

PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, May 6, 2014

7:00 p.m.

in

City Hall Annex

344 Broadway

Cambridge, Massachusetts

Hugh Russell, Chair

H. Theodore Cohen, Vice Chair

Pamela Winters, Member

Steven Winter, Member

Steven Cohen, Member

Ahmed Nur, Associate Member

Catherine Preston Connolly, Associate Member

Brian Murphy, Assistant City Manager for  
Community Development

**Community Development Staff:**

Liza Paden

Jeff Roberts

Stuart Dash

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| 7:00 p.m. Planning Board Petition to amend<br>the Cambridge Zoning Ordinance Article 12.000<br>Planned Unit Development procedures. The<br>three parts of the proposed zoning amendment<br>would clarify the procedures for amending a<br>PUD Special Permit and create an option for<br>some amendments to require one public<br>hearing. It would modify the time within<br>which a permittee must begin construction on<br>a PUD project from one year to two years.<br>And it would clarify that all owners of land<br>within a PUD are subject to the requirements<br>set forth in the Special Permit, even if<br>ownership of land is separated after the PUD<br>is granted, but that the Special Permit may<br>assign specific rights and obligations to<br>different components within a Development<br>Parcel. | 10          |

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7:20 p.m. PB#290, 1-3 Langdon Street, Special Permit application by John Harvard, LLC, c/o Chestnut Hill Realty, to create 6 new dwelling units in unused and existing basement space and to waive the required off-street motor vehicle parking spaces at 1-3 Langdon Street pursuant to Section 20.600 of the Zoning Ordinance, Basement Housing Overlay District. 70

7:45 p.m. PB#291, 16-18 Bellis Circle, on a Special Permit application (#291) by Baker Pond, LLC, c/o Sean Hope, Attorney for the applicant, to construct two free-standing dwelling units at 16-18 Bellis Circle in the Residence B district pursuant to Section 5.53 of the Zoning Ordinance. 116

Keyword Index

**P R O C E E D I N G S**

HUGH RUSSELL: Good evening. This is a meeting of the Cambridge Planning Board. The first item on our agenda is an update from the CD Department.

JEFF ROBERTS: I guess I'll try it. I'm getting good at this.

Coming up next meeting is May 20th. We have a continuation of case No. 286, 75 New Street, the Special Permit. There's also a continuation of public hearing on the Lutz, et al Zoning Petition for Richdale Ave. And we have scheduled a continuation of case No. 289, 57 J.F.K. Street. We're not sure what the status of the project is, but it is coming up on the deadline for action, so that will be heard or dealt with in one way or another on May 20th.

June 3rd we expect to have north -- HYN

North Point giving an update on their parking as they're required to do in their Special Permit. We may have a continuation of case No. 288, Thorndike Street courthouse project, but that is still tentative. And that will come back to the Board June 3rd or June 17th given that it also has an expiration date. And the -- that's it for public hearings.

Right now, I will note going back to May 20th we may, time permitting, give an update on the K2-C2 ongoing implementation.

HUGH RUSSELL: Has there been any action by the Council on the thing that affects us?

JEFF ROBERTS: There was a -- there was an adoption of a City Council order dealing with the overall comprehensive master planning for the city. I believe a component of that may involve a roundtable discussion

between the City Council and Planning Board. That's still unscheduled at this point. So there will be more details about that as it goes along. There is expected to be some community discussions between now and I believe the end of July --

JOHN HAWKINSON: Jeff, I believe the Council referred the City Solicitor's two memos as well as tabling them.

JEFF ROBERTS: Yes, and the Planning Board members also received, and this has been -- this was posted at the City Council meeting last night, a two opinions from the City Solicitor. One having to do with the status of dealing with the lead question of legal non-conforming status of 40 Thorndike building after the public use is vacated from the building. And then there's also an opinion having to do with the ability to

lease parking from the city garage on First Street and the Board's received both of those. And if you haven't read them yet, I assume you'll take time to do that. And we'll be -- and we'll be revisiting that when the case comes back before the Planning Board.

HUGH RUSSELL: Right. But it was a very clear recommendation on the Zoning question.

Next item on our agenda is Liza's two items, the Board of Zoning appeal first?

LIZA PADEN: So the Board of Zoning Appeal agenda I mailed out to you and nobody had any comments for me on that and I just wanted to make sure. No? Okay.

And the other case that will possibly come to the Planning Board is a sign variance request for Foundation Medicine. Foundation

Medicine is located at 150 Second Street which was part of the Special Permit for 159 First Street, the residential building, the office building that was developed by Skanska and then the eight townhouses. Their proposal for this sign for Foundation Medicine is to have a sign that is 60 square feet, which is the maximum allowed per wall sign; no internal illumination, which is -- meets the criteria, but they would like to put the sign at the top of the building and identify the building as their headquarters. So my question to you this evening is do you want them to come -- when they put in their BZA application, do you want them to come and explain the application to you?

HUGH RUSSELL: Well, just looking at the sheet you showed me, it's not one that I would tend to support, so maybe then we ought

to ask them to come --

PAMELA WINTERS: I think that's a good idea.

HUGH RUSSELL: -- and make their case.

PAMELA WINTERS: Yeah.

LIZA PADEN: Okay.

HUGH RUSSELL: It's tasteful, not legal.

LIZA PADEN: Right. Okay, I'll set that up.

HUGH RUSSELL: If members want to look at that.

Okay, and if there are no other comments, are there transcripts?

LIZA PADEN: Yes, we have three transcripts that have been submitted. One is for February 18th, one is for March 4th, and the other was for March 18th. And they've

all been certified by the stenographer.

HUGH RUSSELL: Okay.

Do we have a motion to adopt those transcripts or approve them?

STEVEN COHEN: So moved.

HUGH RUSSELL: Second?

H. THEODORE COHEN: Second.

HUGH RUSSELL: Ted.

On the motion, all those in favor?

(Raising hands.)

HUGH RUSSELL: All members voting in favor.

(Russell, H.T. Cohen, Winters, Winter, S. Cohen, Preston-Connolly.)

LIZA PADEN: Thank you.

HUGH RUSSELL: Thank you.

We'll now go on to our first public hearing which is our own petition to amend the Zoning Ordinance regarding planned unit

development procedures and I think Jeff is going to run through that for us.

JEFF ROBERTS: Thank you, Mr. Chair. Jeff Roberts, Community Development Department. Happy to talk you through some of the details of your petition on the PUD procedural Zoning Amendments. I'll try to go through this relatively quickly because you've seen a lot of this before. But also somewhat we'll be doing the same presentation or someone will be doing the same presentation for the City Council, the Ordinance Committee meeting, but I'll be on vacation.

Just to briefly show you where we are in the process, we last discussed this with the Board on March 4th. It was referred to the City Council as a Zoning Petition and then referred back to public hearings, which

are today and next week, as I said, at the Ordinance Committee hearing. And based on those dates there will be a final action by August 4th or it could be re-filed.

Just to quickly just talk about the PUDs themselves as a component of our Zoning and Planning, it's been -- had been part of our Zoning for 35 plus years now one of the tools that have been used to implement goals in particular redevelopment areas. It allows, particularly in areas that have larger areas of land, provides the opportunity to do site planning, to permit projects that involve different building -- combinations of buildings, open space, pathways, and to allow development that exceeds the Base Zoning limitation in exchange for provision for public benefits and through the Planning Board's review of

the project, those are, those are considered.

And just briefly have the current mechanics of how PUDs work. It starts with the Zoning. PUD districts are established. They are Overlay Zoning Districts, meaning there's a Base Zoning in place. Somebody owns property they could develop under the Base Zoning. The PUD Overlay provides an option where given a certain minimum development size, a development could be proposed with under and overall, usually an overall limit on the amount of development and height of development, but with flexibility on some of the other Zoning controls like setbacks. And then often within the Zoning for those districts are in exchange for the additional development allowed by the PUD Zoning requires public benefits which in many cases include open

space and in some cases include other provisions as we've discussed which I think most board members remember discussing with MIT rezoning. So this is actually an overview except for a small part of Harvard Square, which is now the Charles Square development, all of the PUD districts are in the eastern half of the city, including the newest one which is down towards the bottom. And we did this little map, and I have some paper copies of it which I forgot to bring down unfortunately, but it shows essentially the same thing. It shows you where all of the permitted developments have occurred. There's about 30 or so projects that have been permitted by the Planning Board to date. Some of them -- most of them have been built, some of them have expired, some of them are still under development.

So after the Zoning phase there is the Planning Board review and that occurs through the submission of development proposal and then ultimately the approval with a final development plan. So this could be, it could range from one building to many buildings. North Point is sort of the largest one we have so far which is about 20 buildings. There are provisions for phasing, so if permitted all at once but may play out over a long period of time.

There's two public hearings involved in the review. The first two look at the overall concept and then the second is -- the second public hearing and review is really geared towards writing the specific controls into the Special Permit. And after that's granted, the Special Permit in many ways plays the role of the Zoning where if

something is over time is a building is proposed to be built, you go back and look at the Special Permit to tell what the, what the rights are for that -- what the development rights are and what the company obligations are for that development.

(Nur Seated).

JEFF ROBERTS: The projects can last 20 years or more. In the case of North Point it's that 20-year horizon. In some cases where it's a large plan, the Planning Board when they approved the Special Permit, aren't necessarily looking at the design of each individual building, it's more of a master plan. And so written into the Special Permit in many cases are requirements that buildings come back to the Planning Board for design review. That's been the case with North Point, with the more recent Alexandria PUD

development projects, when they get closer to the Building Permit stage will come back to the Board for review.

The phasing is important because -- for many reasons, but one of the primary reasons is because of the timing of public benefits deliveries. So, for instance, open space would be part of the phasing requirements in I think the Board recalls the Alexandria development where there are certain thresholds of commercial development that can't be exceeded until a certain amount of housing and/or open space is provided. So that's all controlled within the Special Permit. But there is provision for the owner to seek amendments to the Special Permit and that's what sort of brings us to the proposed changes.

And so Special Permits for PUDs because

there's so much development involved, it's phased over a very long period of time. And like I said, it tends to play a similar role to the base zoning. Those Special Permit requirements really are in effect for a very, very long time, virtually forever if you assume that the -- at least some of the development that's authorized by that Special Permit is going to remain in place for, for a very long time.

But there are, there are changes that occur just like with any area where we might revisit the Zoning, there are situations where in a PUD we might need to revisit the PUD Special Permit requirements and that could be, you know, just changes in the conditions of development, changes in what the city would like to see, and changes in ownership, which is one of the main, one of

the main issues that we've been seeing arise over time and how that is dealt with.

So there already have been a lot of amendments. The Board has noted some areas where the amendment process could use improvement and that's what we're trying to do.

So the three fairly simple changes that are proposed to the existing zoning, the first one is to clarify the amendment process to be able -- and part of that is taking the current process which says either you have to do a Major Amendment which requires going all the way back to the beginning of the process and having two public hearings or a Minor Amendment which really requires a written determination to have sort of an in between option where something can be, can be issued as a Special Permit but only requiring one

hearing.

The second is to simply extend the time for commencing a PUD Special Permit.

Currently it's one year every -- in every other project it's -- every other Special Permit is two years and we want to establish consistency there. And then dealing with what happens when ownership is divided and I'll get more into the details of what we've said there.

This is the one change since we talked about this with the Board the last time because there were some comments about the -- some of the use of words like substantive and substantial. So tried to keep it, tried to make some clearer distinction between these three sort of categories.

The Minor Amendment is really something that doesn't have any significant dimensional

implications to it. So something that was really within the scope of something that the Planning Board would look at maybe through something like a design review process or maybe something that has to do with a small change in phasing.

A Major Amendment would be a change that does -- in this case we said does not represent a substantial deviation from the PUD concept, and that would be a one hearing Special Permit. And then any change that is deemed to be a substantial deviation from the original PUD concept would require the new PUD Special Permit. And as is the case before, was the Planning Board's role to make a determination as to whether something is a Major or a Minor Amendment or whether it requires a new development proposal.

And so I showed this the last time.

This is a simplified overview of what the process looks like now, where -- with the PUD approval process, and then how the amendment process lines up with that. And the proposal's really just creating a process where you -- you can plug back into the approval process at the appropriate stage, whether it's at the development proposal stage or the Major Amendment stage which is more like a change in the final result of the plan or a Minor Amendment which is really not a meaningful change.

So the Special Permit expiration that's -- I've explained it and I think it's fairly straight forward.

And then coming to the issue of separation of ownership, we have seen a number of PUDs over time that have been sold to different owners. It is, it's clear in

the Special Permit that the Permittee, the meaning of the word Permittee in those PUD Special Permits is all the owner and then all successors and interests which includes any individual owner that might buy a portion of it, but sometimes there are some -- there's some confusion with sort of implementation or just having an understanding of what those obligations are. So we propose Zoning text, which really doesn't, it doesn't change things substantially from what they are now, but it clarifies what's been the practice that we, we assert that there is a collective obligation to fulfill all of the requirements, but that within a Special Permit there can be different development rights and different obligations assigned to different parts of a PUD so that if someone bought just that one portion of the PUD, the

Special Permit would clearly say this is how much could be built and then this is what, this is what the requirements are and these are and whatever the procedural or open space or other obligations might be.

So that covers the set of issues and I'm happy to answer any more detailed questions about the text or the concept.

AHMED NUR: One clarification I would ask, Jeff, is changes to the Zoning, you said difference between Major and Minor, Major requires two hearings and Minor would be written, written with one hearing? Or just the written?

JEFF ROBERTS: No. So under the current Zoning the provision is that a Minor Amendment is granted by a written determination of the Planning Board and the -- so there's no public hearing. It's --

it occurs at a public meeting and it's on the agenda of a public meeting and it still has to be requested by the Permittee in a letter which is publicly available. But the idea is that the Planning Board would have to make a determination that that change is not materially altering the dimensional limitations that were, that were in trying, or any other limitation that's explicitly entwined in the Special Permit. It's not, it is -- the Minor Amendment is not really changing the development itself. It might be changing some aspects, some procedural aspect of how it's carried out, but the whole purpose of doing this is because there were -- there have been difficult situations in the past where it may not seem like a change is, you know, warrants going back to the very beginning of the process, revisiting

the entire development proposal and having two public hearings and yet that's the only option available unless the Board wanted to just issue a written determination, which is not always appropriate. So here there's an option where it can be -- a change can be granted with a Special Permit through a normal public hearing the way any comparable case would be heard and decided.

AHMED NUR: And any change in who determines Major -- the difference between Major and Minor? I remember at Discovery Park project developer started to say it's a Minor and then the Chairman had asked you in this case whether this was a Minor or Major because of the change of occupancy. Any changes in that at all?

JEFF ROBERTS: No. It's still the Planning Board that makes that determination.

And one of the things that we clarified in the Zoning that this petition aims to clarify in the Zoning text is that a Permittee can come to the Board and request, and request a determination of whether a proposal is a Major or a Minor Amendment or in this new formulation whether it is, whether it goes beyond being an amendment and requires a new development proposal. So it's -- that's still the case, but we make it, we make it clear that you can come to the Planning Board and ask first before you submit an application.

AHMED NUR: Thank you.

HUGH RUSSELL: Ted.

H. THEODORE COHEN: Jeff, my only question really relates to the ownership issue which I think is great and I think we need to do, but I was just wondering do you

think that when for a larger PUD that we envision that it's going to be a long-term build out that we will ask the applicant in the application to indicate, you know, what portions they may think would change ownership so that we would be able to come up with the conditions or more likely that staff is going to come up with the conditions in some sort of boiler plate of how it's going to play out over time?

JEFF ROBERTS: I think that would be a very prudent thing to do for the Board. It's not something that we always think about at the time that that initial phase of permitting a PUD, but I think that that makes, it makes a lot of sense when that, when the master plan is being really presented and looked at and approved that those kinds of questions be asked, you know,

at what point will this maybe be divided into different ownership. And when that happens, you know, what are the stipulations that the Board would like to see in place to make sure that is sort of the balance of public benefits and private development remains appropriate to make sure that it carries forward over time.

H. THEODORE COHEN: I mean I think it will be great if we can address it upfront rather than 10, 15 years down the road. So that's great. I do have one typo, I think, in Section 12.61 that is now in the 10 provision says: Approval by the Planning Board particularly as ownership of some of all of. And I assume that's some or all of the elements.

JEFF ROBERTS: That's correct. Good catch.

HUGH RUSSELL: Other questions or comments by the Planning Board?

(No Response.)

HUGH RUSSELL: Okay, then we'll continue on with the public hearing. And we'd ask people who want to speak to come to the podium, give their name and address, spell their name so that it can be correct in the records, and limit their remarks to three minutes and pay attention to our time keeper.

So Carol O'Hare is the only person who signed.

CAROL O'HARE: My name is Carol O'Hare, 172 Magazine Street.

HUGH RUSSELL: Is the green light on that mic?

CAROL O'HARE: No. How do I turn it on?

HUGH RUSSELL: There's a push down

at the bottom.

CAROL O'HARE: Oh, push.

I'm not here about signs. My question is what is the public rush? That is, I know this has been in the Planning Board and CDD's domain for as long as since before Les Barber left which was 2011, and now the public has maybe a month between the March 7th notice about the City Council meeting and the May 14th meeting of the City Council to look at what is called by you a procedural amendment which means has an implicit merely procedural amendment before it. I don't understand why -- and maybe outside lawyers have been able to comment on this, but as a former developer's lawyer for major developers, I have to say -- and I have to quote one of my chief executives who would call this, the parts of this that are unwritten, creative

ambiguity which leads to litigation. And I understand the reason that you would want to clarify and simplify what you're calling Minor Amendments to a PUD, but I think there are huge unexplored risks in your catch-all language. I mean, you know, that catch-all language is not just a loophole, it's a sinkhole. And even I, I mean, I -- I'm not that experienced in Cambridge Zoning in particular, but just going -- and Jeff talked of the Major Amendments being likely, quote, so-called dimensional amendments, but they are -- even the ones you name as Major Amendments are not simply dimensional. And there are some that just fall into your catch-all language. The catch-all language being such as, and, for example. And in your examples you list a few, but you leave this huge sinkhole for things like LEED rating

requirements. The 240,000 minimum required residential use requirements which were a huge category of PUD requirement for the MIT PUD that held it up for months, even years. Specific building preservation requirements, setback requirements, none of those is listed in your PUD. And I'm sorry if I've gone over the three minutes, but this is really material and I urge you to have new eyes look at this and, you know, in particular and obviously the process by which a Minor Amendment is determined is almost laughable. I mean, the developer who wants a Minor Amendment sends a letter to the Planning Board and the Planning Board without any public process decides it's a Minor Amendment and it could be any one of those things. And I'm not suggesting this Planning Board would do it, you don't control who might be on the

Planning Board in the future, but it could be any one of those things I mentioned. And then when the Planning Board decides it's a Minor Amendment, they just send a letter to the city clerk and voila, it's done. That is almost somewhat Soviet. I mean, it doesn't make any sense that this Board, which is a thoughtful Board, would do that. So, it's like bing, bing, bing, the speed of which this was done for public purposes. I think you need a few bongs to, you know, to interject. And I think you need to take some more time and get some more input.

HUGH RUSSELL: Okay, thank you.

Does anyone else wish to speak?

Councillor.

COUNCILLOR DENNIS CARLONE: Thank you, Mr. Chairman. My name is Dennis Carlone, C-a-r-l-o-n-e. I live at 9

Washington Avenue. And my comments follow a similar approach. I -- having worked on many PUDs for this Board and the Department and having written many of the guidelines for it, I read the list of what must be considered and nowhere in it is building character, building materials, the rhythm of architecture. I participated in a design review for a project after the permit was granted, a different architect was brought on and in my estimation the quality of the building went downhill and that was never discussed and built. It's okay, but the first project was much better and that was what was based on the Special Permit. So it seems to me that the lists of items that will be considered are all on the ground plane. And believe me, the ground plane, I agree, the ground plane is very important, but in

fact we're three-dimensional. And to not consider materials or patterning of windows or the architectural imagery is completely missing the boat. And I have no doubt that this was intended and in your heads automatically, but it has to be written in here or some clever team will come in and say well, it's not there. Sometimes the way we word things gives the message of what's important. And if you ask people what they read, it's what's mostly perpendicular. It's not just planar.

Thank you.

HUGH RUSSELL: Thank you.

Does anyone else wish to speak?

(No Response.)

HUGH RUSSELL: Okay. Are there any comments on this proposal?

H. THEODORE COHEN: Yes, I actually

think it accomplishes quite a bit, if not everything we've talked about over the past several of years that needed to be done and addressed in the PUD. Ms. O'Hare has submitted an e-mail and I reviewed it very carefully and my understanding is that the concern about the Minor Amendment, there is no change in procedure, that it's what's been in effect for -- since the PUD file has been in existence. So I don't see that that is really a necessary issue to change. I think the language that someone has raised concerns about, similar language is used throughout the Ordinance in many, many places and that certainly nowhere does it indicate that what is suggested as examples are exclusive examples and that we would be bound -- the Planning Board would be bound by that.

I guess the question I have with, you

know, that Councillor Carlone raised, right now is building character, materials, patterning of windows, architectural design, addressed at all in the adoption of the PUD or does that all come at the design review stage?

HUGH RUSSELL: I think in general a multi-building one it comes at the design review stage. If it's a single building or a simpler PUD, I think we address it at that time.

H. THEODORE COHEN: Well, if that's the case, then I don't see that it would be objectionable to add a couple of more phrases in the appropriate places that, you know, that the Planning Board in determining whether it's a Major or Minor Amendment and determining whether it's something more than a Major Amendment should look at some of the

architectural issues so that we aren't going to be worrying about perspicacious developers, more perspicacious developers changing what has been approved.

Other than that I really thought the changes really addressed the number of things that I think we have raised over the past couple of years.

HUGH RUSSELL: I guess I have two comments:

One, is I would -- I think it's a good idea to put architectural character and materials in someplace. And I think it belongs in the middle column in general. If there's a substantial change in architectural character, then it needs to -- then there needs to be a hearing and longer review.

The other points have left my mind. So would someone else like to speak? If it

comes back --

AHMED NUR: Mr. Chair, I have a question, that last remark, architectural imagery. Are we talking about just the facade, the exterior facade of the structure?

HUGH RUSSELL: I think it's pretty clear that if the size of the structure changes significantly or the number of stories change, that's at least a Major Amendment. It could be so significant it becomes a new development proposal. So I think we are talking about the way in which the concept approved realized which would be the facade, but it could be the landscaping, it can be the -- you know, how the horizontal plane is done, those materials, too.

So I think I got my thought back.

AHMED NUR: Sorry, someone else will have the question.

HUGH RUSSELL: Maybe Steve will have it.

STEVEN COHEN: Or at least give you time to work on it. I was totally persuaded by Councillor Carlone's concern about the architectural character. And it makes me almost wonder and worry about what other factors might there be that we perhaps, perhaps we missed.

An architectural character, yeah, I mean a couple of changes, but maybe one and I'm concerned that maybe the suggestion could be overly broad, but the suggestion will be where we say it does not alter use, dimension, or parking. What if we put in it does not alter appearance? Are we talking about procedural changes? Timing? Phasing? The sort of things that Jeff was talking about, fine. That could be a Minor. But

something that changes the appearance or substantially changes the appearance might be broad enough to protect us and I'm just afraid that it might be overly broad for some real de minimus change.

HUGH RUSSELL: Well, I think following Ms. O'Hare's comments, this language has to be guidance to future Planning Boards in making that determination. So to the extent it can be the preset intent can be clear, that's a good idea.

And now we've -- with Les and Roger on board for 30 years we had great confidence that we had, you know, continuous wisdom at our fingertips and things change.

So the thought which is now back, the essence to me of this distinction is what's a Minor Amendment? Because once, once you -- because as Ms. O'Hare says, there's not

public process except our process which is open to public view. And I think we were asked from time to time on Special Permits for people to say well, is this consistent with a Special Permit? People come back and they say, we want to -- you know, this is a minor change. And we had that happen on Norris Street just last month where there were some changes and we were asked to say does this change the concept or the logic for the permit. And I think that's, that's the question that's here. If there's a -- something shifts a little bit and we need to be able to say, yeah, it's just a little bit, it's not significant and you don't have to go through a, you know, a many month process. Because the process itself acts as a deterrent for people to make improvements, minor improvements to a project. So someone

can say well, you know, I think I want to put my bicycles over here and it works better and I've been talking about this with, you know, Kara Seiderman and this is what we come up with, we ought to be able to say, yeah, you know, there's still bicycles, they're still available, they're just not quite where you thought they were going to be. Or maybe that could be an example.

Any other comments? Steve.

STEVEN WINTER: Mr. Chair, I wish to concur with the Chair's comments, the Co-Chair's comments, and the comments from Steve as well.

HUGH RUSSELL: So, are we ready to recommend that the Council adopt this -- Jeff, is not ready for that.

JEFF ROBERTS: Well, I would like to maybe -- if I may be so bold, sort of probe

this issue a little bit more because I think it's something that just in my procedural mind raises some questions. If the discussion is whether a change in architectural character would be recommended as something that would require a Major Amendment to a PUD Special Permit. So a PUD -- and I can go back here. A PUD Special Permit, and really part of the value of the mechanism is this multi-building phase development. And in cases such as this one, the North Point case, you're really not, you're not really seeing the architectural character of the buildings. So if the suggestion were made that a change in architectural character requires a Major Amendment, I think it would be suggesting that after permitting the PUD, every building would be then subject to a Special Permit.

So that's --

HUGH RUSSELL: Good point.

JEFF ROBERTS: -- that may be something that needs to be discussed. And it, I think it does go back to, exactly to what you were saying, what really constitutes a change to the Special Permit. Because a PUD Special Permit is -- has a different character than, for instance, a project review Special Permit which is what the Board most typically sees which really does show the detail, you know, the architectural character of the building. And part of the review and approval process is to look very closely at the architectural character of the building. The PUD handled that in a different way.

STEVEN COHEN: Mr. Chair.

STUART DASH: Maybe a single

building in the PUD that is a distinctive difference or architectural character that may not necessarily travel to the other buildings. But you may decide that's a point to make that decision.

STEVEN COHEN: Mr. Chair, and Jeff made, maybe I don't understand the PUD process well, actually that's not a maybe. I certainly don't understand the PUD process well. What's the PUD district as established and regulations, how is the individual building reviewed and approved and how does the design review for that building proceed? And what role does the Planning Board play once the PUD is established?

HUGH RUSSELL: It depends on the language of the PUD. In multi-building PUDs such as North Point, we say you have to come back and have a project review process. And

the processes that are written are sometimes different depending on the time frame and other expectations.

Now as I recollect PUD -- well, the building on the Broad Canal was a very early meeting, was that No. 1?

COUNCILLOR DENNIS CARLONE: Yes.

HUGH RUSSELL: And that one I imagine the character of the building was probably better known because, you know, it was small, it was definite. So in a case where someone had presented a character -- I mean, I think what we're trying to say is if your permit is based on statements about architectural character, then if you change those, those -- that's significant. And I'm going to bring up another example. In a PUD for David Clem's (phonetic) project whose name keeps migrating, there was a requirement

in the PUD that buildings have substantial masonry. And the first building we approved was an entirely glass building, the Genzyme building. I don't think that occasioned an amendment.

COUNCILLOR DENNIS CARLONE: Each building came in for design review.

HUGH RUSSELL: Right. Each one came because -- but there were design review standards which we -- which is this building did not meet the letter of those standards, but the intent of the standards was to create high quality buildings, which the Genzyme building did meet that general standard.

So it's, you know, trying to predict what's going to happen in the future is not easy. And we'd have to have the ability to be sensible in administering PUDs.

H. THEODORE COHEN: But I think what

you suggested that if the building or the PUD has been based upon certain representations about what the buildings would look like, then if there's a proposed change to that, then presumably, you know, that's something that goes into the determination of whether it's a Minor or a Major Amendment or whether it's something totally outside of that. But if it's a PUD where it is envisioned that the buildings are going to come back at some later time for design review and if the proposed amendment is before the buildings are going to come back for design review, then it doesn't seem to me that the architecture is really an issue at that point because it's going to be addressed at a later point. And so I think, you know, I'm not sure where it goes in the proposed amendment, but it can be written that if there's a

change in the architectural design that's already been approved or go through with what guidelines have been established, that that's one of the elements that's going to be the determination of what type of amendment it may be.

JEFF ROBERTS: I think the conversation is helpful. I can work with that.

HUGH RUSSELL: Dennis, did you have any other comments you wanted to make on that?

COUNCILLOR DENNIS CARLONE: Should I come up or should I come up here? I'm happy to speak from here.

HUGH RUSSELL: It's better if you use the mic.

COUNCILLOR DENNIS CARLONE: What I, what I've learned over the years, and anybody

in the profession has experienced this, you don't know what's going to happen five years down the line. We don't even know what use is going to come in in some cases. And depending on the use, the character will change. So what we tried to do in East Cambridge is say we're going to work in a brick pallet. Not that that's the panacea, but we wanted it to be a district, but each building was different. Even the same developer. For instance, the Galleria, as some of you might remember, they did the Galleria, the retail building then they did an office building then they did another office building and then they were part of a hotel. So each of those are different, quite different, and they all came in. Now, there might have been guidelines or there were very strict guidelines that I encourage you to

consider, but each -- North Point, each of those buildings already the ones that are built are very different. And I'm sure the ones in the future will be different again. So they really do need, I think, to come in.

Now the project I was talking about earlier where the design was changed was a two-phase project that they actually built at one time, 303 Third Street. And I don't know the other address, but it's right next to it. It looks identically the same and that's the one that still bothers me. And, you know, we -- they did a decent job, but it, it was a loss. It really was a loss. The quality and the architecture was better the first round and we didn't have this kind of discussion then. Probably didn't even think of it. And we lost on it. Now, when you get a big PUD like North Point and you have all these

renderings, they're not building specific, they're generic. They're urban design renderings. We do them. Many of you are associated with that so you don't know the specifics until you get to it. And I've read even in K2-C2 we want a great variety of architecture. Well that's gonna happen automatically. What you want to do is make it feel like they relate to each other. So those are the only comments I would add.

Thank you.

HUGH RUSSELL: Thank you.

I will ask again if -- Carol, as long as we're being informal.

CAROL O'HARE: I just want to supplement what -- I guess what I want to stress is that the listed items are very minimal. They are only what Jeff himself called dimensional in character, but your

PUDs have many more specific requirements that are not dimensional and they are not, you know -- and so because you list the dimensional type requirements and don't list things like LEED requirements or minimum required residential units or the more amorphous specific requirements a developer will come to you and say hey, wait a minute, none of those more generic amorphous requirements is listed in your list. And so when we look at your list and try to say what's like the things you mentioned, we're going to come up with very graspable, similar requirements in the PUD not the more amorphous though precise specific requirements. And so you're going to have disputes about what you think and what I think are significant major changes, but which a developer says hey, wait a minute,

you didn't list anything like this in your examples. That is what I am concerned about. That's what I predict will happen especially with what some people call the bad actor developers who have deep pockets. That's, that's all. And, you know, it's litigation-ville.

STEVEN COHEN: Mr. Chair --

HUGH RUSSELL: I don't believe any determination of this Board as to Major or Minor Amendment ever been litigated. But I would suggest maybe, Jeff, that you and Liza look at the last ten Minor Amendments and the last ten Major Amendments that have been granted in the PUD Districts and sort of write down what they consisted of. So this would be like a checklist to compare what -- what's actually happened to what the -- I think that maybe might help the Council

understand the distinctions that have been made. And if people find that the words that are up here don't actually match our practice, then that would be one thing. Or if they find that we've -- in their opinion and the Council's opinion have not been making the proper determinations, there will be another reason to change this particular language. I don't think you're going to find that. And I think the other advantage is I think -- our Major Amendments have not been very major by in large. So that people will understand that that's kind of the -- one of the motivations behind this is to introduce this middle, middle pathway that still allows a public hearing but only allows one public hearing. I think three times this year I think we've had Major Amendments which, you know, were on one meeting, they were on the

next meeting, there was no discussion at either meeting, there was no objection at either meeting. It was silly. And we've -- I've actually hard pressed to find to remember Major Amendments that we had problems with. But I suspect there were. And if you did all this, I'm suggesting ten, but I think that might help to put some facts on the table to evaluate this.

STEVEN COHEN: Mr. Chair, just a couple of observations. First of all, if I'm understanding it correctly, whether it's a Major or Minor Amendment, everything has to come to the Planning Board. And even if it's a Minor Amendment, the Planning Board can make a substantive review of the request. So it isn't that these things are just approved administratively without substantive review; is that correct?

HUGH RUSSELL: No.

STEVEN COHEN: No?

HUGH RUSSELL: When somebody seeks a Building Permit, the department has to sign off on the permits and saying that it's consistent with Zoning. And that's an administrative decision. And when the staff feels they cannot do that and it comes back to us or, you know -- so, there's one step that isn't, that isn't written, but I, you know, the department doesn't take on major decision-making authority in making that determination. They're working with us to make sure our intent is carried forward.

STUART DASH: There are things that are considered so de minimus. So we may have someone come up and saying, you know, the kind of rack I thought I was going to get is a different kind of rack and I'm turning it

think way instead of this way so it won't be exactly shown on the drawings but they'll be angled, and at a staff level we say that's fine. There's no need to bother the Planning Board. And then if it comes up to a Minor Amendment, we're not going to put bike racks here, we're putting them over here, and that's something we can talk to the Planning Board about. Is it even worth, you know, a Minor Amendment or a Major. This makes it easier for staff to sort of bring something forward because you don't have the thing of it's going to be a major two hearing process to bring something that seems small but may be worth discussing with the Board kind of thing. So I think in a way it gives a proper, appropriate level of review possibility.

STEVEN COHEN: So even if something

doesn't fall into the Major Amendment category, it would still come to the Planning Board and would still get a substantive review whether it be architectural character or what have you?

The only other observation or question I would ask is, you know, almost by definition, a project which is going to be subject to a PUD permit is going to be a major urban project of some sort. And I, I just assumed as a given that any building within a major urban project is going to be subject to a design review by this Board. But if I'm understanding correctly, that's not necessarily the case. I mean, if every building were subject to a design review, then Councillor Carlone wouldn't have been so disappointed with his building on Third Street.

COUNCILLOR DENNIS CARLONE: That was subject to design review.

STEVEN COHEN: And it wasn't built as reviewed?

COUNCILLOR DENNIS CARLONE: Not initially. It was changed.

HUGH RUSSELL: But they did come back to us and they showed it to us and we made a determination which --

COUNCILLOR DENNIS CARLONE: It was a design review determination, not a Special Permit determination.

STEVEN COHEN: I see. But it was reviewed and approved by this Board. So actually your complaint is more about the action of the Board than --

HUGH RUSSELL: Well, it's --

COUNCILLOR DENNIS CARLONE: Yes and no. Policy.

HUGH RUSSELL: Right. And depending on how the -- what the standards are for granting a review, you know, it's -- we might act -- I mean, we follow what the standards are. And if it's -- so --

PAMELA WINTERS: How long ago was that may I ask?

HUGH RUSSELL: Five years maybe?

COUNCILLOR DENNIS CARLONE: It was December 20 -- no, I don't know.

PAMELA WINTERS: Roughly.

AHMED NUR: Is it Watermark I or II?

COUNCILLOR DENNIS CARLONE: 303 Third Street.

AHMED NUR: Across the street.

COUNCILLOR DENNIS CARLONE: I'm guessing 2004? 2002?

STUART DASH: I think more like ten years ago.

COUNCILLOR DENNIS CARLONE: I'm guessing.

HUGH RUSSELL: Yes.

COUNCILLOR DENNIS CARLONE: I mean it's fine, but it's not what it was. It's okay.

STEVEN COHEN: Well, the one thing, and I'm not sure how you'll deal with it, Jeff, but I do agree. And how can any of us disagree with the notion that the architectural character and quality is central to anything that we approve? And, you know, I think it's important that if we have the right to review one way or the other, if you're saying it's a matter of procedure and policy, to make it clear that any, you know, change in that character is a matter of concern to us, then I think we should find the language to express that

concern.

CATHERINE PRESTON CONNOLLY:

Mr. Chair, I think, I guess the question then comes down to if whether or not every time there's a change in whatever architectural character means or having a public hearing and then we get back to Jeff's question of is it, you know, essentially are we putting someone through a Special Permit process for every building? And I guess I feel, I personally feel very differently about it if it's a phased multi-building project then if it is a one building project. A one building project, presumably we have some detail on, we've made the findings based on the architectural representations to us, and if those change, I do think that that probably does deserve an additional public hearing because people came out and understood what

was being proposed. With a phased project, I do, I think, it defeats the purpose of having a PUD to have each of those buildings then be subject to a special -- a whatever -- Major Amendment public hearing. And I think the Board ought to have the freedom to do those based on a design review. And I would be even willing to say on a multi-building project design, ongoing design review of every building should be built into -- that should be a standard condition if it isn't already.

STEVEN COHEN: Yeah.

HUGH RUSSELL: It is.

CATHERINE PRESTON CONNOLLY: But I think it should be -- the design review without another public hearing for multi-building projects I think is a key component to making a PUD worth having.

HUGH RUSSELL: John.

JOHN HAWKINSON: John Hawkinson for the record. Catherine got most of what I wanted to say which is it's worth remembering design review does not imply a public hearing and that could make a difference to a lot of people.

And the second was a little example, MIT's new nano fabrication facility that they're building apparently doesn't meet Article 19 Special Permit criteria thresholds for some reason I'm not sure about, and it's not actually in the new PUD, but it might have been. And if it had, that's something to think about.

HUGH RUSSELL: So I mean remember MIT hasn't filed for a PUD for that land that they were authorized to file for a PUD for.

JOHN HAWKINSON: It's a hypothetical

though.

HUGH RUSSELL: Yes.

Are we ready to make a recommendation to the Council?

So I think the recommendation would be essentially in the form that we put this forward because we think this is an improvement to some minor matters and we would like to see them adopted and that we heard some suggestions and had some discussion that they should be aware of.

So it would be a favorable recommendation.

Is there a motion?

H. THEODORE COHEN: I would move that we recommend the proposed PUD Amendments as presented to us and as discussed by the Planning Board this evening with the proposed suggestions and changes that have been made

to staff. I guess I'd ask that, you know, the Chair review the proposed changes from the staff and if they're in keeping with our discussion today, that we would recommend that the City Council adopt those Amendments.

HUGH RUSSELL: Is there a second?

CATHERINE PRESTON CONNOLLY: I'll second.

HUGH RUSSELL: Okay.

Any more discussion?

(No Response.)

HUGH RUSSELL: On the recommendation, all those in favor?

(Raising hands.)

HUGH RUSSELL: All members voting in favor.

Okay.

Next item on our agenda is Planning Board case 290, 1-3 Langdon Street, Special

Permit application.

MATTHEW ZUKER: We'll go from a PUD to a smaller, but important to us.

HUGH RUSSELL: We're set.

MATTHEW ZUKER: Welcome. Thank you very much for your time tonight. It's good to see those that were here when I was before you about a year ago and hello to the new members. I'm going to give a brief history of the project and I apologize if anything's repetitive.

HUGH RUSSELL: Could you identify yourself for the record?

MATTHEW ZUKER: I apologize.  
Matthew Zuker, Z-u-k-e-r from Chestnut Hill Realty.

After a collaborative process in 2011 the Cambridge City Council approved the Basement Apartment Overlay District with the

purpose, quote: To allow for the creation of studio or one-bedroom apartment units in appropriate unused basement level space of certain existing multi-family residential buildings.

As many of you know, the idea came from the existence of large areas of underutilized inhabitable space in older buildings that had high ceilings and large windows which represented a unique opportunity to add to the moderately priced housing stock in the City of Cambridge without creating new buildings. The by-law allows the units by Special Permit upon meeting certain criteria and conditions. The language for the Overlay District was drafted with the help of the then and current Mayor David Maher and with the assistance of Owen O'Riordan at the engineering department was located in an area

where the risk of overland flooding was minimal.

In 2013 we received the Special Permit for our property at 19-21 Wendell Street and those units are now under construction. We're very happy how they're coming out and they should be finished in about a month.

We're here before you tonight seeking the same Special Permit to create basement units at our property at 1-3 Langdon Street which is right around the corner.

The by-law requires that prior to submitting the Special Permit application an engineering report must be approved by the city engineer. The report shall include a report on historical occurrences and future likelihood of basement flooding, assess the likelihood of flooding but way of sewer backups or overland flooding and identify

proposed mitigation measures to prevent any such flooding.

We worked with Owen O'Riordan in the engineering department to determine a scope for the report and identify mitigation measures to prevent any flooding.

Our report indicates that 1-3 Langdon Street is located in an area where the risk of overland flooding is minimal, and in fact the building has no history of sewer backups or storm water -- storm flooding.

A key mitigation measure in the report is that CHR will be installing, separating the sanitary and storm lines in the building and from the building to the street. While this work is very costly, it will benefit the building and the city, especially when the sanitarian storm lines are eventually separated on Langdon Street.

The final report was approved by the engineering department on January 1, 2014. The by-law also states, quote: The Planning Board may reduce or waive a number of accessory off-street motor vehicle parking space upon making a finding that such reduction will not result in substantial adverse impacts to on-street parking based on information provided by the applicants regarding the availability of alternate transportation options and other factors that would result and reduce parking demands.

We've been in discussion with CDD staff and the Transportation, Parking, and Traffic Department including the bicycle parking staff to review on-street parking demands and factors that would reduce such demands. We conducted a survey of our Cambridge residents regarding transportation. The results of the

survey showed that less than half of our Cambridge residents own their own car, and of those that do, many do not rely on them as their primary means of transportation.

Separately and more relevant tonight in both 2013 and 2014 we surveyed the residents of our existing nine basement apartments in our Cambridge properties. In 2013 none of these basement residents owned a car. And in 2014 two residents owned cars and both leased spaces in our off-street accessory parking lot which I'll get to in a moment.

The Basement Apartment Overlay District was created in the areas with close proximity to public transportation to further mitigate the need for owning a car. Specifically there are two MBTA bus stops within two blocks and two MBTA T stops located within one half mile of 1-3 Langdon Street.

Unlike 19-21 Wendell Street, there is an existing accessory parking lot owned by CHR behind 1-3 Langdon Street with 22 parking spaces for the residents of our Cambridge properties. Currently there is no waiting list for these spaces, and we have about one space turning over every month. And if a renter of one of the proposed new units has a car, we will be able to rent them a space in our off-street parking facility.

There are two ZipCars in the off-street parking lot at 1-3 Langdon Street as well, and residents of the new units can easily rent -- schedule the use of these ZipCars. This service further mitigates the need for owning a car.

As previously presented, Chestnut Hill Realty created the position of Cambridge Transportation Advisor to educate all of

CHR's resident services professionals about the different transportation options residents have.

For the basement apartment by-law we will install six new bicycle spaces that meet current Zoning. The proposed spaces will be built at ground level in the rear of the building which is more preferable than being in the basement and having to carry a bike up and down the stairs. The spaces will be inside a fully enclosed, secure, and covered bicycle storage shed conforming to the Cambridge Bicycle By-law. All of the above items are discussed in detail in CHR's transportation and parking report which received the support of TPT.

Additionally, we held an abutter meeting on May 1st for our direct abutters in the basement of 1-3 Langdon Street. One of

our residents -- neighbors showed up and he was in support of the project.

In summary, CHR meets all the required conditions based on the Basement Apartment By-law for the Special Permit to be issued. The city engineer has approved the engineering report. The building will be upgraded at significant cost to provide for code compliant full separation between storm water and sanitary service lines from the building, in the building and from the building to the street. And backflow prevention devices are proposed that will comply with all building code and other requirements.

Per the by-law, one of the six proposed units will be an inclusionary affordable unit. Also per the by-law, six new code compliant bicycle spaces will be created.

Information was provided that the project will not have a substantial adverse impact in on-street parking, and that as before we put a lot of thought into designing these actual units to be nice, habitable, and safe as possible. They'll have lots of natural light. We have safety glass and special locks on all the non-egress windows and doors.

And I think that covers my part of the presentation. Thank you very much.

These units are time consuming in that they're quite costly to construct, so I mean, you know it's not, you know, we've got to move all the utilities around and really make them as nice as possible. So they do take time to build. So Wendell Street has probably another four or five months before we'll be done with that. So and this one, I

think the time frame, the overall was nine to twelve months for that? About nine to twelve months -- nine to ten months to construct those.

So, thank you. And I'll stay here for any questions you may have.

HUGH RUSSELL: Okay.

In your application you say one of the criteria is that the number of dwelling units of the existing structure shall not be increased by more than 10 units or 15 percent, whichever is fewer. Is that only related to the parking permit or is that related to the project in general?

MATTHEW ZUKER: My understanding is those criteria of the project in general.

HUGH RUSSELL: So when I calculate 15 percent of 34, I come up with a number of five and you're proposing six units.

MATTHEW ZUKER: I think part of -- and I'm not sure, I remember there was some debate internally about the -- we have an existing office there and whether that has been approved or would be approved. But as far as I know, our intent was to keep that an office.

HUGH RUSSELL: So the 34 units, you take 15 percent of that.

PAMELA WINTERS: Do it the old fashioned way.

MATTHEW ZUKER: So rounded correctly and rounding per the code, yes, it would come out to five. So we could --

PAMELA WINTERS: 5.1.

MATTHEW ZUKER: We'll change the -- we have an existing legal office that we do seasonal rentals out of that we use. So I don't believe there was ever any intention of

actually converting that to a unit even though on the plan it does. It's almost set up like a unit but we use it as a leasing office. But I'm sure we would be happy to keep that as a leasing office.

HUGH RUSSELL: Okay.

Another -- I mean, you know, to me it doesn't make any difference but if that's one of the standards that we have to follow.

MATTHEW ZUKER: It is one of the standards, yes, yep, that is a standard.

HUGH RUSSELL: Now, your existing plan shows spaces in the basement for tenant storage, laundry, and trash.

MATTHEW ZUKER: Yep.

HUGH RUSSELL: And the new plan shows a laundry. So I'm wondering how the storage and trash compete?

MATTHEW ZUKER: So the tenant

storage -- the existing condition plan has been what we prepared a long time ago for -- during other processes. So we haven't actually had tenant storage there in a long time. What happened was, and I checked on the history, is that when we did have tenant storage people left that stuff there but after they had left and we had a lot of garbage down there. And we didn't see the need -- there wasn't such a demand for it and we stopped renting those a long time ago.

I believe we have six laundry spaces and we'll six under the new -- laundry machines, we'll have six under the new plan and that has to go through the plumbing code so we had to make sure that we have enough for that.

HUGH RUSSELL: Yes.

MATTHEW ZUKER: Garbage, we will be

moving to bins outside which we do in most of our other buildings around that. I believe we have six buildings right now around that area. And we've been moving all the garbage and recycling outside.

HUGH RUSSELL: Those will be out behind the building?

MATTHEW ZUKER: And we believe that the same like with bicycle parking, we've moved, you know, the bicycle, any existing spaces which right now there's about four or five on any given day of bikes inside the building, we believe that is a benefit to have that outside so you don't have to go up and down the stairs. At Wendell Street we kept it downstairs and we're putting rails on the stairs and we talked to some people who don't actually -- they prefer if it was outside. So because we have the ability to

put it in, you know, and so we would also will be moving the garbage and recycle outside, too.

HUGH RUSSELL: Where is the bicycle shed going to be located?

MATTHEW ZUKER: We updated. So -- and we went through design on this with the bicycle departments in terms of -- it's going there. And actually, I do have -- we did do like an elevation of a shed.

HUGH RUSSELL: Yes, we saw that.

MATTHEW ZUKER: Okay, right.

HUGH RUSSELL: So it's like this last space.

MATTHEW ZUKER: Yeah, we actually don't lose any space. We've configured --

HUGH RUSSELL: Right next to --

MATTHEW ZUKER: Right next to it, yep.

HUGH RUSSELL: Okay.

MATTHEW ZUKER: And this is a lockable, you know, covered actually nice little shed there. We think that would be preferred. So that's where those are going. And we're putting 12 spaces out there.

STEVEN WINTER: As long as you're up there with that --

MATTHEW ZUKER: Yeah.

STEVEN WINTER: These spaces then -- these spaces are the ZipCar spaces?

MATTHEW ZUKER: These are the two ZipCar spaces, correct.

STEVEN WINTER: Okay, thank you.

HUGH RUSSELL: So any other questions anybody has?

CATHERINE PRESTON CONNOLLY: I'm looking at the application and the dimensional form is referring to Wendell

Street. Is there an updated dimensional form that I don't have?

HUGH RUSSELL: There is a dimensional form in the application that does say Wendell Street.

MATTHEW ZUKER: Oh.

HUGH RUSSELL: And I think it's a typo because I think it's for this building.

MARK LEVINE: The dimensions --

MATTHEW ZUKER: Oh, that was the Cambridge -- the one from on-line that we filled in. I believe the one in the actual report is right, but that should have been changed from 1-3 Langdon.

CATHERINE PRESTON CONNOLLY: But the numbers are correct?

MATTHEW ZUKER: The numbers are correct. You can actually see on the next page after that it has the chart on the next

page. It's the first page of project overview. And that has the same numbers on it.

CATHERINE PRESTON CONNOLLY: Right. But the fee schedule and the dimensional form are --

MATTHEW ZUKER: It's just that when I probably had that saved on my computer and when I went to update it.

CATHERINE PRESTON CONNOLLY: Okay, just making sure.

Thank you.

MATTHEW ZUKER: Thank you.

HUGH RUSSELL: And Steve.

STEVEN WINTER: Thank you, Mr. Chair.

Matthew, is there -- can you give me an estimated range of the rents on the studios that you'll be putting in the Basement

Overlay -- Basement Apartment Overlay  
District?

MATTHEW ZUKER: And the market rate. I mean, obviously the affordable goes through the process with the city. But the market rate -- and I have Mark Levine from Chestnut Hill Realty here. He may know a little better.

STEVEN WINTER: I don't need an exact, I just need to know what will these apartments be costing basically? The studios that you're now constructing?

MARK LEVINE: In my guess they'll be in the mid teens.

STEVEN WINTER: Got it. Okay.

MATTHEW ZUKER: And I may not -- don't quote me, but I keep saying, I think we had said the market rate is about 18 and the these ones are like 14 to 16, in that range.

And so I think it was actually 14 when we studied it before. I think it was 18 and 14 when we looked at this a couple years ago. So it was, I think we had come up with I think 20 percent difference.

MARK LEVINE: Between --

MATTHEW ZUKER: Between the upstairs studios compared to one of the basement studios.

STEVEN WINTER: Okay, thank you.

MATTHEW ZUKER: And the similar for the one bedroom kind of reduction for the -- (inaudible).

HUGH RUSSELL: Ahmed.

AHMED NUR: I know that you said that there is no flooding in the apartments and that the rear entrances are above grade.

MATTHEW ZUKER: Uh-huh.

AHMED NUR: And this is mostly for

the Public Works, but if there is -- you said there was a backflow preventers, that if there's a fuel -- also a sewerage injector in case that the gravity of the bathrooms are not -- gravitational flow of the sewer itself, that, you know, have you considered that also egress -- window egress if it's not, if that's simpler to go out the back, I guess it would be in this case it's grade?

And one of the suggestions that I was going to make, the area where it's backfilled in the front of the basement, has it been waterproofed, you know, primers, (inaudible), rigid installations to make sure that there is no mildew and moisture which is different than floods?

MATTHEW ZUKER: I'll let Mark -- one of those parts I'm trying to put up was from DPW to get the permit, we actually have to

set, you know, storm water control permit will be needed to submit to DPW when we submit the Building Permit Application. And we went through -- a lot of those details got worked out. And one of the reasons why it took us a little longer when we wanted to do Wendell Street is we went through all those details with engineering and DPW before we got the permit and also the affordable unit, and also getting all that documents signed. They went through all those details in terms of backflows and location of everything, you know, if we needed to put something in, we, you know, we want to put them in. We don't want to create any problems.

MARK LEVINE: And one of the most interesting aspects of why we came forth in the first place is that these units, the floor level is only four to five feet below

grade level. So there's actually pretty serious pitch. In fact, the sewer and storm go down to the basement through the floor. And out so even though we're putting in separate sewer out to the street for these basement units --

AHMED NUR: Oh, you are?

MARK LEVINE: Per Owen's, you know --

AHMED NUR: That was my question.

MATTHEW ZUKER: The separate for the basement units are on their own sewer line out to the street. And the same as they were on Wendell Street.

HUGH RUSSELL: So the other part of his question was are you doing damp proofing or waterproofing on the inside --

AHMED NUR: On the back hill side of the front.

HUGH RUSSELL: -- of the construction?

MARK LEVINE: For those of you who had the opportunity to go through those units, they're exceptionally dry because of their elevation. We -- there's no water stains, there's no moisture. And one of the other conditions of the Special Permit was that it has to be an existing basement unit already in existence. And the fact, that Langdon Street there's a three-bedroom unit at the lower level.

HUGH RUSSELL: And no more questions? And then we would go to the public hearing portion.

Is there a sign-up sheet?

LIZA PADEN: Nobody signed up.

HUGH RUSSELL: Okay, so would anyone like to speak?

So when you speak, please give your name, your address, spell your last name and limit your remarks to three minutes.

NANCY CULLISON: Okay. Hello my name is Nancy Cullison, C-u-l-l-i-s-o-n. And I live at 20 Langdon Street. And my objection is parking. Spending a lot of time parking on the street and I have an elder mother who has caregivers coming and needing parking. So any additional parking in the winter it's virtually impossible. People don't move their cars because of parking as I'm sure everyone knows living in Cambridge, parking is always a parking. And that would be my concern. I mean, the street -- talking about the flooding, I've lived there all my life, since 1953, and I remember two very severe floods on the street. I'm not sure -- I remember a lot of basement apartments

flooding. I had a friend who lived in one of them. I don't remember 1-3 Langdon, but we have had pretty bad floods. And those would be my concerns.

Thank you.

HUGH RUSSELL: Yes, Ma'am, would you like to speak?

KATHY MILLSTEIN: Sure. Hi I'm Kathy Millstein. I'm here with my husband Philip and we are an abutter. And unfortunately -- you were so gracious but we couldn't come on May 1st. And I'm social worker and I'm the last person in the world who goes against affordable housing units. That having been said, the parking issues on our street are significant. And in the winter they are extremely significant and we are -- and I think it's a problem. And the density is a problem. I mean, with the

density and the cars, and, you know, again, we hate to be obstructionistic. We've been in this house since '68-ish. Somewhere. '68-ish. And -- I was a child. And this is really of concern. And we actually have a parking lot with our house on the other side -- so 1 and 3 is here, our driveway's here, our house is here, and there's been a parking lot that is part of our property since 1940 -- '53 or something. And it's a problem. We get overflow parking. We get people in -- we rent the spaces. My husband had his office there and then retired, so he doesn't now. And so we get the overflow flowing into our lot. And in the winter it's impossible. And even our lot cannot -- we now rent fewer spaces in our lot in the winter because there is no way that you can sustain a full complement of parking spaces

in a lot in the winter when you've got huge piles of snow. So it's a problem. The street is congested. People are going around. So that's just our -- that's our point and, again, with respect for all that you've done and the affordable housing unit, it's a problem.

PHILIP MILLSTEIN: My name is Philip Millstein, M-i-l-l-s-t-e-i-n and I've been there since 1968. And the street's a mess. I have a parking lot which is frequently -- I have two inlets. One, people park across it, you have to get the police to tow them out. This is for real. And then the parking lot is 14 spaces. I can only use about 10. In the wintertime it gets ugly because I'll have one space and somebody will come in. I don't know who they are. They'll either visit 1 or 3 Langdon or somewhere else. It's a free for

all, but is it stinks.

Then the parking lot that you're talking about at 1 and 3 Langdon Street is a mess, too, because people who don't belong in there park in there because I just overlook it, I watch it. And then they disappear somewhere else on Mass. Ave. You can't control that place unless you have a tow truck there and keep pulling them out. The ZipCars works and that's, I think very good. And they're very good people to be next to except the parking doesn't exist. So if you bring in five new apartments and then you have five extra stickers with it, that's a possibility of 10 extra cars. Where in the world are they gonna go especially in the wintertime? There's no place for them. And you push the cars from Mass. Ave. onto the side streets and there's also six new

apartments like you're talking about at 1 Chauncy Street. Where do they go?

So I, I think it's a wonderful idea and there's benevolent aspect of it to help people. The only problem is they come with cars. You can't control cars with bicycles. And it would be lovely if you could. So that the unknown here is the parking. And I don't know how anybody can even regulate this. And the assumption that the people are gonna follow your directions doesn't really work.

And secondly of all, the snow when the plow comes to 1 and 3 Langdon knocks out about four spaces. So how in the world are you gonna -- when 1 and 3 Langdon fills up, it's a problem because I park the car for the spa next-door because his problem was he rented a space there but there wasn't spaces when he came in. And that's not uncommon in

that area because it's just a parking problem. So I really don't know what to tell you as far as what to do. And I don't know where you're gonna put the cars on Wendell Street either, because Wendell Street's a mess, too. And that's Cambridge and everybody wants to live there which is wonderful so I don't know what else to say.

Thank you.

HUGH RUSSELL: Okay, thank you.

Does anyone else wish to speak?

(No Response.)

HUGH RUSSELL: Do we have a report from our Transportation Department?

LIZA PADEN: Yes. Do you want a hard copy?

PAMELA WINTERS: Yes, I would.

AHMED NUR: Yes.

PAMELA WINTERS: Hugh, can I make a

comment?

HUGH RUSSELL: Sure.

PAMELA WINTERS: I lived on Chauncy Street for 20 years and I'm very familiar with this area, and I do, I do remember the parking being really horrendous. And so I do want to go through Sue's memo here, but I also want you to clarify the parking situation again. So just give us a minute just so that we can read this?

MATTHEW ZUKER: Okay.

PAMELA WINTERS: Or have me read it anyway. Thanks.

HUGH RUSSELL: So the summary is actually in the first paragraph.

AHMED NUR: Yes.

HUGH RUSSELL: Cambridge Traffic and Parking and Transportation Department has reviewed the application and supports the

parking reduction for the six basement units. They believe that the parking reduction will not result in any significant adverse impacts to on-street parking in the area. And then they cite the reasons that they have taken into account in making this recommendation to us.

PAMELA WINTERS: Doctor Millstein, do you have a copy of this? Would you like a copy?

Liza, do you have another copy?

AHMED NUR: I have one here.

PHILIP MILLSTEIN: Thank you.

MATTHEW ZUKER: If I could address a couple of the comments, too.

HUGH RUSSELL: Yes.

MATTHEW ZUKER: One is I think we actually, we spend a lot of time, money in the winter making sure we plow all our spaces

because obviously it's important to us if, we, you know, we have a space rented out that that space is available. And while we can't patrol it 24/7, I do know we have tow trucks really close by. And in fact I got towed there once when I didn't have the sticker in my car and I went inside for about 15 minutes and I came out and my car was towed. So I know personally we do actually tow there. And we can't control it 24/7 and people may come and they go. But we rented spaces there to you know, and we have the buildings around there to our existing residents and we have, you know, turn over there quite often as our units turn over and, you know, we're more than happy of anyone that comes in -- the idea of this basement apartment overlay was that the residents of these basement units are less likely to have cars. And to back

that up we looked at two years of data, you know, since we started this going back to our existing, you know, basement apartments, and you know, just last year we had none and this year we had two and they both rented in our parking lot. So, we may have one. I'd be surprised if we had two. And most likely we'll have zero of these five that would have a car. You know, obviously everyone could move in with a car, but I think the notion of these type of developments being close to public transportation, having the bike spaces, and all of the other measures we discussed are the reduction -- and given the fact in this one we even have a parking lot in the back that we can put them into, that they can rent from is I think significant in this situation.

PAMELA WINTERS: So you can more or

less guarantee that everybody who has a car will have a parking spot?

MATTHEW ZUKER: If they want -- I mean, we have a parking lot that has 22 spaces and we rent out spaces. We actually are -- our entrance is off Mass. Ave, you know, it's easy to pull in and out of. And, you know, we do the best snowplow removal we can. We don't want to lose the space of the -- and I think we're good neighbors and we keep everything up and I don't think that's something that we fall behind on.

HUGH RUSSELL: Okay, thank you.

So we generally don't have a cross debate.

Ted.

H. THEODORE COHEN: Okay. Well, I too lived on Chauncy Street for many years and I think Langdon Street is one of the most

beautiful streets in the city. And I think the traffic there is pretty much the same as the traffic in every other residential neighborhood in the city. I mean, I live in North Cambridge now and you could say the same thing about traffic and you can certainly say the same thing about parking when it snows and where it gets plowed and where it gets put.

You know, I think we have gone through the basement apartment issue for so many years now, that, you know, it was here before us on numerous times. Clearly the idea was that there was a lot of unused space in certain buildings in the basement. I actually happen to look, you know, we did tour some of the buildings and we toured 1-3 Langdon. So I have absolutely no problem whatsoever with apartments being in the

basement and apartments being in the basement of this building.

The only issue at all from my point of view is parking and, you know, we're now talking about five units. We're talking about, you know, maybe somewhere in the range from zero to five cars and we've been trying our best to go along with Traffic and Parking and their recommendations and the concept that, you know, if we reduce parking spaces, people will be forced to take the T. There are indeed busses right outside here. It's a very short walk to Harvard Square station, slightly longer walk to Porter Square station. I personally am in support of the basement apartment concept and in this building in particular, and whereas, you know, Traffic and Parking has made the recommendation that we support the waiver,

particularly in light of the fact that there is a lot of -- I assume anybody who wants to be in the lot is going to end up paying for it. I think it was like 120 some dollars a month --

HUGH RUSSELL: 175.

H. THEODORE COHEN: I'm sorry, it's 175?

HUGH RUSSELL: Yes.

H. THEODORE COHEN: But I do think a lot of people who may be living in these apartments may indeed not have cars and may indeed be taking the T and may indeed be using bicycles. So I for one am going to support the proposal and with Traffic and Parking's recommendation to waive the parking requirement.

HUGH RUSSELL: Ahmed.

AHMED NUR: I second that and I want

to congratulate the developer for being such a good neighbor to his neighbors because I didn't really see any strong opposition other than the concern of parking. It sounds like he approached them in with regarding to, you know, coming in and have a meeting with them and talk about this. And I don't see any problems from what I can hear with -- especially with the parking lot that you -- that they have a maybe snowplow in the wintertime maybe you can continue to help the neighbor to clear their snow and control your parking spaces for your tenants. So I am in support of this as well.

HUGH RUSSELL: Okay.

Other comments?

STEVEN WINTER: Yes.

Thank you, Mr. Chair, given the memo from Sue Clippinger that is affirmative in

her finding that she will not see significant adverse impacts on on-street parking, I feel like that we can move ahead and approve. I do want to go on the record, though, as saying that it is my hope that the rents in these apartments do remain significantly lower than the \$1800, \$1850 per month that studios are going for in the upper floors. And it is my -- it is my hope that we will not see the rents in the Basement Overlay District meet the rents of the studios on the first floor. So I think we should move ahead and approve.

HUGH RUSSELL: Okay.

I unlike my colleagues have not lived on Chauncy Street but I've learned that you can never find a parking space on Chauncy or Langdon or Shepard.

PAMELA WINTERS: No, it's true.

HUGH RUSSELL: Or Bowdoin or Gray.

I happen to go to a Board meeting on Gray Street several times a year and I need to ride my bicycle no matter what the weather is. So, I think this particular area is as tight as parking ever gets in the city, and fortunately -- I mean, it's a problem -- I was told many years ago by a town planner, parking problems are problems of success. This is a very successful neighborhood. It's a very desirable neighborhood. I could not support this if I didn't believe that -- if I had thought that new cars were going to come as a result. But I don't believe that. I believe that the data that's been submitted to us is very likely to represent what's going to happen, that there will not be cars seeking, competing for the very scarce spaces on -- in the area. I mean, they are

apparently based on your study, there was -- people did find some empty spaces there when they did their study, but I never have. Well, I gave up a long time ago. So I support this also.

If there are no more comments, do we want to go to a vote?

So would someone like to frame a motion and say Special Permit for the basement and for the parking reduction?

STEVEN WINTER: Mr. Chair, is it six or five?

CATHERINE PRESTON CONNOLLY: Five.

STEVEN WINTER: Five. Okay.

HUGH RUSSELL: Five units and we should alter our official plans to indicate that the present office is going to continue as an office.

PAMELA WINTERS: Right.

H. THEODORE COHEN: Well, I would move that we grant a Special Permit for five units of basement apartments at 1-3 Langdon Street. And that in accordance with the Ordinance we waive the requirement of five parking spaces bringing it down to zero parking spaces.

HUGH RUSSELL: Have you reviewed the application and the discussion of the application of the criteria to the project granting these permits? Because I have, and I think it tracks.

H. THEODORE COHEN: I have. And I believe that the proposal as amended to the five units which would bring it down to the lesser being 15 percent of the total units in the building have been complied with.

HUGH RUSSELL: Okay.

Is there a second?

AHMED NUR: So moved.

HUGH RUSSELL: Ahmed.

Any more discussion?

(No Response.)

HUGH RUSSELL: All those in favor of granting the permit?

(Raising hands.)

HUGH RUSSELL: All but Pam.

PAMELA WINTERS: Hugh, I'm going to recuse myself because Doctor Millstein was my dentist for 37 years.

HUGH RUSSELL: Okay. So six members have voted in favor and that's sufficient to grant the permit.

Thank you very much and you are the most devoted applicant.

MATTHEW ZUKER: I imagine before we see you again we will have Wendell Street completed and show you pictures of the

finished project.

HUGH RUSSELL: You're to be congratulated for that.

We'll take a little break and then we'll go on with the final hearing.

(A short recess was taken.)

HUGH RUSSELL: Okay, we'll get started again.

The next case for us to review is Planning Board case 291, 16-18 Bellis Circle.

Now, I understand that Mr. Hope is going to go through the history of this.

ATTORNEY SEAN HOPE: Briefly, yes.

HUGH RUSSELL: Good.

ATTORNEY SEAN HOPE: Good evening, Mr. Chair, Members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight on behalf of the Petitioner, Mr. Duncan

MacArthur. He owns the lot on 16-18 Bellis Circle. We're here requesting a Special Permit to build two principal use structures, one of which is going to be sited 75 feet from the street line requiring us to get a Special Permit pursuant to 5.53 of the Ordinance.

So this is a vacant lot. It's about 9800 square feet. Before we actually go into the merits of the design, I just like to give the Board a brief history.

This -- a substantially similar application was resent to this Board in 2005/2006. It was a two-unit design as you see here and it required a very similar -- the exact same Special Permit relief. Back in 2005 and 2006 as part of the permitting process, prior to going to the Planning Board for approval, it went to the Zoning Board

requesting a Variance for additional GFA as well as going to the Historical Commission. Now, back in 2006 this vacant lot had an existing structure at the front of the lot, and so as part of the demolition delay ordinance we had to go and they approved the replacement design. And so this design that you see here is substantially similar to the replacement design back in 2006. The reason why we're here tonight is through the permitting process, he got Zoning Board, Planning Board, and Historical Commission approval, but prior to pulling a building permit, Mr. MacArthur was offered and accepted an offer to sell the lots with the permits to a new owner. The owner intended to build a large single-family residence on the lot and not do this two-unit design. They never built the structure and pursuant

to the statute after two years all of the approvals expired. So in 2008 the Planning Board approval expired at that time as well as the Zoning Board approval expired within that year.

Mr. MacArthur was able to purchase the property again with the existing structure demolished. And so as part of the permitting process, again, we reached out to the neighbors and abutters to really go through and approve the design.

The crux of the Special Permit is that whether or not two structures would be more preferable and mitigate the impact on adjacent abutters than a one-unit design -- one-structure design. I think it's important to highlight for the Board that this site, because of its dimensions, would allow three connected townhouse units on the site. And

so similar to other applications the Board has seen before at 49 Cedar Street and most recently the 51 Cedar Street. Most applicants are going ahead and they're applying for these Special Permits, but they're looking to maximize the number of dwelling units on the lot. So the as of right, the as of right unit count would be three dwelling units. And in order to keep from 75 feet from the street line you'd have to have a connected townhouse. I think it's important to note that Mr. MacArthur is not proposing three dwelling units but he's proposing two, two dwelling units. And the fact that he's proposing two separate dwelling units has a series of benefits not only to the occupants of the proposed dwelling but also to the abutters. And I think specifically three-unit connected

townhouse design would have a long building wall facade. And if you live adjacent to and maybe you can just flip to the site plan, if you live adjacent to this lot, you're used to having a very large open backyard, and -- so if you can kind of point to -- so this is our site in the middle. If you point to --

DUNCAN MacARTHUR: That's Bellis Circle right here. This would be the front house and that would be the rear house. And if you look at the way these are relatively new developments, and these are done in the 80s, and this is something we developed back in 2005, also. But the abutting neighbors -- what we're also have been a similar lot here but there would have been -- there are three units but they're separated. So they're not -- none of the units are attached. And on this one there's actually a four-unit

condominium association over here also all separate buildings within that. So the field within this whole area is to have separate buildings with space in between them. And what we're trying to avoid when we met with the neighbors, the concern they had were massing and unit count with parking issues as we've heard today. Especially for some of these abutters, they didn't want to have all their light blocked. The southern exposure comes across this way. So if we build sort of a long continuous building right here, it's going to obstruct a lot of the lights for the units that are over here. These do line up here and this is all open space here, so the site line sort of -- at least they've got some view going across there, that way it's open going that way. This is Danehy Park right here so they have views of the

park on this side.

You know, that's it.

ATTORNEY SEAN HOPE: Yes. So, I think that was a conversation that we had with the neighbors. It was comparing a three-unit townhouse design versus a two-unit single-family design that will allow light and air for the adjacent abutters. Part of the criteria under Section 5.53 talks about maintaining open contiguous rear yards. These lots are -- a lot of these lots are narrow and long. And so this two-unit design allows for increased open space. Also, this is an area that has significant flooding, and the lot is sloped from the front to the back. This site is abuts in the rear, Danehy Park. And so right now, even not during a rainy season, there's a lot of flooding. It's not surface flooding from rain, it's actually

subsurface flooding from the ground. And so in the back of the lot, as you'll hear from some testimony, it's very marshy. So it's an unmanaged condition. So part of the benefit of having a two-unit design, one in the front and the rear, is that per the DPW requirements we are required to do some storm water mitigation. And so a two-unit design, one would have less of a footprint so it would allow for more permeability but also meeting the requirements of DPW. So, there would be the overall benefit of mitigating some of the flooding issues. Also one of the requirements talks about an enhanced living environment for the occupant of the structure. If you had a three-connected townhouse design, there's less privacy because you're sharing a party wall. And so I think the appropriate comparison is what

could be done if we did this as of right which means we wouldn't violate the 75-foot rule and that would be a three-connected townhouse design. All the feedback we heard from the neighbors was they would preferred this two, single-family design.

Another element last week we went to the Zoning Board because we asked for a Variance for additional square footage. And so for new construction you go to the Zoning Board, they say well, why do you need additional square footage when you can do it -- and so part of design rationale was there's a 35-foot height limit. What we did is we made the houses shorter and wider. And so in order to compensate from doing two units instead of three, we asked for some additional square footage, and the Board granted us that Zoning Variance based on some

of the feedback of the neighbors. And it really was the comparison of the two designs. So we were able to get the Variance for that. And I think part of bringing the house, the front and the rear house below the 35-foot height level was to decrease the massing and make them more compatible with the adjacent houses on either side of the lots. And we think we achieved that.

The last piece of the criteria for Section 5.53 talks about screening of parking from the public way. And so both of these structures have interior garage so there would be no visibility of parking from the public way. And we also have an open kind of courtyard area between the two buildings as well so that would be shielded from the public view.

So in terms of the criteria from the

5.53, we believe this two-unit proposal satisfies those. And particularly of note that the Zoning Board actually used in their decision was the fact that these aren't two units, these are three-bedroom units and the Board found it significant that as new construction, you see a lot of one- and two-bedroom and microunits. You don't see many three-bedroom units. And so these are both three-bedroom units that they're proposing and they felt it was going to further diversify the housing stock. There are plenty of aging three-bedroom units that are being converted and I think that was also something that was supported by the neighborhood.

We feel we meet the criteria for 5.53 and we can answer any questions about the design.

DUNCAN MacARTHUR: Duncan MacArthur, D-u-n-c-a-n M-a-c-A-r-t-h-u-r. And I'm the managing partner of Baker Pond, LLC which is the owner of the property.

One thing I do want to note, that even though we're asking for the 75 feet going back, all the setback, side yard setbacks and the rear yard setbacks we're adhering to so we're not encroaching on any of the setbacks. And I think the driving force is really to pull this apart to create space.

HUGH RUSSELL: Yes. So any questions?

STEVEN WINTER: Just a brief question.

Could you confirm the height of each building, please?

DUNCAN MacARTHUR: The front building is just under 27 feet -- 26 feet,

11.

STEVEN WINTER: Okay.

DUNCAN MacARTHUR: And the rear building pretty much the same, 26, 11 and three quarters.

STEVEN WINTER: Okay, thank you.

DUNCAN MacARTHUR: And that's it right here.

And as I said, the design, you know, the dormer issue was brought up with the Zoning Board, but we intentionally are trying to compress this building per request of one of the neighbors on the other side. We wanted to capture room on the third floor. It is up against Danehy Park. So we tried to create -- it's just a separate -- it's own element. That's what we really didn't think of it as a dormer but just a room up there.

HUGH RUSSELL: Any other questions?

PAMELA WINTERS: Yes, could you explain a little bit more about the rear setback again? In other words, you said you had a 75-foot setback.

HUGH RUSSELL: So maybe I'll try --

PAMELA WINTERS: Maybe, okay, thank you, Hugh.

HUGH RUSSELL: So think back about 10 years to Holworthy Street. So --

PAMELA WINTERS: Yes.

HUGH RUSSELL: Which is a street that has lots of deep lots on it. And there were larger backyards and there was a concern that if you in-filled every backyard with a bunch of houses, you were going to change the character of the shared space in the middle of the lot. So we came up with this criteria that -- because it's -- if it were 100-foot deep lot, there would be a 25-foot backyard

and the structures would all be within 75 feet of the street.

PAMELA WINTERS: Okay.

HUGH RUSSELL: So that's where the 75 feet has sort of, as of right criterion came in, even though your lot is probably, you know, 130 or 40 or 50 feet deep.

DUNCAN MacARTHUR: 154.

HUGH RUSSELL: Yeah.

So, as the -- so the minimum yard is -- rear yard is now 35 feet.

DUNCAN MacARTHUR: That's correct.

HUGH RUSSELL: Which they comply with. So it's 35 feet up against the park. But that other building is more than 75 feet from the street.

DUNCAN MacARTHUR: Correct.

HUGH RUSSELL: So the choice was as I said, either you build all the buildings

within 75 feet of the street, say, you have a 75 foot backyard --

PAMELA WINTERS: I see.

HUGH RUSSELL: -- but you've got a very much more massive building close to the street. And here the pattern that's developed on Bellis Circle is these individual houses sometimes, you know, like the one next-door, three units deep.

Did that answer your question?

PAMELA WINTERS: Yes, it does.

Thank you, Hugh. Thanks.

HUGH RUSSELL: We also have to ask for public testimony. You want to do that now?

AHMED NUR: Go for it.

STEVEN WINTER: Sure.

HUGH RUSSELL: Is there a sign-up sheet?

LIZA PADEN: Yes, but nobody signed up for it.

HUGH RUSSELL: So would you like to speak?

BARBARA THOMAS: My name is Barbara Thomas, T-h-o-m-a-s. And I live at 14B Bellis Circle. And as one of the abutters, we are the ones that would have been most impacted by a three-townhouse situation and we --

HUGH RUSSELL: You are in the middle next-door?

BARBARA THOMAS: We are in the middle. And we have glorious sunlight right now and a garden. And Duncan has been transparent and explaining what's been going on. We strongly support the two house situation because the alternative that he could build by right would be very much like

the Berlin Wall and it, we would move. It's just horrible. It would be disgusting. So I really appreciate this design. Also, I appreciate the discussion and explanation Duncan has given us about the water that's flooding up. It is unmanaged currently. There is a problem with West Nile. It's tested positive. And there have been insect scientists that go there frequently in the summer to collect the female mosquitoes. And I've regularly spent time and effort dropping mosquito larvicide next-door just to protect my family. And there is also a groundhog problem there. And I've captured and destroyed quite a few groundhogs. They've caused considerable damage. They are considered plagued. They carry plague as vectors and rabies. And so because of the human footprint, there has been substantial

decrease in the groundhogs, although I did see it two days ago, one of them, it's quite large. It's about the size of a toddler -- well, a one-year-old. I have a -- I have a heart trap and I've gotten pretty good at trapping them but I may not need to this year. So strongly in support of this.

Thank you.

HUGH RUSSELL: Okay, thank you.

STEVEN WINTER: Thank you.

DUNCAN MacARTHUR: We just purchased this property in December, by the way.

TIMOTHY WALL: Timothy Wall, W-a-l-l. Also at 14B Bellis Circle abutting on the east side. Just wanted to express support for the plan as it stands with the two dwellings for increased setback for the rear unit. It allows us still to have some open space on the western face.

I also wanted to express appreciation to Duncan for reaching out and including the abutters in this process.

HUGH RUSSELL: Thank you.

AHMED NUR: Thank you.

HUGH RUSSELL: Is there anyone else who wishes to speak?

(No Response.)

HUGH RUSSELL: Okay.

Is there any discussion or are we ready to move to a vote?

PAMELA WINTERS: I just -- I'm really happy about the parking situation, the way that you designed that. And also you had the option of going up to 35 feet but you opted to make it a little lower, so I appreciate that, too. And I really appreciate you separating the houses and making -- and having communication with the

abutters and it seems as though they're all very happy with the situation.

DUNCAN MacARTHUR: Thank you.

STEVEN WINTER: I'm prepared to vote.

AHMED NUR: I'm ready to vote.

HUGH RUSSELL: Okay. Would someone like to makes a motion?

CATHERINE PRESTON CONNOLLY: I move that we approve the Special Permit for Section 5.5 as presented here this evening.

HUGH RUSSELL: Is there a second?

PAMELA WINTERS: (Raising hand.)

HUGH RUSSELL: Okay. Anymore discussion?

On the motion, all those in favor?

(Raising hands.)

HUGH RUSSELL: All members voting in favor.

Thank you very much.

DUNCAN MacARTHUR: Thank you for your time.

STEVEN WINTER: Mr. Chair, before we close this I would like to again reiterate what my colleague has said, that this developer needs to be complimented on the outreach including the neighbors and talking to the neighbors. That's really just the top of the line. That's as good as it gets. And we recognize and appreciate that.

DUNCAN MacARTHUR: It's nice to hear. Thank you.

HUGH RUSSELL: Thank you.

If there's no more business before us, we are adjourned.

(Whereupon, at 9:25 p.m., the Planning Board Adjourned.)

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BRISTOL, SS.**

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

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  
this matter.

I further certify that the testimony  
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 9th day of June, 2014.

---

Catherine L. Zelinski  
Notary Public  
Certified Shorthand Reporter  
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My Commission Expires:  
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