

COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE PLANNING BOARD

IN RE: GENERAL HEARING

PLANNING BOARD MEMBERS:

William Tibbs, Chairman
Pamela Winters, Vice-Chairman
Hugh Russell, Board Member
Patricia Singer, Board Member
Steven Winter, Board Member
Charles Studen, Board Member
H. Theodore Cohen, Board Member
Ahmed Nur, Board Member

STAFF:

Les Barber, Director of Zoning
Roger Boothe, Director of Urban Design
Liza Paden, Cambridge Community
Development Department
Iram Farooq, Sr. Project Manager
Community Development
Susanne Rasmussen, Director of
Environmental & Transportation Planning

- held at -

City Hall Annex
Second Floor Meeting Room
344 Broadway, McCusker Building
Cambridge, Massachusetts
Tuesday, June 16, 2009
7:30 p.m.

REPORTERS, INC.
CAPTURING THE OFFICIAL RECORD
23 MERRYMOUNT ROAD, QUINCY, MA 02169
617.786.7783/FACSIMILE 617.786.7723
www.reportersinc.com

INDEX OF AGENDA PROCEEDINGS

<u>Agenda Matters</u>	<u>Page</u>
Update by Beth Rubenstein	3
<u>GENERAL BUSINESS</u>	
City Council Petition to Amend Zoning Ordinance by creating Wind Turbine Installation Regulations in Sections 2.000, Definitions, 4,000, Use Regulations, Section 5.23, Height Exceptions, and 11.000, Special Regulations, discussion and possible recommendation	8
City Council Petition of Vehicle Sharing Parking Zoning. Discussion and possible recommendation	19
<u>BOARD OF ZONING APPEAL CASES</u>	
(a) 9795-32 Quincy Street. Variance to build additions to Fogg Museum	42

P R O C E E D I N G S

WILLIAM TIBBS, CHAIRMAN: Welcome to the June 16 meeting of the Cambridge Planning Board.

We have two basic items on the agenda. There will be deliberations on the City Council petition to amend the zoning ordinance to create wind turbine installation regulations and the City Council petition on vehicle sharing parking zoning.

We will be continuing our discussion on these and possibly and making a decision. But before we get into that, we have an update from Beth Rubenstein.

BETH RUBENSTEIN: Thanks, Bill.

I don't think we have too much to announce. Right now, it looks like we do have meetings going ahead definitely on July 7th and we still have a date of July 21.

On the 7th, we will be having a

public hearing on a citizen petition, the so-called Connor petition, which proposes to rezone a portion of a Res C District in the vicinity of Sherman Street and Winslow to Res B. That's an area that has experienced some infill development recently, and I think some folks in the neighborhood are interested in reviewing the possible down-zoning to Res B.

And as for what our agenda will be later on, it will depend how things go tonight.

And just other things on the calendar for folks who have been following the zoning change for Lesley University and in Porter Square, there's going to be an Ordinance Committee meeting. I believe it's the third meeting of the Ordinance Committee on that issue, and that's going to be held tomorrow at 4:00.

And there have been some small

modifications that have been made to the zoning through that ordinance process to respond to neighborhood concerns about setback and open space and a few other items.

So if you are interested, we hope you'll join us tomorrow night.

And I believe that is most of the general business. I think it is likely that the City Council will be taking up the Lesley zoning next Monday, June 22. That is their intention. And then there's also another meeting June 29 and then the Council goes on their summer hiatus. They generally don't meet July and August, but for one summer meeting that I believe is July 27 this year, something like that.

I think that's it.

WILLIAM TIBBS, CHAIRMAN: Do you have any thoughts on the August calendar at this point?

BETH RUBENSTEIN: Our dates in

August are the 4th and the 18th. And I think we're probably likely to have meetings, even though we're not as busy with new development projects, there's a lot of zoning that's working its way through the system and there are a number of ongoing planning issues that we've been discussing and will be discussing with the Boards. I'd say right now my guess is we'll be hanging on to those meetings.

WILLIAM TIBBS, CHAIRMAN: Just a reminder, I wouldn't be here for the 4th.

PAMELA WINTERS: And neither will I.

WILLIAM TIBBS, CHAIRMAN: And neither will Pam. And Pam has a question.

PAMELA WINTERS: Yes, I do. Yep. Thanks.

Yeah, in my neighborhood I've noticed that there's a lot of posters and neighborhood meetings and pretty upset residents about the development that's going

into the car wash. And they are threatened to rezone the neighborhood and so forth. So, I was just wondering if that particular project -- it's the housing project -- it's going to be coming before the Planning Board, and I said that I would ask tonight.

And so there's lots of angry people out there.

LES BARBER (Director of Zoning):
It's very likely, but we haven't gotten down to the specifics of the proposal yet.

PAMELA WINTERS: Okay.

LES BARBER (Director of Zoning):
And it is anticipated it will require a project review special permit.

PAMELA WINTERS: Okay. And all the residents will be notified at that point?

LES BARBER (Director of Zoning):
Well, the typical range of residents.

PAMELA WINTERS: Right. The

abutters of the abutters and so forth, right?
Okay.

LES BARBER (Director of Zoning): A slightly wider universe than that, but...

LIZA PADEN: And the site gets posted. There will be a poster on Beech Street and Mass Ave for the hearing.

PAMELA WINTERS: Okay, yeah. I think people are mostly concerned with the traffic exiting onto Beech Street because of so much traffic there right now, so it's a big traffic concern, too.

So, thank you very much.

**GENERAL BUSINESS City Council Petition to
Amend Zoning Ordinance by Creating Wind
Turbine Installation Regulations**

WILLIAM TIBBS, CHAIRMAN: As I said, we have two zoning petitions that we will be continuing to deliberate.

For those of you may be new to the

Planning Board, we typically, during the deliberations, we don't take public comments, but we do reserve the right to ask some questions if need be, and to hear some comment if we think it's pertinent, but typically we deliberate amongst ourselves to come to a decision.

And so with that, the first one is the zoning petition to create the wind turbine installation regulations, and I think the staff has made a first -- a draft at trying to express our deliberations and concerns last time.

So I guess I'll ask the Board members how they feel about the draft.

Go ahead, Steve.

STEVEN WINTER: First of all, I'm not sure -- first of all, I would like to thank the staff for the draft, it was a nice piece of writing. I could actually understand it for a rezoning resource that

makes a lot of sense to me always.

I had a couple of comments I wanted to make, and the first is in the recommendation paragraph, the final sentence which is establishing a regulatory framework, I think that's a really important point, and I don't know if it needs to be beefed up or we just need to know that it is important, but I think it is important to say at the outset that the reason we're doing this regulation is to encourage the use of the technology, not to discourage it or limit it, but to make it easier for people to use the -- bring this technology forward because we really believe in it, we're committed to it as a city.

On No. 1, I had a question, and we had discussed this and I think it makes sense, but my only question is: The owner needs to, quote, demonstrate an intention, end quote, and explain why, who is that

dialogue with? Who does the owner talk with about that?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): It would most likely be the Inspectional Services Department.

STEVEN WINTER: Yeah, okay. Thank you.

And I like the language. I think it gives the leeway that we need, again, to be flexible and encouraging the systems.

And the only suggestion I have for additional text would be in 2, which would be to reiterate somewhere in that that the reason that we might grant a waiver is to facilitate the way we set it up in the first part, which is to facilitate the integration of these new technologies.

Something again to say that these regulations are to help the citizens, they're not barriers, but we are doing this to help.

So, if you feel like that's too much, it's okay, but I think it's always good to tell the citizens that these things are helping us.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Any other comments?

Charles?

CHARLES STUDEN: Excuse me. I apologize, I was absent on the last meeting when this item came before the Board, but I was just curious. There was a letter submitted by Andy Cruz from Southwest Wind Power dated May 29 in which he makes a number of points which had to do with, one, turbine safety, interconnection permission, towers and drawings and diagrams conforming with local relations and the NEC.

I didn't know whether staff had had a chance to look at that, and whether any of those things ought to be incorporated into

this or perhaps whether they have been already.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): Charles, we did look at that. A couple of the things is we did add a sentence here that just as a staff piece that says -- it's on Page 8 where we talk about installing wind turbines, it's the highlighted piece that says "Consistent with any applicable State or Federal law and regulation," and that's mostly to do with the net metering piece that Andy had spoken to.

In terms of the safety, we spoke with Ranjit Singanayagam at the Inspectional Services Department, and he felt that the building code is actually sufficient to ensure structural stability and safety.

I'm trying to think what was the third piece. Well, yeah, that had to do with safety.

The third one I missed --

CHARLES STUDEN: Well, it was safety interconnection permission, this whole issue of interconnection of various wind turbines one to the other, and how those devices can be connected to the grid. I don't know if any reference is made to that in here.

I guess what I'm getting at is whether any of the points that Mr. Cruz made are important enough to be incorporated in this before we send it off.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): Our thought was that, yes, that particular piece is what I just alluded to, the one on Page 8, where it talks about connecting back to the grid, and that is governed by state regulations, and the safety piece, ISD felt we didn't need to put in a lot of regulations because the codes change and we didn't want to reference things that zoning that we would have to keep

updating as regulations might change.

The one thing that we did also that the Board had asked us to change that he had mentioned was the notion of the setback.

We had had a setback regime and he had suggested doing something that was proportional, which seemed to make sense to the Board members and so the Board had asked us to add that. We've reflected that here.

There is a whole series of -- he had also talked about safety from things not being climbable, and we have put that in here as just that the facility should be secure rather than trying to prescribe what kind of turbine you should be able to have. We just put in a performance guideline.

And he had talked a lot about broadening the -- I think there was a little bit of confusion because he spoke a little bit about broadening the scope and allowing greater flexibility, but he was referring to

the as-of-right pieces, so that flexibility in this proposal comes from the special permit piece which really essentially the Board could approve any size or type of turbine if satisfied.

CHARLES STUDEN: Thanks. That's helpful.

I did have one other question, and I didn't notice it in the packet that I received, we got lot of comments from people, but I didn't notice anything from the institutions in Cambridge, from MIT, Harvard, Lesley University, and I found that somewhat odd because I thought that they might take a keen interest in this and might potentially affect them more than anybody else given, you know. So did we hear from anybody from the universities?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): They were part of the Green Building Task Force which

helped develop this recommendation.

CHARLES STUDEN: Thank you.

HUGH RUSSELL: They spoke long and loud.

WILLIAM TIBBS, CHAIRMAN: Any other comments, questions or...?

(No response.)

WILLIAM TIBBS, CHAIRMAN: Then I guess going back to Steve's comment, I guess I -- you said it was important to emphasize the word that we encourage it, and in the second sentence it says the Board supports the goal of encouraging, and that's sufficient for you, or --

STEVEN WINTER: Yes.

WILLIAM TIBBS, CHAIRMAN: Okay. Good. So do I have a motion in terms of --

HUGH RUSSELL: Yes, that we send this recommendation to the Council.

WILLIAM TIBBS, CHAIRMAN: A second?

CHARLES STUDEN: Seconded.

BETH RUBENSTEIN: I have one outstanding comment from Steve that I didn't hear from others. "Encouraging" seems to be there. Steve asked for a small change to indicate that the purpose of the waiver is to facilitate new technologies. Do I see agreement to add that or leave as is?

WILLIAM TIBBS, CHAIRMAN: I think your issue seemed to be should we repeat it because it is stated in the recommendation portion, and should we repeat it in Section 2 and that you also said --

STEVEN WINTER: It is not necessary to repeat it. I wanted to bookmark it and emphasize it, and I think there's agreement on the Council of the intent for that and I think that satisfies it.

WILLIAM TIBBS, CHAIRMAN: Okay. We have a seconded motion to forward the recommendation to the City Council.

All those in favor.

(Unanimous vote.)

Is that unanimous?

BETH RUBENSTEIN: Yes.

HUGH RUSSELL: Yes.

WILLIAM TIBBS, CHAIRMAN: Thank you.

BETH RUBENSTEIN: Mr. Chair, if we could take a one-minute break, I want to call the relevant staff person for the next item.

WILLIAM TIBBS, CHAIRMAN: Sure.

BETH RUBENSTEIN: Thanks.

(Brief pause.)

**City Council Petition of Vehicle
Sharing Parking Zoning**

WILLIAM TIBBS, CHAIRMAN: We are ready to go to the next item which is the City Council petition on vehicle sharing, parking, zoning.

And we do have some proposed language which attempts to address some of the issues that we discussed in our last

deliberations, and it is probably -- you might want to, Susanne, just kind of give us a quick overview of the items in red, I guess.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):

Good evening. There are two changes and the first change occurs in Section 11.23.12(a), and the change here addresses the requirement that was discussed at the last meeting, which is in addition to being allowed in commercial districts and Residence 3, in other residential districts car share parking would also be allowed with three conditions: The first condition is that the parking facility would have to have at least five spaces; the second condition is that the vehicle share space itself would have to be located at least ten feet from any building containing windows, whether that building be on the lot where the car share vehicle is parked or an

adjacent lot or abutting lot, with the exception that if it was your own window, you owned the wall with the window and the car share space, you could give yourself permission to have it closer than ten feet.

And the final thing was that the car share parking space itself should meet the dimensional requirements that are standard for parking spaces being created.

WILLIAM TIBBS, CHAIRMAN: Do we have a question? Ted?

H. THEODORE COHEN: Yes. The exception where it could be near your own window I understand and have no problem with. I'm just wondering in a parking lot that has more than five spaces, it might be a lot that's part of, say, an apartment building and that may all be in one corporate ownership, and do we really want to allow it then to be near tenants' windows because I think this language would allow that because

the persons making the space available may own the entire apartment building.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): It would allow that as written. So, if you owned the building, but you have tenants living there, you would be making a decision on behalf of your tenants that it would be allowed.

H. THEODORE COHEN: I'm not quite sure that that was the sense of what we were all talking about. I mean, I certainly understand if it is a single-family house you can do that, but I'm not sure if we were concerned about not being too close to windows, we ought to allow that in an area like that.

WILLIAM TIBBS, CHAIRMAN: Pam?

PAMELA WINTERS: Yeah. And my other question, too, is that even if the person owns the house, what if he were to sell it in

a year and then a new owner would buy the house not expecting the Zipcar outside their window? That's the other issue, too, that I have about that.

WILLIAM TIBBS, CHAIRMAN: Even though idealistically I would assume that if he sold it, that the contract would -- I don't know how that works -- but I would assume the contract wouldn't be valid anymore.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): The contract would be with the owner.

PAMELA WINTERS: Okay.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): That issue should not be a concern here.

WILLIAM TIBBS, CHAIRMAN: The contract itself with the Zipcar not necessarily the --

HUGH RUSSELL: Right. Permit...

WILLIAM TIBBS, CHAIRMAN: The permit would still be in place. Yeah, you're right. It would still be in place. It sticks with the residents.

How do people feel about this?

Patricia?

PATRICIA SINGER: I think it brings up a very good point because the likelihood of their being multiple parking places to me indicates that it is a multiple unit whether it's an apartment, a lease or a condominium or a co-operative, and so, I think your point is very well taken, and, frankly, I didn't contemplate it in that situation.

I really thought -- I'm not sure what I thought about it, but I didn't think about it in that context, and I actually find that disturbing. I think you really need the permission of the people who have the windows.

WILLIAM TIBBS, CHAIRMAN: Anyone

else?

HUGH RUSSELL: And those people as tenants might be -- you might -- the next tenant might not realize there was a Zipcar there and then...

PATRICIA SINGER: You're right, but at least you protected the one. At a certain point we move into Big Brotherhood and that's something that I don't advocate.

WILLIAM TIBBS, CHAIRMAN: Steve, you have a look on your face, I'm not sure if you want to say anything.

STEVEN WINTER: No. I will say something. I have a problem, as it seems like to me we are putting an unintended barrier in front of the vehicle share policy if we allow people other than the owner to make those decisions, and it opens the door that we don't want to open, and I really think it should be the owner, whether it's the owner of the apartment or owner of the

single-family that makes those decisions.

CHARLES STUDEN: I would agree with that actually.

HUGH RUSSELL: I guess I think we should make that decision and shouldn't open this loophole.

PATRICIA SINGER: We shouldn't open this loophole?

HUGH RUSSELL: Right, should not.

H. THEODORE COHEN: I think that was our intent because we're saying that it can't be closer than ten feet to a window on an abutting lot, but, yet, we would be allowing it right under somebody's window simply because they were a tenant in somebody else's building, and I don't quite understand that loophole.

I don't want to make it anymore difficult for the vehicle sharing people. But I think if we are going to say it can't be closer than ten feet from the window, that

should be the standard possibly with the exception of, you know, the owner of a single or two- or three-family house or something like that rather than a broader exception.

HUGH RUSSELL: I mean, there are going to be five cars in the lot, this is really about which space they pick.

BETH RUBENSTEIN: Right. It's one of five.

WILLIAM TIBBS, CHAIRMAN: Ahmed?

AHMED NUR: Yeah, so I agree with everyone pretty much here. My understanding was ten feet away from a resident's window that's what I assumed was going to happen, if it is five or more spaces and if that's the case, live with it.

WILLIAM TIBBS, CHAIRMAN: Are we suggesting that we just drop that clause?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): If I may, I would just argue there are instances

where non-houses are side by side, and where there's a -- or units are hitting -- all the units are hitting the ground and they're side by side, and where the parking facility is shared, and it seems reasonable in that circumstance to permit an owner to allow a car share vehicle in their parking space so long as it meets these other requirements.

So, that's an instance where, I think, it would be extremely beneficial to have a clause that allows an owner to, if you will, waive their own ten-foot requirement so as long as no one else is interested.

PATRICIA SINGER: Perhaps this whole conversation is moot because if you have five spaces, it would seem logical that at least one of them, given the width of a car, would have to be more than ten feet away. So maybe we're arguing something we don't even need to be arguing.

PAMELA WINTERS: Good point.

HUGH RUSSELL: I could design a parking lot where that wasn't the case, but I don't think I could conform to the ordinance in doing it.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): I can think of one specific example that would not work which -- I believe it wouldn't work, which is where as today actually there's a car share vehicle parked, which is a side by side townhouse development on Valentine Street where the car is parked directly in front of the unit, and it would be -- it is within ten feet of that owner's window, it is not within ten feet of any other owner's windows. And so -- and there's no way of redesigning that, because the spaces are simply between the sidewalk and the buildings.

HUGH RUSSELL: Right. And I think

it is our intention that's not the appropriate place. I mean, if you end up with regulations that exclude nothing, then what is the point of the regulation. These spaces might also be in the front yard, the one you described.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): They would have to -- they would have to conform to Article VI for parking spaces.

HUGH RUSSELL: I'm just wondering if the one you are describing may actually be in front yard. It sounds like it's in the front yard of a building.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): It's in the back actually.

PATRICIA SINGER: My townhouse is deeded. Do you know if your townhouse is deeded? I'm picking for straws, but...

SUSANNE RASMUSSEN (DIRECTOR OF

ENVIRONMENTAL & TRANSPORTATION PLANNING): I don't know what the specific ownership of this is.

It seemed reasonable that you would be able to waive the requirement for your own -- if you don't have a problem with it and you are not creating a problem for anyone else, it seemed reasonable.

H. THEODORE COHEN: Right. But when you say that, it works for a single-family house that happens to have a lot with five spaces in it, which, I think, is going to be pretty rare to begin with. So saying that the owner of an apartment building is not harming anyone else by allowing someone to park under a tenant's window, I think is not what we want.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): I was not arguing that. I was leaving this little opportunity for an individual who owns

and controls a property and no else would be...

H. THEODORE COHEN: I think the likelihood of that occurring is probably much rarer than the possibility that someone owns a large building with a large parking lot and would be impacting on a lot more people. I would be inclined to not allow it now, and if it becomes a problem in the future, we and the City Council can certainly look into it again.

WILLIAM TIBBS, CHAIRMAN: It sounds like we are suggesting that you eliminate that allowance.

BETH RUBENSTEIN: In terms of the language, we lose the part where the building is not in the ownership, everything else can stay? Does that work?

WILLIAM TIBBS, CHAIRMAN: Yes.

BETH RUBENSTEIN: Just to visualize this a little more, I think what you are

saying, what the change is, if there's a parking lot with five spaces, one can be a Zipcar, essentially it can't be the space next to the house, it has to be inboard one or more.

WILLIAM TIBBS, CHAIRMAN: Or next to someone else's house with a window very near by.

BETH RUBENSTEIN: Right.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): The second change is to create the possibility of getting a special permit to waive the limitations in the preceding paragraphs, and the Board would have to make a finding that the proposed parking space will not result in activity that's unduly disruptive to abutters, and that was in response to the request made also at the last meeting. That's Section 11.2324.

WILLIAM TIBBS, CHAIRMAN: Any

comments?

CHARLES STUDEN: Just out of curiosity, again, I wasn't here last time and I'm not sure whether you know this or not, how many Zipcar spaces are there in Cambridge?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): 200.

CHARLES STUDEN: There are 200. And has Zipcar made an estimate how many additional spaces it might want to put in place over the next five or ten years based on the population? I would think that there would be an absolute limit, which would to me, be interesting to see how often we actually have to apply this. Did they make an estimate of how many additional spaces they might want?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):

They have not. They haven't really shared their kinda long-term marketing information. I'm sure they have reasons for that.

Essentially, they are just saying as the demand for car share vehicle grows, they will seek to fill that demand with spaces in locations where demand is being expressed.

CHARLES STUDEN: It doesn't have a whole lot to do with the adoption of this language. I'm just curious. I could see a situation where with 200 spaces already, which is a lot of spaces, that in the future there aren't going to be that many more, so we'll see how this ordinance works.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): I think it is very hard to predict behavior changes when external circumstances change, and I think bicycling is an example, we reached a certain point and it took off, and vehicle sharing has taken off, but it may get

another notch up. It is very hard to predict.

People get increasingly concerned with climate change and we see more and more people using other forms of transportation and all of a sudden -- I mean, there could be cycling shares, or it could be very gradual or it could stagnate. It is really hard to know.

CHARLES STUDEN: I hope not.

PATRICIA SINGER: I think, too, another point that came quite clear to me in these conversations was it is not necessarily the number of spaces but putting the cars in proximity to where the demand is. So, even if the number stays stagnant, these 200 cars could move to other locations.

WILLIAM TIBBS, CHAIRMAN: Okay.
Yes, Pat? Okay.

Do I have a motion.

PATRICIA SINGER: May I ask one more

question?

WILLIAM TIBBS, CHAIRMAN: Surely.

PATRICIAN SINGER: I just want to double check and make sure what we have written here does not allow vehicle sharing spaces in open space zoned areas as was originally proposed.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):

No.

PATRICIA SINGER: Thank you.

WILLIAM TIBBS, CHAIRMAN: Do I have a motion?

HUGH RUSSELL: To recommend that Council adopt the vehicle share ordinance with the suggestions that we put forward in the red language as amended in our discussion this evening.

WILLIAM TIBBS, CHAIRMAN: Do I have a second?

PAMELA WINTERS: Seconded.

WILLIAM TIBBS, CHAIRMAN: All those in favor?

(All members raise hand except for one.)

WILLIAM TIBBS, CHAIRMAN: All those opposed?

(Patricia Singer raises hand.)

PAMELA WINTERS: We'll be notified about the Ordinance Committee meeting when it comes before the Council?

BETH RUBENSTEIN: Pam, I'm glad you raised that question.

I did want to let the Planning Board know that this petition may not get acted on in this go-round.

By the calendar, the Council has until August 5 to act on it, and because of the number of zoning items before the Council, they simply didn't have enough time to hold all the Ordinance Committee meetings and study sessions and time to move it to a

second meeting with the summer hiatus to adopt it in time and so I think they are going to let it go unacted on, and obviously, it is our intention to see that the petition is filed again in the fall. So the comments, I think, will be very helpful for the Council, but at a slightly later date.

WILLIAM TIBBS, CHAIRMAN: That would require a new public hearing?

BETH RUBENSTEIN: That's correct.

CHARLES STUDEN: One further point of clarification, has Zipcar put further spaces on hold? They are not requesting any others? For example, do they want to build some other spaces and then how would that be handled pending the adoption of this ordinance?

WILLIAM TIBBS, CHAIRMAN: All of their spaces are somewhat illegal, are they not?

CHARLES STUDEN: They might be. I'm

just curious, have they come forward with -- it sounds like this may take awhile to resolve. And so, in the meantime, are they saying we won't request any additional spaces or...?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): I have informed Zipcar this afternoon that in all likelihood the Council -- the petition will die on the vine for now, and will have to be refilled, which means that all of the spaces are -- would need to conform with whatever the current regulations are.

I did not ask them whether they.

Were planning on -- had any other spaces they were planning on leasing soon, but they are fully aware of what the situation is.

CHARLES STUDEN: I would like to go on record saying I think it would be extremely unfortunate if the City's inability

to adopt this in a timely manner would preclude Zipcar from providing additional spaces to meet demand.

PAMELA WINTERS: Well, there's also a huge competitive factor here, too, with Hertz because there was an article in the Globe, I think, this week.

Are you getting any requests from Hertz.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): There have been -- this is the second article about Hertz. There was one maybe three or four months ago where Hertz said "This spring we're coming to Cambridge." This article said, "This summer we're coming to Cambridge," and no one that I'm aware has heard anything from Hertz. That's not to say they don't show up to tomorrow, but so far, it has only been in the Globe and no real action that we're aware of.

CHARLES STUDEN: They probably heard about this zoning proposal.

WILLIAM TIBBS, CHAIRMAN: My only comment is, it is a City Council petition.

CHARLES STUDEN: Yes, indeed.

BETH RUBENSTEIN: I think it is good to remember, too, that by the action of this Board, you are reviewing some large development projects and we have been actually asking larger -- developers of larger projects to put Zipcar spaces in their lots. They are not all on residential streets, they're not all illegal, so there are a number of perfectly reasonable ones that are dotted throughout the business districts of the city.

PAMELA WINTERS: And, Beth, you will let us know when the Ordinance Committee does come about in the fall?

BETH RUBENSTEIN: Absolutely. In fact, it will be re-referred back to the

Planning Board.

PAMELA WINTERS: Great. Okay.

Thanks very much.

BOARD OF ZONING APPEAL CASES 9795-32

**Quincy Street. Variance to Build Additions
to Fogg Museum**

WILLIAM TIBBS, CHAIRMAN: All right.

I guess we can move on to our BZA cases, and we did ask that the -- that Harvard present to us the variance for the building addition to the Fogg Museum so we could get a better understanding of it, and I think they are prepared to do that.

ALEXANDRA OFFIONG: Good evening.

Hi, my name is Alexandra Offiong. I'm with the Harvard University Planning Office, and we're pleased to present the updated design and the requested zoning relief for the 32 Quincy Street project tonight. And as you may remember, we were here about a year ago,

and we presented the project, which is essentially the same project. We've advanced the design, and the real goal for the Harvard Art Museum is to address some very significant building deficiencies, such as the need for outdated systems to address space constraints, a whole host of issues while transforming the building into the state-of-the-art museum facility that will allow the art museum to properly protect and preserve their collections, and also enhance the teaching and research mission.

So, as you may have read, the project overall consists of the restoration of the original 1927 Fogg building, the removal of some of the later additions, including the 1932 addition, and the creation of a new addition that will result in about 35,000 square feet of net new square footage.

In terms of the public approvals process and the public outreach for this

project, we did receive a demolition permit approval from the Cambridge Historical Commission in December of last year. And we continue to consult with the Historical Commission staff on an ongoing basis about the details of the design. And I think you probably have seen there was a letter written from the CHC supporting the project.

WILLIAM TIBBS, CHAIRMAN: We have it.

ALEXANDRA OFFIONG: Great.

We are also engaged in a review process with the Massachusetts Historical Commission and that's ongoing so far. And we have -- we undertook a transportation study working with CHC. We reviewed that with Sue Clippinger in the Department of Traffic, Parking and Transportation, and they are supportive of the project and supportive of the variance request for the curbcut.

Finally, we have hosted two

community open houses to support among other neighbors, and we've also presented the project at the mid-Cambridge Neighborhood Association meeting. So, we have tried to keep our neighbors informed of our plans.

And as you know, we're here because we are going to the Board of Zoning Appeal on July 9th, and we'll be seeking three variances there, and just in a nutshell, one of them relates to the setback to another Harvard University building, the Carpenter Center.

The second variance is required because we are enlarging a non-conforming structure, the Fogg predates the zoning for parking. So, it is not conforming for parking.

And finally, we are seeking zoning relief for the width of the loading curbcut to improve the turning movements for trucks exiting the site.

I'm going to hand it over to Charles Klee of Payette and he's going to walk you through the design.

WILLIAM TIBBS, CHAIRMAN: And, Charles, I just -- and, by all means, Board members, correct me if I'm off here, but I think we were primarily concerned about the width of the curbcuts, and we did have a review of the project before. So, we don't need to go through a lot of background. We just wanted to get a clear understanding of the request, but --

HUGH RUSSELL: I would like to put another concern on the table, which is the relationship of the project to its residential abutters across Prescott Street.

WILLIAM TIBBS, CHAIRMAN: Great. Good. So I guess we would like the panel to just focus on the issues that are at hand as opposed to do a very broad presentation.

CHARLES KLEE: That's great. So,

yeah, I won't spend a lot of time rehashing what we talked to you about last year, but we always do like an opportunity to talk a little about the project because we're very excited about it.

And I think the key thing to understand is the idea what of we are trying to do is breathe new life into this building.

It has been around for 100 years. We want it to go for another hundred years plus, you know, many hundreds of years, and it really needs a lot more work in order to do that.

And the key thing that Renzo is particularly focused on, Renzo and his team, is the idea of that courtyard needs to, once again, return to being the focal point of the entire building. And that's something that's really has been lost through this excessive addition that we received -- that we put on over the past few years.

What I will do then is, I'm going to start with the description of the variances that we were looking for when we go before the BZA, and this Board shows a little bit about the kind of underlying concept of the project. Here we have a site plan showing the existing building as it exists today with, in blue, areas of demolition that we're going to be removing. And these are things that are of particular concern to the Historic Commissions.

So you can see we are removing all the additions that have ever been put on after the original construction in 1927. And our new construction is really focused on Prescott Street. And so, this gets to the point of trying to be sensitive to the neighbors. We want to make sure that we design this in a way that is appropriate to the neighborhood, but we also want to capitalize on the ability to go down when we

build on this side of the site. And that's one of the big advantages to tearing down some of the additions that really aren't that old, some of the things that were built in the mid-'80s, that had some technical problems, but by removing those, we can go much further down and sink our mechanical equipment and all the back-of-house functions of the museum underground, so we don't build a much bigger addition than we really need to.

So this section over here shows you a little bit about how the building works in relationship to the profile of the existing building.

The key is that because of the added height of the addition, that height is what drives the between building setback calculation, and so this site plan right up here shows -- let me spin this around over here. (Pause.)

There's a condition right now between the Carpenter Center and the existing story building that is right now exactly conforming, and that's probably because when the Carpenter Center was designed, it was placed specifically at that location. And so by changing the height of the Fogg, we create a non-conforming condition through this existing dimension that we're actually not altering.

So this little tiny triangle, this triangle of red space here is the issue for the between building setback, okay?

Then the issue that, I believe is one of your primary concerns, is our modification to the curbcut, and how we are going to handle materials handling on the site.

So, our proposal is that we're going to use the existing curbcut on Broadway for our materials handling, for our loading and

this is actually the driveway that was originally designed to serve that purpose when the building was originally built. So we like the idea we are doing that.

We investigated actually whether there was any possibility of doing loading off one of the other streets and there isn't.

We really don't want to look at Prescott Street as a place to bring trucks.

And what we proposed to do is use this as our only curbcut and completely abandon the one at the corner of Prescott Street and Broadway which is the one that's primarily used today.

We actually really like that idea because we're a little uncomfortable with that curbcut, and its relationship to pedestrians, and we have trucks backing out, it's not ideal.

So we really like this. But the key thing to this is that because of the

orientation of the existing building and Broadway, we want to widen that curbcut slightly just to get a normal radius on the curbcut. We are not proposing to actually widen the driveway at all. So, we're really just improving this condition to keep the trucks from driving over the curb because that's pretty much what will happen otherwise. Otherwise what happens is a truck would be encouraged to really take very wide turns across Broadway, which they wouldn't do, so they would just drive off the edge of the curb.

So that drives our recommendation for that curbcut.

WILLIAM TIBBS, CHAIRMAN: Can you describe the pedestrian experience as they are walking past that loading dock?

CHARLES KLEE: Absolutely. One of the beautiful things about the sidewalk along Broadway is that it is enormously wide, it is

about a 16-foot wide brick sidewalk, so there's a lot of depth.

And the key is, that we can, through grading, really keep the flat portion or the tapered portion of the curbcut in that first, let's say, five or so feet. I mean, I haven't looked at the exact detailing of it, but I think we can do that, and then really preserve, you know, ten or 12 feet of perfectly flat brick area to walk across. So it's not like you are walking through a curbcut to walk down the street unless you are hugging the curb, which I don't think pedestrians are naturally going to do. And the reality of it is, is we're proposing a whole host of street trees, many more than exist today, along all three sides, but particularly on Broadway that will keep the pedestrians onto that flat side of the sidewalk.

And David Black could actually show

you a little more detail about that.

DAVID BLACK: This is actually a little bit difficult to show, so bear with me and I'll try and walk you through this.

What Charlie has described, this is the proposed site plan, the curbcut which will be eliminated near to Prescott Street is here today. It is at a very oblique angle. This is the existing driveway as it were to the new loading dock. The existing curbcut, if you can see where I'm pointing to, is delineated in blue. It's about a 25-foot wide curbcut. The problem that gives rise to it, particularly for vehicles exiting that loading dock, they need to go right over to the other side of Broadway. In fact, they need to encroach on the bike lane. There are two lanes on Broadway going towards Quincy Street one way from Quincy Street, and there's a bike and there's an edge line on this side as well for bikes. But they need

to -- theoretically they need cross over the two opposing travel lanes and the bike lane to get on it. In practice, what they really do is they just drive over the curb, but either way, it's not a satisfactory situation.

By formalizing that more towards what vehicles really need to, do by widening the actual curbcut to 38 feet, we enable the vehicles to do it, not totally within the center line of the street, but a significant improvement on existing conditions. And as Charlie was describing, although it is a longer cut at the street curb line, the driveway with itself, the back of the sidewalk remains the same, and the experience with pedestrians will really be unchanged because this will be the usual detail of a short round top over the first couple of feet from the curb to the sidewalk level.

The majority of the sidewalk will be a continuous level platform. And this red line will really not -- it wouldn't be a curb, it will be a defined kind've theoretical curb in the sidewalk, and you will see probably a granite curb flush with the sidewalk running around it. It's not until it approaches the last few feet as it gets to the edge of the roadway that it actually starts to reveal itself as a curb.

So, glancing at this, it may give the impression that the pedestrian -- environmental pedestrian domain is being intruded in. In practice, it's not. And it is just -- it's formalizing what trucks need to do to minimize their impact to traffic on Broadway itself, which we think will be better for traffic on Broadway and will be better for pedestrians actually crossing the curbcut.

WILLIAM TIBBS, CHAIRMAN: Questions?

Comments?

CHARLES STUDEN: I'd just like to say that I think this is a very, very good solution. I'm delighted to see the way you are handling this. And I'm assuming the trucks they're going to back into this, they go forward and back because the back of the truck is where you load from.

Removing that loading driveway from the corner of Prescott Street, I know that very well from having spent a lot of time on the campus, and because of I'm a bicyclist, it's a huge thing to everyone and I think we're very fortunate that the sidewalk is as wide as it is along Broadway so that you can accommodate this driveway with a larger opening but still respect the pedestrian. I think it's going to feel very safe for them and together with the street trees that are proposed, it should be quite handsome. So thank you.

WILLIAM TIBBS, CHAIRMAN: Hugh?

HUGH RUSSELL: I guess I would like to have an explanation of what the building how it addresses Prescott Street and what the -- whether there is or is not substantial detriment to the public good for the people living across the street.

CHARLES KLEE: One of the things we love about this project is that it is actually taking an opportunity to clean up the backside of the museum, that through a series of different additions has had some unfortunate things happen to it. And I think that a lot of us who are used to studying the building, and probably the people who live across the street from it, particularly kind've in this area, are used to seeing the back end the building, sort've the service side of the museum. And so, the residents really look at this as an opportunity to clean that up and provide a front to the

building and really provide an entrance, do something to rationalize and complete the end of the Carpenter Center ramp and get rid of things like, you know, the little emergency rest stair that comes down from the non-work wing and all the sort of random bits and pieces of the museum that have existed here for a long time.

So, we think that one of the key things about this project is it actually becomes much friendly to the street. The other thing that it does is that because of this Carpenter Center ramp, we're dramatically lowering the surface of wall up against Prescott Street. So when you are walking along Prescott Street, you don't have this thing sitting up high that is kind of this impenetrable boundary, which you may know today as occurring kind've in this area, and it becomes the stairs that go up to the plaza and is up here. So we think this is a

great opportunity.

The extension of the Carpenter Center ramp for this location will be accessible, so it goes 30 feet, land, 30 feet, land. It reaches a midpoint here so that it can intersect a flight of stairs. And so, again, we can really engage the street here. And then comes up through here to a flat point so that a wheelchair can actually get from Broadway up to the main entrance without any mechanical assistance.

I can't remember exactly where we were last year, but at various points in time we looked at elevators and things and just didn't feel right about that, but we don't want to have somebody show up and have to ring a doorbell to get into the building.

So, one of the key things that the building is now doing is providing an accessible entrance through here, one right through Quincy Street and then another at the

Broadway Street level that goes to the classrooms one story below entrance.

The other thing that we worked very hard to do is to provide -- and it won't show up on this drawing unfortunately -- but is to provide glass in galleries at the first floor. As you can imagine, museums don't like glass in galleries, and the Fogg and Otto Hall or Busch-Reisinger and Sackler collections, in particular, are not particularly light tolerant, so we have to be very, very careful about that. But through some cajoling and, I think, very enthusiastic clients, they have figured out that there are certain small bits of the collection that they can put into areas that are transparent, and particularly on this side of the building, get some glass in this area here, so that from the street level, you will be able to see into the galleries and see art.

And so, in this gallery, which will likely be assigned to the Sackler collection, they can have some pieces that are light tolerant, ceramics and things like that that don't have too much problems with light.

On the other side is the likely to be the Busch-Reisinger Gallery, much more difficult to try to find the right pieces, but they are committed to the idea of some glass so that, again, from the street level, you can see into the building and understand that it is a museum.

Right now you walk around this building, you'd never know it's a museum. It looks like any other Harvard building and we think that's a shame.

So, that's the key at the sort've ground level experience, ground and first-floor level experience, of the building.

The next two floors are the key

gallery boxes or gallery floors, and it is a wood-clad structure, and the wood is something that Renzo felt -- why don't we grab the wood board -- Renzo felt very strongly that the material of this building needs to be very distinct from the historic structure of brick, and very distinct from the historic concrete of the Carpenter Center, but he wanted to feel like something that wasn't out of place in the residential neighborhood, and so for that, he gravitated towards wood.

HUGH RUSSELL: Do you have any elevations of this building?

CHARLES KLEE: We have a rendering that might be helpful.

So, this is a rendering as seen from let's say a -- I can bring it over closer to if you would like.

HUGH RUSSELL: I can't see anything.

CHARLES KLEE: This is a view kind

of standing near the Broadway garage.

HUGH RUSSELL: This is --

CHARLES KLEE: This is the wood of the gallery, so this is a wood screen, and the intent is for it to be a wood that naturally weathers, it's not painted. It may have a stain on day one to kinda accelerate this weathering, but think of it as kind of a driftwood sort've appearance.

So, I think that we really like the idea this could have a sense of material of that doesn't feel alien in an residential environment. It's not trying to look like an apartment building because it isn't. I mean, this is designed to be one of Cambridge's great monuments and I think it can do that.

But Renzo wanted to make sure that it was a quiet building, that it felt light. He wanted to make sure that it hovered in space because you can imagine museums very frequently tend to be concrete, massive, very

heavy buildings and particularly in this neighborhood where the context is largely buildings of this sort of scale, a big heavy building he felt would be out of place. Les shows it was another block or two this way and kind of more in the yard.

WILLIAM TIBBS, CHAIRMAN: Steve?

STEVEN WINTER: Tell us where again we would be standing.

CHARLES KLEE: We're standing -- we're not far down the street. We're closer into the museum from the Broadway garage, but we're kind've on that side of the street. So, we're on Broadway, looking back towards the fire station, Seaver Hall, the Seaver Quad is kinda back in here, and this is Prescott Street. So, we're about half a block down from Prescott Street. And this right here, you can see is the Carpenter Center ramp going up, and then here is the Prescott Street entrance that goes into the

building. And then one of the other beautiful things about the project is that there's a selected part of the program which is the study center function and the conservation laboratory, those of which can tolerate more light. So, those became the places to put as much glass as possible, really lightened up the structure and create, again, an opportunity to see into the building and see what is going on. So, the idea that you might be able to look up there and see some conservators working on some art, wonder what that is, go in the building and go up the stairs to visit that because it is open to the public. The study center in particular is a library reading room function, anybody can go there and ask them to bring a piece of art up from a collection, you can see it. So those things -- I think the idea is that you can see that from afar and get some curiosity about the building.

CHARLES STUDEN: So at night that will glow like a lantern or not?

CHARLES KLEE: Well, we are really shooting for a lot of sustainability here. So, we're not going to allow it to be a beacon that, you know, the shines up the Cambridge sky, and I'm sure there would be a lot of people who would be very concerned about that if we did.

CHARLES STUDEN: But the ambient light from the activities in the building itself would.

CHARLES KLEE: I think when it is operational, it will be lit like any kind of other office space. It's not going to be very brightly lit.

Most of the conservation work is done with task lighting, so if there's somebody here working on a painting, right where they are, would be bright. But then immediately adjacent to them, the light

levels should drop to 30 or (inaudible) or lower. And because of the sustainable agenda, the lighting levels in the building is not operational and security based. They have to be a certain amount of light throughout the museum that stays on all the time at very low levels, so that when guards walk around the building, they see things. They don't want motion detectors triggering the lights and everybody can figure out where the guards are by observing the building from outside.

CHARLES STUDEN: What agreement have you reached with Traffic and Parking regarding the parking along Prescott Street immediately adjacent to the building?

I know that was one of my concerns in the earlier presentation because I felt that there shouldn't be on-street parking there, so it is easier and safe for pedestrians to cross the street and also to

arrive at the building.

CHARLES KLEE: I should let Alexandra cover that.

ALEXANDRA OFFIONG: We did discuss that with Sue Clippinger and we have come to an agreement that there will be an area between the corner of Prescott and Broadway about five car lengths long that will allow for pickup and dropoff and we have an arrangement that there -- that will be they will review that to make sure that's working both for the museum and the city.

WILLIAM TIBBS, CHAIRMAN: Yes, Ahmed.

AHMED NUR: Yeah, along those same lines, I was just wondering, you talked about sinking mechanical equipment to save space. How much volume of earth, dirt, are you willing to haul out of there and the design of -- what route it's going to be going to. Obviously, I'm thinking this elevation is

going to be pretty heavy and what -- whatever you take out from that elevation.

CHARLES KLEE: I think there's -- the sort've construction logistic plan is being worked out by Skanska USA, who are the construction managers, but the kind of short answer to that, to the extent that an architect can speak to these things, is that we're gonna put a slurry wall around the perimeter of the foundation system, and then dig out the dirt to pretty close to bedrock, as we want to get as much as we possibly could out of the site. So, that's about 40 foot of excavation. I don't know the yardage.

But the nice thing is because of the slurry wall, it will be a cutoff, so it is not just continually wetting itself down. There will be de-watering stations, tags (phonetic) to kind've pull out the sediment and, you know, properly permeate it sort've

like an erosion pollution control plan, an SWPP plan is being worked on. So I think that we've got the wheels in motion to resolve those things properly.

But you're right, it will be a substantial excavation. I know that Skanska is working through proposed truck routings to keep out of residential neighborhoods and have albeit a circuitous route to get back people to 90 and 93 without going down Prescott Street, for example. But I can't speak to the specifics of it. And I think that's something that we need to work through with DPW.

STEVEN WINTER: If I might add, Skanska is the construction manager at new the Harvard Law School building also, so they have a pretty good track record of doing these things in Cambridge.

AHMED NUR: Where I worked with them at the (inaudible), the Harvard, and we did

the slurry wall and so I knew there was some huge issues with the slurry, and the trucks leaving back and forth and boulders in the way of the slurry wall and the banging and the whole nine yards.

CHARLES KLEE: We have some good things that work towards our advantage here actually. First of all, the same team, like the same geotechnical engineer who worked on the law school, he's working on this project and so we know from his experience that the soils here are a little bit harder but cleaner than they were up there, so we're not anticipating as much problem.

We also know that because of the museum and the historic structure of the Fogg, the Carpenter Center, the museum collection that's in the Sackler, were vibration sensitive, so the way that we dig the slurry wall has to be really low vibration in comparison to what might be

tolerated in other places.

WILLIAM TIBBS, CHAIRMAN: Hugh?

HUGH RUSSELL: I have some experience both as a former resident of Prescott Street and as a resident next to institutional buildings. So both of these kinda come to bear.

On the other side of Prescott Street it is pretty much lined with four-story brick apartment buildings, and Harvard now, I believe, owns most, if not all of them, but there are people living in all of those buildings.

What they used to look at, and what I looked at when I was there, was the back of the Fogg, which was a four-story brick building with windows in it, and then the (inaudible) new addition was built, and it was a building, again, that had windows and volumes that were kinda scaled similarly to the other buildings.

It wasn't a lot of light escaping from the structure and that sort've there was a larger scale but one that wasn't inconsistent.

And now what I see here is a building that has essentially a scale, it's got a wall that's perhaps 30 feet high, that's got no differentiation larger than four inches, and it has a very large area of glass up top and a pretty large area of glass on the first floor.

I mention that because whenever the school next to me leaves one classroom's fluorescent lights on, it's like a beacon in my house. And this is a much larger area of glass, even if the lights aren't as quite as bright as a classroom, it seems to me there's a real difference in the quality of life. You are looking at some very brightly lit thing that sort've may intrude upon your nighttime enjoyment of your apartment.

CHARLES KLEE: Would you like me to respond to that?

WILLIAM TIBBS, CHAIRMAN: No.

HUGH RUSSELL: I guess I would like to finish.

It seems like the -- you talk about a ramp and a plaza and getting rid of a wall, but it seems to me that rendering shows a wall that looks like concrete or granite or something. Again, that doesn't have any particular scale to it.

So what you have is a very large institutional scale building across the street from some residential scale buildings, and I can understand that you -- the brilliance of the plan and the general idea and the extremely talented architect, but he's made some decisions that I think are rather arbitrary and that are not good for the street. We're the custodians of the streets, that's part of our job to deal with

the character of the streets in the city, and how ...

So I'm upset by this design. I'm not -- the zoning variance that you are looking for I think are perfectly well adjusted and so I don't have any problem with the substance of the variance if addressed correctly. But when you grant a variance, you have to make a finding about detriment to the public good, and so if I were on the Zoning Board, I would have trouble making that finding given the architectural character of the building and the radical design compared to the residential scale.

WILLIAM TIBBS, CHAIRMAN: I guess the question I would have is, are we confident of the Zoning Board's ability to make that finding for themselves, or is this something that we feel is important enough that we need to make comment on and that's a discussion we need to have, I guess.

HUGH RUSSELL: I mean, the way this application is structured, I don't think this was -- this has come up. They did not come to us to present that information. It's sort've like that's not on the table, and I think it's on the table to the extent that this is the only bite at the apple from a planning point of view.

CHARLES STUDEN: Beth, could you please clarify the role of the Planning Board in this particular project? What is it that we're being asked to do? What were we being asked to do a year ago when it first came to us and why?

HUGH RUSSELL: Well, we were advising the Zoning Board on any planning issues that might arise from this application.

CHARLES STUDEN: I understand what we're doing with the Zoning Board. I'm wondering what we were doing, why did it come

to us initially?

BETH RUBENSTEIN: I'll let Alexandra correct me if I'm not remembering.

I believe it was a courtesy visit to really let the Planning Board know about an important change -- set of changes to an important building in the city. It was a voluntary presentation and Harvard came to fill you all in.

CHARLES STUDEN: It wouldn't have had to come to us until now anyway.

BETH RUBENSTEIN: That was voluntary and, of course, everything on the BZA agenda passes in front of the Planning Board.

WILLIAM TIBBS, CHAIRMAN: Just because you weren't here last time, but it's here now because we specifically asked for them to present it to us when we saw it on the BZA case load, so they wouldn't have brought it to us if we had not had requested that review.

CHARLES STUDEN: I don't know whether, Hugh, you would like Charles to respond to your comments? I have some comments of my own.

STEVEN WINTER: I would like Charles to response to this. I would like to give him the opportunity.

HUGH RUSSELL: Maybe we should all give our comments and have an integrated response.

CHARLES STUDEN: What is your preference, Bill, how do you want to do it?

WILLIAM TIBBS, CHAIRMAN: Go ahead. We should all give our comments and see where we go from here.

CHARLES STUDEN: I'll be honest, I was rather astonished to find this on the agenda at all because I thought that the Cambridge Historical Commission's finding that the project had no adverse effect on the

significant exterior features of the Fogg was extremely compelling and I agree.

When I look at the Prescott side of this building now, it's always been something that has troubled me terribly, and the relationship of the building to the Fogg Art Museum, and I think what you are proposing to do here is a significant improvement over what was there before. Now, granted, you are doing this in the context of having to satisfy a very significant program, you have a significant number of square feet that you need to build to satisfy your teaching and research needs, and you are trying to do it in the most sensitive way that you possibly can, but removing the parking along Prescott Street, the planting of those trees, the demolition of Otto Hall, which, frankly, I never understood as a building -- I had no appreciation for it at all -- to me has improved this.

And then, again, I've never been comfortable with the relationship of this building to the Carpenter Center and didn't understand that ramp. To me, I don't understand the ramp. And it feels right to me somehow.

So I have a very different view than you do, Hugh, about this particular project, and would like to send it to the Zoning Board of Appeals, you know, I would like to say, this is great and you guys ought to grant these variances, but I would be interested in the perspective of my colleagues on the Board.

WILLIAM TIBBS, CHAIRMAN: Pam?

PAMELA WINTERS: I'm just looking at this and wondering given Hugh's comment, it looks like that brick building to the left is about 40 feet high -- would you say, Hugh, give or take -- and I'm wondering how high up like -- if the light, in fact, would be

shinning into the windows given that perspective, and I'm not an architect, so I don't know, so would that light from the roof where the roof meets the wood area, would that be shinning into the windows there?

HUGH RUSSELL: I think on at least the top two floors. I'm looking at the section, a colored section there and trying to imagine what --

CHARLES KLEE: This section?

HUGH RUSSELL: That cross-section and then imagining what the building looks like on the other side of the street.

CHARLES KLEE: At the other side of the street, and I'm already violating protocol -- I'll sit down in a second -- but the other side of the street, this part of the reasoning behind the scale of this element here is to relate to the scale of the buildings on the other side of the street, and that was an important feature in trying

to separate these two elements from one another.

But with regards to the light that's in this space, besides the fact we want to be good neighbors, the building is going toward LEED Gold Certification and part of that has to do with light pollution, meaning that we are not allowed to have any lights shinning out of our property onto somebody else's property, so there won't be any of these fluorescent bulbs that you can see from your apartment. There's no room for us to mess that up. It is a challenge to do.

PAMELA WINTERS: I would like to ask one more question. This is purely curiosity on my part. I would like to know what percentage of additional art will the new building be able to accommodate as opposed to the current building.

CHARLES KLEE: That's an embarrassing question.

PAMELA WINTERS: You may not have this answer.

CHARLES KLEE: We know this one well unfortunately. The collection right now they are able to display one percent of their collection.

PAMELA WINTERS: Well, I know you have a huge collection that's down in the basement that's not visible.

CHARLES KLEE: Right. So, what's going to happen now is we're going to be able to display two percent of our collection which gets us to a point that's actually surprisingly enough much more consistent with what other museums do, but that one to two percent difference is huge.

But on top of that, the 9,000, 10,000 square feet of art storage down in the basement is going to be all optimized for this study center function. These reading room functions that are up here, they're

going to be about three times the size of the reading rooms that are in the Fogg today. So, you're going to be able to access far more of the collection through the study centers than you ever could.

PAMELA WINTERS: Thank you.

And just one last thing. This is actually going to get built not like the Allston situation?

CHARLES KLEE: Yes.

PAMELA WINTERS: Okay.

CHARLES KLEE: Seriously.

WILLIAM TIBBS, CHAIRMAN: Stated by the architect.

(Laughter.)

PATRICIA SINGER: I have two questions about the variances.

The first one is for the setback to the Carpenter, that doesn't create any kind of a safety issue, for example, that a fire truck couldn't get -- well, I know a fire

truck itself can't get through, but it doesn't --

CHARLES KLEE: Fire truck, if we moved the Carpenter Center generator, which we're looking at because we don't like it very much, a fire truck could drive through there, I don't think it would probably, but there's enough room that they could.

So, no, there's no safety concerns at all, really from the ground perspective, you won't notice anything different.

PATRICIA SINGER: The second question I have was vis-a-vis the curbcut, that's kind've funky corner already, what I'm understanding is that changing the curbcut actually had more of an impact towards the Broadway parking garage that it does down towards the corner that goes into the tunnel and so forth.

I mean, in essence, it's not really -- it's not really changing anything at the

corner where the traffic lights are.

CHARLES KLEE: Where the traffic lights are, no. Let's look at the site plan. Where the traffic light is is right here (*indicating*). We're not doing anything down here. So, we are widening this curbcut that exist today and eliminating the one that's over here altogether. So, yeah, we're doing a little bit of work mid-block.

PATRICIA SINGER: It is not doing anything further to complicate that corner down by the light?

CHARLES KLEE: No.

PATRICIA SINGER: I just wanted to confirm that.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Ted?

H. THEODORE COHEN: Well, I agree with Charles actually, I'd rather like the design. I can't claim to have ever lived on Prescott Street, but the reverse back of the

Fogg never made a lot of sense to me. I just feel like I'm facing a wall that I have to get around.

I always liked the concept of the design of adding the entrance onto Prescott Street and making it a flow through from Quincy to Prescott Street. You know, I rather like the design. I think it actually fits in quite nicely with everything else that is there, and my concern is that -- and it seems like we're trying to, you know, use the tail to wag the dog -- that the requested variances are so minor. The one about the setback, if that's not granted, then basically you can never build anything. Similarly, the variance for -- because it is a non-conforming building already because of parking and it seems the curbcut is a win situation all around. I would be just inclined to -- I think it should be up to the ZBA to make their own determination as to

whether they feel it is in keeping with all the statutory requirements for a variance, and I would certainly not want to say we're opposed to it.

I like it and I think it would be a good addition and I think it is actually an improvement of the streetscape, but clearly we all may have other own position on that and I don't know that we get unanimity or even the majority of people who want to take one position or the other.

WILLIAM TIBBS, CHAIRMAN: Ahmed?

AHMED NUR: I'm curious about the height of the wall and why is the wall there. The wall we're looking on that Hugh commented on.

CHARLES KLEE: This wall right here?

AHMED NUR: Yes.

CHARLES KLEE: Let me talk about that. That's a very good question.

The wall that you see here is

actually back here, so it's on the backside of the ramp, and so, that's why we believe that there's a fundamental difference between this event today and what's out there -- from this event and what's out there today because in this case, you are 20 feet plus back from the curb.

So, there's a whole public experience of the street before you get to this surface, and this is wood, like this is wood and so it's still part of that soft material. But why this is opaque is that it's classroom spaces that are below ground that, again, are being darkened for presentation.

AHMED NUR: What's the distance between that wall and the face of the building if it is glass?

CHARLES KLEE: This glass?

AHMED NUR: The back of the wall and that -- yep.

CHARLES KLEE: The difference in distance?

AHMED NUR: Yeah, the difference in distance.

CHARLES KLEE: This is four feet further back than this piece, so there's kind of a level thing here with a glass handrail around the top of that.

So, if you look at the site plan, right here, you can -- the plan can be confusing. I don't know if I should have pointed this out. There's a cut line here. So, on this side of the plan we're showing the basement floor plan and on this side we're showing the first floor plan and that's because of the way the grade drops on the site. We want to show you the entrance at street level here. So try to ignore this for a second and you can see that level area is in this dimension right here and it extends to the first floor all the way up to here and

creates a little triangular plaza up there that sits right up here. That might be an opportunity for a piece of sculpture.

WILLIAM TIBBS, CHAIRMAN: Okay. Go ahead.

AHMED NUR: So I would be wrong to assume that that wall is a perimeter wall to keep the residents away from near the building as a secluded area?

CHARLES KLEE: Not at all. We're trying to get people back into the building. One of Drew Faust's directives for the design team, it gets right to your point, is make this building more porous, get the public in here, get the students in here, and one of the really neat things that we have is because of all the classroom space, we have to get students in and out really fast, so we can't have bag checks and security galore, you can just walk right in the door and you could cut right across the courtyard. I

think we might have talked about this last year. And you can just walk in here and walk right out there and nobody will stop you.

So we think that's beautiful because if that creates an environment where somebody thinks, hey, I'll take a detour into the gallery to see what they have on display, I think we have accomplished our mission.

WILLIAM TIBBS, CHAIRMAN: I think my concern is just what do we do as a Board here. I think we are all in agreement that we felt, when we saw this on the docket of the BZA, even though the variances -- we wanted to understand the variances, but this building was significant enough and you had showed it to us before, that we wanted to get a better understanding and see those.

I, for one, was a little concerned about the scale when you first showed it to me, but I mean that was -- I think we've all had an opportunity to comment on those things

at that time and you weren't necessarily required to follow any of those commitments.

And the scale, as I see it, is -- what I see is not that much different than what I imagined at that time, and I guess my main concern was the actual variances are being requested and understanding those, and I do. So, I guess my question for the Board is, in light of Hugh's concerns or comments, what do we want to do as a Board? I, too, don't -- I, too, feel a little uncomfortable about -- I honestly was wanting to see the variances and get an understanding of that so we can put that in perspective. I don't want that to turn into some kind of pseudo review of -- project review of this project. That wasn't my intention at least for tonight, so I want to see how the Board feels.

STEVEN WINTER: Beth, I have a question for you, please. Again, the function of this Board tonight is to review,

and if desired, make a recommendation to the Board of Zoning Appeals --

BETH RUBENSTEIN: That's correct.

STEVEN WINTER: -- on the zoning issues which they will decide on.

BETH RUBENSTEIN: That's correct.

STEVEN WINTER: And assuming those are approved, and the building goes forward, will this building come to the Planning Board for any further design review?

BETH RUBENSTEIN: I don't believe so. I think that the BZA has all the permits you need at this point after having gotten through historic?

(People nodding.)

BETH RUBENSTEIN: Yes.

STEVEN WINTER: I think we need to recognize that there are two different issues, and one is the zoning issues and another is a design issue, and it's -- I guess I don't understand why it wouldn't come

back to us for a design review. What is the trigger that we're missing?

BETH RUBENSTEIN: I'm not sure I know off the top of my head, but maybe Alexandra can help us.

ALEXANDRA OFFIONG: In the zoning ordinance, I know that projects that create 60,000 square feet or more of new construction would trigger project review, but there's an extension for projects that demolish and rebuild for the same use that don't pass that threshold, and this is only a net increase of 35,000 square feet, so we fall within that.

STEVEN WINTER: And this, in fact, goes back to the issue that we had talked about before whether it would be worthwhile to lower the threshold to 25,000. We had discussed this as a Board before, I think.

WILLIAM TIBBS, CHAIRMAN: We have.

BETH RUBENSTEIN: That may have come

up that would be a change in zoning. Ten years ago there was no design review at all, so we moved in an increasing direction, but not everything comes here.

STEVEN WINTER: This is the way I would like to go: I would like to separate the two issues, and I think we, as a Board, have some concurrence on the zoning issues, but I think we need somehow to -- I would like to be able to reflect Hugh's concerns because this is the last time we'll get a chance to comment on these issues, and I feel that we need to reflect Hugh's concerns, even if we say that it's a small portion of the Board that felt this or that.

And, Hugh, I would like to ask for your guidance and what you would like.

HUGH RUSSELL: I'm not exactly sure what I would like.

I think I sat on the Zoning Board for ten years and on this Board for 20, and

sometimes it's like -- sometimes people say "how did you let that get through," you know, and I think there's a very -- there's a danger when a very strong and able design from a world-class architect comes before you to say, "You don't have the right to criticize. You don't have the right to ask questions because, you know, who are we to Renzo Piano?" But on the other hand, we know our city and he doesn't.

The problem I have with this proposal is really some of the -- not the fundamental concepts, not the massing in particular, it's really the decision to make it be really monumental in scale, which I believe is to not have a level of intermediate scale, it could be quite subtle, I mean, everybody is trashing the Isenheim building, I actually thought the Isenheim building was a rather nicely-scaled addition and those rusting metal panels

actually add scale, they are about this big (*indicating*).

STEVEN WINTER: I should tell you, I still miss Hunt Hall.

HUGH RUSSELL: Yeah, I miss Hunt Hall, too. I spent two years of my life in Hunt Hall.

So, some of the arbitrary -- or I'll say arbitrary decisions that are being made about this building that really are not fundamental to the concept, need to be questioned a little bit.

Clearly, I don't know much about the work of Renzo Piano. Most of what I know is what I learned at Sandy's theater when we were all invited back. I was tremendously impressed by this man. He seemed to be an amazingly thoughtful person.

But, you know, I think the question needs to be asked. Now do we ask the Zoning Board? All we can do is essentially give

questions to the Zoning Board and ask for them to decide whether they should be asked or not.

It seems to me that the Historic Commission hasn't considered Prescott Street. They have been considering what happens when you put a big addition on a strong building, and they've come down very clearly saying this is -- this satisfies their criteria very well.

I think the Zoning Board start imposing conditions, you know, sort've pulling things out of their ear, but I don't know how -- but I don't know how to proceed.

STEVEN WINTER: I have a suggestion, Mr. Chair?

WILLIAM TIBBS, CHAIRMAN: Go ahead.

STEVEN WINTER: I think that, you know, one of my rules at work is you are either in compliance or you're not. There's no in between. So these folks are in

compliance --

CHARLES STUDEN: Correct.

STEVEN WINTER: -- as they move forward and we have to recognize that.

And there doesn't seem to be any problem with the kinds of relief that they are looking for and I think we can recognize that, too.

But I also believe that it is incumbent upon us, and Hugh is my colleague and I value his input, and I think there's wisdom to it, even if I don't agree with the specific design principles. There's wisdom to say, we know what works and doesn't work in our town and we can announce that very clearly. And you know, you fill the town with iconic structure, and that's a strong brew, and, you know, it really can change the way that the town feels, but here I think we need to let this move on to the next step, but I think it is perfectly appropriate to

bookmark it with Hugh's comments, even if we say it was a minority view of the Planning Board, but the Planning Board felt it was important enough to clearly announce that and let Hugh work with staff to make that a part of it.

HUGH RUSSELL: Well --

WILLIAM TIBBS, CHAIRMAN: I think --

HUGH RUSSELL: I'm happy to let staff write this.

WILLIAM TIBBS, CHAIRMAN: I want to say based on past deliberations we've had on this very issue as to how, we, as a Board present issues to the BZA and the City Council, too, the -- I think it's really important that when we, as a Board, agree that that's a strategy we want to do and, again, at the BZA we don't have to -- we don't have to -- I guess I really -- maybe I'm more procedural, but I think we have our opportunity and we're given the opportunity

to express, but I don't think we just kinda willy-nilly can just express our architectural opinion on things that don't come before us in a formal ways, but maybe I'm oversimplifying it.

But if the Board wanted to do that as a whole, we can, or if we don't, we don't. But I just want to make sure -- I don't want to confuse the BZA on this issue, but if there's -- I guess I'll even ask Beth to --

CHARLES STUDEN: I'm actually very troubled by this conversation because to suggest that what Harvard has brought to us this evening is in any way arbitrary to me doesn't make any sense. I don't see it as being arbitrary at all. And we are being asked to do something tonight, this is very specific related to the zoning relief that's being asked, and I think the university deserves our support on that -- on the zoning variances. I thinks it's too late on the

design stuff. I'm not sure what are we suggesting. What is it -- Hugh, you haven't suggested what you would do to this building to change it --

HUGH RUSSELL: I'm suggesting a --

CHARLES STUDEN: If I may finish, please.

What the university could do at this point to me is very unclear and probably not all that productive, I would guess. We're second guessing, and I think, again, that the project is an outstanding one, and if we -- do we need to take a vote, as we have done in the past before we send this to the BZA to see where we stand on design issues because I don't feel we should be commenting on those at all.

HUGH RUSSELL: I guess my feeling is this is not about the aesthetics of the building, this is about urban design and Prescott Street, and whether the realization

of the wood texture on the outside of this building should have some scaling elements that we would ordinarily require on any other building, so, you know, does that mean every tenth board should be eight inches wider? I don't think that's beyond the ability to be realized.

CHARLES STUDEN: We're micromanaging.

HUGH RUSSELL: I believe scale is not micromanaging. I'm not going to tell them what to do.

CHARLES STUDEN: I think we should take a vote then. I'm sorry, I see this as micromanaging. It's such a minute change that would make no difference in the overall effect of the building in the urban design scale, if that's what you are really concerned about.

H. THEODORE COHEN: I think it's an interesting debate, and we've had it before

on other projects, I just don't think it is appropriate in this project because I think that the scope of the variance and the relief that's requested is so minor and I think we've all agreed that we don't have problems with it, but we're trying some -- some people may be trying to, and it's not inappropriate to say that it raises a question about whether it complies with the statute or not.

I think short of our all voting on what we think about the building or not, I have no problem. I know in the past individual members of the Board have gone as individuals to speak to the ZBA, or other boards, and I think if one of us feels strongly about something, there's nothing preventing them from going and speaking to the Board and making their position known.

I personally would prefer to just say we have no objection to the variances,

but I don't know other than that.

WILLIAM TIBBS, CHAIRMAN: Ahmed?

AHMED NUR: I would just like to say I thank Harvard for coming in and presenting this to us, at the same time, by the same token, we're commenting our views, every one of us has a different view and different feeling on the presentation that you have shown us, and it is fair game to comment on how they feel or what they feel about as it's being recorded. I think that there is anything wrong with that.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Pam?

PAMELA WINTERS: I was just wondering how come we didn't have an opportunity to comment on the exterior and massing of the building prior to now.

BETH RUBENSTEIN: I think as Alexandra said the amount of square footage that was being added --

PAMELA WINTERS: That's right. I'm sorry.

BETH RUBENSTEIN: -- did not trigger the project review special permit.

PAMELA WINTERS: Sorry.

I have another question for Hugh, also. The prior museum that Renzo Piano designed on Memorial Drive, which was low in scale and rather fit in with the building, were you more pleased with that sort of scale and -- I'm just curious about your feeling about that particular museum.

HUGH RUSSELL: I don't actually -- I don't recollect --

PAMELA WINTERS: You don't.

HUGH RUSSELL: -- that project well enough to comment on that.

BETH RUBENSTEIN: Pam, that project did not advance nearly to this level of design.

There was a preliminary set of

concepts, but based on the contact with the neighborhood and the neighborhood's interest in seeing the different use Harvard changed their plans. I don't think you can quite compare the levels.

PAMELA WINTERS: No, I was just curious in what Hugh's thought was about that.

WILLIAM TIBBS, CHAIRMAN: Again, I'm more concerned about what we do as a Board not what we do as individuals.

CHARLES STUDEN: I would like to make a motion that we send this to the Board of Zoning Board of Appeals encouraging them to grant the variances that have been requested.

WILLIAM TIBBS, CHAIRMAN: Do we have a second?

H. THEODORE COHEN: Seconded.

WILLIAM TIBBS, CHAIRMAN: All those in favor?

(H. Theodore Cohen, Patricia Singer, Charles Studen, Ahmed Nur, and William Tibbs.)

WILLIAM TIBBS, CHAIRMAN: All those opposed?

(Steven Winter and Hugh Russell.)

PAMELA WINTERS: Can we send it to them saying one person had some issues with --

BETH RUBENSTEIN: Well, let's finish the vote.

WILLIAM TIBBS, CHAIRMAN: We have to vote on the motion. All those opposed just for clarity?

(Steven Winter and Hugh Russell.)

WILLIAM TIBBS, CHAIRMAN: Do we have any abstentions?

PAMELA WINTERS: I vote to abstain.

WILLIAM TIBBS, CHAIRMAN: One abstention.

What was the count?

BETH RUBENSTEIN: Five voting to send with approval, two voting not to send with approval and one abstention.

WILLIAM TIBBS, CHAIRMAN: So I think we've decided.

Thank you.

LIZA PADEN: At One Brattle Square, the applicant had requested to install equipment at the rooftop and the Planning Board comments that we forwarded were that that particular building was designed and particular attention paid to the rooftop to keep the elements to be cleaned, crisp and concise, so I forwarded those comments to the applicant, and she is here to show you the proposal, which would amend the application. I believe the mechanicals got moved to the inside of building and she has illustrations to show the antennas which are mounted at the same space on the facade of the existing antennas painted to match, neat as possible

and the equipment is all going to be interior. So this is Taryn -- I'm sorry?

TARYN PATRICK: Patrick.

LIZA PADEN: I'm sorry, Patrick.

TARYN PATRICK: Good evening members of the Board. Taryn Patrick with (inaudible) Associates on behalf of Metro PCS, and I have some revised photo simulations.

As the Board is aware, Metro PCS is a fairly new carrier to the market here, and in their continuing effort to provide coverage to Massachusetts and the residents of Cambridge we are proposing a wireless communication facility on the rooftop of One Brattle Square.

And I wasn't here last time the Board reviewed the proposal, however, I understand that there was some concerns, as Liza had mentioned, regarding the proposed equipment cabinets that were on the rooftop, so --

WILLIAM TIBBS, CHAIRMAN: I mean, unless the Board wants -- I think we saw these before, so we are just kinda comparing what they're doing so...

From my personal opinion, aside from the Board, is it's a vast improvement over what it was before.

TARYN PATRICK: We are proposing six panel antennas on the rooftop. Nextel has actually 12 antennas on the rooftop. We're proposing to place those antennas on the existing penthouse facade painted to match looking exactly like the Nextel antennas, and we have removed the equipment completely from the rooftop now, and it is going to be housed in the first floor with all cables running interior in the building.

WILLIAM TIBBS, CHAIRMAN: Which is one of the things we asked you to consider, so that's good.

How do we feel about this.

CHARLES STUDEN: Excellent.

TARYN PATRICK: Thank you.

WILLIAM TIBBS, CHAIRMAN: Anybody have any other questions or comments on the --

LIZA PADEN: We have the June 25 Board of Zoning Appeals cases. I didn't see anything in particular. There was one question earlier and that's it. No comments. Thank you.

WILLIAM TIBBS, CHAIRMAN: Are we done?

CHARLES STUDEN: Yes.

(Whereupon, at 9:30 the meeting adjourned.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
NORFOLK, ss.

I, Jill Kourafas, a Certified
Shorthand Reporter, the undersigned Notary
Public, certify that:

I am not related to any of the
parties in this matter by blood or marriage
and that I am in no way interested in the
outcome of these matters.

I further certify that the
proceedings hereinbefore set forth is a true
and accurate transcription of my stenographic
notes to the best of my knowledge, skill and
ability.

IN WITNESS WHEREOF, I have hereunto
set my hand this 20th day of June 2009.

Jill Kourafas
Certified Shorthand Reporter No. 149308
Notary Public
My Commission Expires
February 26, 2010

**THE FOREGOING CERTIFICATION OF THIS
TRANSCRIPT DOES NOT APPLY TO ANY
REPRODUCTION OF THE SAME IN ANY RESPECT
UNLESS UNDER THE DIRECT CONTROL AND/OR
DIRECTION OF THE CERTIFYING REPORTER.**