think once we have the, you know, we have a plan in place now and I think we can have a conversation started with Eversource.

LOUIS J. BACCI, JR.: Thanks, that's an appropriate location.

H. THEODORE COHEN: Great, we would not want to see it on Concord Ave.

LOUIS J. BACCI, JR.: No, but some point you end up with where they put it.

MICHELLE APIGIAN: Zoning doesn't allow that actually, we confirmed.

H. THEODORE COHEN: But the proposed location they presumably can access with their trucks.

LOUIS J. BACCI, JR.: Exactly.

JANE CARBONE: The fire truck has access now.

LOUIS J. BACCI, JR.: It's in the driveway.

H. THEODORE COHEN: It's in the driveway and the fire trucks can get in.

LOUIS J. BACCI, JR.: The location. It just wasn't called out.

H. THEODORE COHEN: Thank you.

Hugh.

HUGH RUSSELL: One other observation I would not rest on the BZA. Roof decks have two problems that are -- that have to be resolved.

One is that the weight loading on the roof deck because it's a public access space is much higher than the floor loading and then you have -- often, you know, pavers and other things that are heavy up there.

And the other problem is that you -- papers have thickness, pedestals have thickness, roof insulation has thickness. You're up six to eight or ten inches above the level that you're coming out from. And the current roof deck I'm building now we had to put in additional bearing walls so that we can use 14 trusses and losing two inches of ceiling height in the apartment

below them, and people could care less. It's trivial to make all those changes. So the trusses -- we're spending parallel to the outside wall, so we can reduce the spans. Your unit plans don't work that way. I would just encourage you to think that through because it's an annoying problem.

MICHELLE APIGIAN: Totally. Agreed.

H. THEODORE COHEN: Jeff, are there any issues in either the Overlay Districts that we should be thinking about that haven't been addressed yet?

JEFF ROBERTS: No, I don't think so. I think that the, you know, the provisions, the project re-provisions I think the Board discussed, you know, a lot of the provisions relating to, you know, bicycle and pedestrian friendliness and just the compatibility with

what's planned for the surrounding area. And on that, you know, that note the Alewife provisions have to deal with the Concord/Alewife plan which encourages development on the comment on the general conformance of density and scale. And the parkway overlay provisions really relate to what many Planning Board members commented on which is the appearance of the building along Concord Ave. and how it contributes to the open space character of that parkway model or form of development. So I think that those, those would be the key areas for the Planning Board to review, and I think most of those were discussed or all of them were discussed in some way other another.

H. THEODORE COHEN: Okay. So what do you need from us at this point?

HUGH RUSSELL: So I would like to suggest

that we give a favorable recommendation for all of the relief that's being sought because we believe it to be a really de minimus type of relief.

H. THEODORE COHEN: And then are -- how do the comments that have been made this evening get transmitted to the BZA?

JEFF ROBERTS: Well, like any case, you know, we'll submit a report to the BZA on behalf of the Planning Board. And we'll transmit any comments that you would like to transmit. There was the issue of open space and providing more usable, more usable open space and building in some flexibility to convert parking to on-site space which could be -- and I don't know, the Board would have to take that into consideration along with other issues that have been raised.

The comments about the, the relief being

fairly modest compared to what the zoning allows.  
Comments about the looking closer at the west  
elevation of the building where the under --

where the drive access is located and just the --

HUGH RUSSELL: Sort of built in the  
character of the architecture was extremely good.

JEFF ROBERTS: Right. So beyond that I  
think there were general comments about the  
attractiveness of the building from a Concord  
Ave. facade, which is again consistent with the  
goals of the Parkway Overlay District.

THACHER TIFFANY: And the bike ramp.

LOUIS J. BACCI, JR.: Looking for relief  
of the bike ramp.

JEFF ROBERTS: And did the Board agree  
about the comments about the bike ramp? Concerns  
about the bike ramp in the front of the building?

THACHER TIFFANY: I agree.

STEVEN COHEN: Yes.

JANE CARBONE: Thank you very much, Planning Board, for your thoughtful and helpful comments. They're definitely constructive and we will work on those as you've discussed.

H. THEODORE COHEN: I think you're jumping the gun a little. We're still --

STEVEN COHEN: We have more helpful comments.

HUGH RUSSELL: So given the relatively early stage of the architectural drawings, we might also recommend they build in a little bit of relief on the height issue. So that, yeah, ask for a couple more feet or that be granted in case they work it out, they need a little extra height because I think it's better not to have to come traipsing back.

H. THEODORE COHEN: Right.

And the other issues that they're asking for which I think we're all fine with, but just to be clear, is the FAR which you've indicated given the inclusionary zoning, is not that big of a difference. The minimum lot area for each unit which the state is now, you know, moving towards smaller units and these are within the range that the state is recommending.

HUGH RUSSELL: And the intent of that regulation is to make sure you don't pack lots of units in this project in contrast as a very robust.

H. THEODORE COHEN: Too many bedrooms. Yeah. And the reduction of the number of parking spots, which we would support even being reduced further to what you found in other projects.

LOUIS J. BACCI, JR.: And used for....

H. THEODORE COHEN: And the reduction of

the parking to be used for more open space and a playground if possible.

So, I don't think we actually take a vote on this?

JEFF ROBERTS: Well, the Board could vote to pass it along or just by consensus it's helpful just to close the discussion at least and maybe communicate.

H. THEODORE COHEN: So I guess we could take a vote that we support the project and the requested changes and pass along the recommendations we have to the BZA in some ways possible to improve the project.

All those in favor?

(Show of hands.)

H. THEODORE COHEN: It's unanimous.

Thank you. Thank you very much. And you can thank us now if you like.

JANE CARBONE: For those more important I do want to thank you for the -- just thoughtful comments. And as you said, Hugh, that we are in schematic design so some of the things you brought up will definitely give us a benefit as we go through the design development. So I appreciate that. And everyone else, too. Thank you so much.

H. THEODORE COHEN: Thank you.

Liza, it's almost eleven.

We have two items and one was possibly being continued. I was wondering now if we can continue both of them to next week?

JEFF ROBERTS: Mr. Chairman, it might be helpful to bring them in to be part of the conversation. Let's get everyone together.

H. THEODORE COHEN: Pardon me?

JEFF ROBERTS: Let's get everyone

together.

Mr. Chair, we have representatives from MIT here. So they're prepared tonight with the responses to the previous conversation about the open space design for the South of Main portion of their Kendall Square initiative, and then design review on building site 3.

So next week's Planning Board meeting, and we had kept this in mind, we have only one public hearing scheduled and no other business at this point that I'm aware of. So if the understanding was that if the Board got to a point where it could continue to discuss this, then any continued discussion could carry over into next week's meeting. So I thought I'd let you discuss that before they begin the presentation.

H. THEODORE COHEN: Okay. Well, it's now

eleven o'clock. I know one board member gets up at five and one board member gets up at six, and I don't know when other board members do. That, you know, I think it's late for us to start anything now because we're not going to be at our best. And certainly I apologize for this situation, but I think if we could continue everything until next week when there is just one other hearing, we could really address everything in detail and give you our best.

MAUREEN McCaffrey: Maureen McCaffrey. I wonder -- I totally appreciate that this is not ideally. I wonder if we can think about the two pieces that we're here to talk about tonight? We've presented the open space a few months ago under similar circumstances, at 10:30 at night. And it's in part why we had some follow up. We have a brief presentation to address the concerns

of that meeting. On the site 3 is a new presentation. So I totally understand that that might be a little difficult to get through. I offer that just for consideration and totally understand that you have concerns about presenting tonight.

H. THEODORE COHEN: I think site 3 is off the table for tonight.

STEVEN COHEN: So to speak.

H. THEODORE COHEN: So to speak.

How long do you think your presentation would be?

MAUREEN McCaffrey: The presentation is -- we targeted 20 minutes of material and we always run over a few.

H. THEODORE COHEN: I think it's too late for us to deal with it now and for any members of the public to deal with it now. I think again, I

apologize for the situation. But I, I think it will be for everybody's benefit to just do it all next week.

MAUREEN McCaffrey: Okay.

HUGH RUSSELL: Do we have to open this?

H. THEODORE COHEN: This is general business, it's not a public hearing. Just continue it.

Liza, the hearing next week is --

LIZA PADEN: 74 Holworthy. The public hearing next week is 74 Holworthy Street, which is a backyard in-fill Special Permit. And the materials are in an envelope in the back of the room if you want to take them this evening to get a head start.

H. THEODORE COHEN: And it's scheduled for seven p.m.?

LIZA PADEN: Seven o'clock.

H. THEODORE COHEN: Okay.

LIZA PADEN: And there's one Board of Zoning Appeal sign variance application as well.

H. THEODORE COHEN: Well, that could come at the end.

MARY FLYNN: Right.

HUGH RUSSELL: Right.

H. THEODORE COHEN: I personally think the best thing is to continue this until next week with our sincere apologies. I think that's what we're doing.

MAUREEN McCaffrey: Okay, thank you.

H. THEODORE COHEN: If there's nothing else on our agenda, so we are adjourned.

(Whereupon, at 11:05 p.m., the  
Planning Board Adjourned.)

\* \* \* \* \*

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**C E R T I F I C A T E**

**COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.**

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

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

**IN WITNESS WHEREOF**, I have hereunto set my hand this 28th day of April, 2017.

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

My Commission Expires:  
April 29, 2022

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