

PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, August 5, 2014

7:00 p.m.

in

City Hall Annex

344 Broadway

Cambridge, Massachusetts

Hugh Russell, Chair

H. Theodore Cohen, Vice Chair

Steven Winter, Member

Tom Sieniewicz, Member

Steven Cohen, Member

Ahmed Nur, Associate Member

Catherine Preston Connolly, Associate Member

Brian Murphy, Assistant City Manager for  
Community Development

Iram Farooq, Acting Deputy Director

**Community Development Staff:**

Liza Paden

Jeff Roberts

Stuart Dash

Suzannah Bigolin

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

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HUGH RUSSELL: Good evening, this is a meeting of the Cambridge Planning Board. The first item on our agenda --

STEVEN COHEN: Folks.

HUGH RUSSELL: First item on our agenda is an update. And I guess Jeff is going to deliver that?

JEFF ROBERTS: Yes. Mr. Chair. Tonight is the meeting that I was going fully digital and I'm now having a technological problem with my device, which I knew would happen just as I needed it. I know that we do have a -- I'm not sure if Liza has the paperwork. We have the public hearings that are scheduled coming up are August 19th. We have a continuation of the 180R CambridgePark Drive, now known as 88 CambridgePark Drive,

case not 292. We have a -- we're hearing the amendment -- proposed amendment to the parking in the North Point development, case No. 179. That's HYM will be coming, and they came previously, to talk about plans to do reduction of their parking supply and sharing of parking.

We plan to have a review of a project -- the developers of 603 Concord Avenue are planning to come in and give a review of the design of the rooftop which there were some questions about.

And we also have public hearings scheduled on September 2nd, which will be the Avalon North Point coming in. They came in before. They'll be seeking a Major Amendment to alter the size of the building. We'll also have a Major Amendment application from the Discovery Park developer to allow hotel

use. Also one that the Board has seen before and is coming back with a formal application.

And a hearing scheduled on September 16th are 75 New Street, continuation. The second hearing on the Avalon North Point case.

We have September 30th, the planned continuation of the courthouse project, 40 Thorndike Street. That meeting we're still getting the location confirmed, but we will let everyone know as soon as we do. And at this point we are -- the City Council at their last meeting passed a -- referred a Zoning Petition which continues from the Chun Zoning Petition which deals with the Cambridge Highlands area that is, that has been referred -- it's a petition to create an Overlay District that would -- it contained the text that the Board has reviewed before.

That is currently tentatively scheduled for a hearing on October 7th. So we've got lots of public hearings coming up.

And I thought Brian would be here to say something about this, but one of the Council, we circulated this to the Board, there was a City Order adopted at the last Council meeting for a subcommittee to look at Planning Board review processes, and that's something that will be undertaken in the future and will provide more detail to the Board.

HUGH RUSSELL: Okay.

JEFF ROBERTS: Hopefully that was everything.

And I think Stuart could maybe introduce the new staff member?

STUART DASH: Stuart Dash, Community Development. I would like to introduce --

there's a handout for you and for those of the public, our new member in the planning division and Community Development, Suzannah Bigolin, and she's over here on the side and we look forward to her being there, being part of our urban design planning team. So thank you very much. And any questions we can look forward to sort of Suzannah taking them on as time goes on. She just started yesterday.

HUGH RUSSELL: Well, I understand she walked around North Point with Roger today. So she's already in gear.

STUART DASH: That's right. She's getting a great tutelage from Roger Boothe who was -- very kindly sort of agreed to do some nice mentoring of her during these early months.

Thank you very much.

HUGH RUSSELL: Okay.

Liza, are there transcripts?

LIZA PADEN: No, there's no new transcripts.

HUGH RUSSELL: So then we would go on to the comprehensive permit application for Jefferson Park.

LIZA PADEN: Excuse me, is someone here from the Housing Authority?

(No Response.)

LIZA PADEN: I had arranged for somebody to come from the Housing Authority and I don't know why somebody hasn't been able to make it yet, but --

BRIAN MURPHY: They may be at the CPA hearing.

LIZA PADEN: They may be held up.

Okay. I could go through the case if you want or we can wait. My concern is their

public hearing at the Board of Zoning Appeal is August 14th. So I'd like to be able to send any thoughts and a report to the BZA before then.

HUGH RUSSELL: Well, we can -- I think they should be here.

LIZA PADEN: Okay.

HUGH RUSSELL: And so when they come, tell them we will be --

LIZA PADEN: We'll insert them into the process?

HUGH RUSSELL: We'll insert them into the process.

And then we'll go then to the Carlone Zoning Petition and I see Mr. Carlone here.

DENNIS CARLONE: Thank you.

Good evening, Mr. Chair and Members of the Board. For the record, my name is Dennis Carlone, C-a-r-l-o-n-e, 9 Washington Avenue.

And I want to make it clear at the onset -- outset that I am appearing on my own behalf as a resident of the City of Cambridge. I am not here as the agent or spokesperson for anyone other than myself. I never started a presentation that way, but I was told to do that.

I want to start by explaining why I filed the Zoning Amendment Petition that is now before you, and the reason is simple: There are at least two places where the City Council needs to take a more pro-active role to ensure the best possible outcome for the city and its residents. Of course, I'm talking about the East Cambridge neighborhood where the state has ignored resident input and is pushing forward with an undisclosed deal with a private developer to renovate the Sullivan Courthouse as a 20-story commercial

tower and the Fresh Pond Alewife Brook floodplain area where the pace of development has exceeded projections, urban design and access to transit has been seriously questioned, and the risk of future flooding looms large. This petition is not some theoretical exercise. It will enable the City Council to immediately assume more of its responsibility for making sure that the city and its residents achieve the best possible outcome in these and other areas for the duration of the citywide master plan process. And to me that is very important.

The Section 19.2 of -- this is going to be relatively brief. It's two sides of a page.

The Section 19.20 Project Review Special Permit, as you know, was created in 2001 precisely to address the concerns that

many residents have raised with projects at 40 Thorndike Street, 75 New Street, and 85 CambridgePark Drive. As you know, the purpose of the Project Review Special Permit is to ensure that new construction or changes of use in existing buildings are consistent with the urban design objectives of the city and do not impose substantial adverse impacts on city traffic.

There is well established body of Massachusetts case law which makes it clear that a Special Permit granting authority has, and I quote, "The full range of discretion," close quote, when making decisions. And indeed the Planning Board back in the 80s and early 90s and the East Cambridge Riverfront Plan used more than is currently being done.

The Special Permit granting authority is free to deny a Special Permit on the basis

of any rational reason related to the Zoning criteria and may even consider the impact of other projects in the area, including cumulative traffic impacts. Established Massachusetts case law says Special Permits are very discretionary. Quote, "The granting authority has the full range of discretion in shaping its decisions." This is from the manual, Massachusetts Land Use and Planning Law. The Special Permit granting authority may consider the effects of other projects approved or denied in the vicinity of a proposal, including traffic impacts. That's Colangelo (phonetic) versus Board of Appeals of Lexington, where denying a Special Permit was approved because of the proposed commercial development's impact on traffic.

Refusal to grant a Special Permit does not require detailed findings. While the

requirement for findings, which support the granted of the Special Permit are rigorous, less is necessary when relief is refused. Even when a board cites no particularized reasons or any specific evidence for its denial decision, its action will be upheld if a rational basis for the denial exists which is supported by the record. That's Davis versus the Zoning Board of Chatham.

The Special Permit granting authority may deny a Special Permit even in cases where it may have been lawfully issued. You can look at Humble Oil versus the Town of Amherst. I won't go into the particulars.

And then I'm going to give two quotes from the MAPC, Metropolitan Area Planning Commission Citizens Guide: It is important to remember that through the Special Permit process, the municipality typically retains

control and can turn down any development not to its liking.

Another quote is: Also it's important to remember that the community retains control through the Special Permit process. The Special Permit ensures high quality design. The Board may always say no or negotiate more desirable design.

And indeed that's what the East Cambridge Riverfront plan was. We started with the major approved urban design strategy, very specific urban design plan with very specific guidelines, and the Planning Board indeed supported us all the way through. There was some discussion and we didn't win every battle, but by in large it mostly was followed and ended up with a cohesive development that creates a series of public places.

State law allows the Special Permit granting authority to hire independent outside consultants. I know you know this. I won't go on with that. And indeed I understand you're considering that.

Despite these laws, it appears that the -- to many that the Board has routinely adopted a narrow view suggesting time and again that it may be obligated to issue Special Permits. It should be noted that in the 13 years since project review, Special Permits have come into being, the Board has never voted to deny a project review Special Permit application. I do recall that you encouraged somebody to take the submittal back, but it's fuzzy. With 49 approvals and zero Board denials.

So, if the Board ultimately adopts the Carlone and other petition, the Planning

Board will still review large projects. The only difference will be that the Planning Board's recommendations will be forwarded to the Council for a final decision. As you know, that's the same process that we use for Zoning Amendments, such as the one before you right now.

So how would the Council handle its temporary role as the SPGA, the Special Permit Agency? Conceivably the Council could schedule a once a month standing committee; there are three projects in the first six months, needing to receive updates and hear applications and project review Special Permits. After hearing a case the Council would not have to actually draft the notice of decision. Currently the Community Development Department does the actual work of drafting decisions based on the transcript

and discussion at the Planning Board. And this was exactly the process that was used for the Zoning change for 300 Mass. Avenue. And what is interesting about that Zoning change is that in the process working with the Council, 168 affordable units were stabilized working with the developer. The Council goals and needs are broader than the Planning Board's stated needs as far as a Special Permit, and indeed we have the capability of working with you to getting those broader goals met.

Last month San Francisco voters approved Proposition B which requires a citywide popular vote to approve future large development projects along the city's waterfront. According to the Wall Street Journal, Forest City immediately responded by offering to increase its affordable housing

component on a large project more than 1,000 units of new housing from 20 percent of the units as initially proposed to 30 percent of the units in an effort to secure public approval. Compare that to our inclusionary Zoning measures which yield approximately 11 percent affordable housing.

The Planning Board and the City Council can work together to achieve the best possible outcomes for the city and its residents. This is the next step.

Now, I was -- those are the end of my copied comments, but I will add that I was at your meet in April and May when a very contentious series of comments were made, frustration on both sides of the desk -- of the tables. I have never been more discouraged before in this building. And I was thinking why is this resting only on you?

Why isn't it also resting with the City Council that's supposed to establish public policy? East Cambridge and Alewife are public policy. Nobody here is thrilled with the way Alewife ended up, the Triangle. In fact, one of you even quoted that. And it seems to me that one of the things that needs to be done, and maybe it has to come from the Council, is that what's remaining to be done there, including the last building, should improve the sense of community there. I'm sure no one here would support the sense of Cambridge that's lacking in that development. The densest development in the city has no community sense at all. And I'm not blaming anybody. I'm just saying that we have to look at the big picture. If we're going to develop an area, there has to be a major urban design study with very specific

recommendations, because as you know with a good urban design strategy, everything that gets built adds to the community. That didn't happen there. In East Cambridge, I'm not gonna go into the whole history, but this is a make or break. State did not listen. Many people feel the city did not step up. Here's an opportunity.

So thank you for your time. This is not -- should not be viewed as a negative comment. I just think a broader view that the Council could offer could indeed help you, not hurt you.

Thank you.

HUGH RUSSELL: Thank you.

Are there any questions that any member has for the proponent?

AHMED NUR: Yes, I do. I actually like to -- if I may Mr. -- if I have a

clarification. 49 approvals, zero denials. I don't recall -- vice versa, I don't recall in the time I've been here since 2005, I guess most of those, I don't recall actually having a developer come down and we approved it. We always deny it first or have the staff work with them.

High School, Norris, for example, is one of them. You said zero? North High School came here I think three -- at least three times we come down and says no, this isn't gonna happen. We worked back and forth. We come to conclusion. And that conclusion doesn't mean an approval of the initial intent from the developer. So I just wanted to clarify that --

DENNIS CARLONE: No, that's true.

AHMED NUR: -- for the public that it's not as stated.

DENNIS CARLONE: You eventually approved every one of them that's all I'm saying. And the perception is that that will just continue. That's -- I'm not complaining. I'm saying by looking at the narrow list, that perception is there. And that's why some people are here tonight. And when it's 49 and 0 maybe the process is much too weak because not every project has been superb. So that's all I'm saying.

HUGH RUSSELL: So do you have an opinion of which ones we should have denied?

DENNIS CARLONE: I have not come prepared for that, but I would say Alewife is sad. I would say there's no sense of community. There's no sense of Cambridge there. I would say traffic -- you've asked me so I guess I'll respond.

HUGH RUSSELL: Yes.

DENNIS CARLONE: I needed an ambulance five years ago. It saved my life. There are times that no ambulance will get in to CambridgePark Drive. Same with fire engines. And so one would say well, if we're going to develop this area, maybe there needs to be another way in, which is what fire departments always say.

Do I think -- well, it's too specific, but I think some of the housing in Alewife where they've been particularly hit hard -- I'm not against housing. I think housing makes sense. I told the neighbors that. Some were not thrilled with that comment. But the buildings themselves are nothing special. The Zoning was not really studied in an urban design sense.

New Street -- you've asked. New Street we're going -- we have a building where

there's no public way. No ADA standard way for anybody to walk out of there except in the street. And kids live there.

HUGH RUSSELL: Well, we did not act on the first building on New Street, so we have --

DENNIS CARLONE: The second building.

HUGH RUSSELL: And we have not acted on the second building yet.

DENNIS CARLONE: Well, I stand corrected.

But the point is, is can we do better? It's as simple as that. And maybe most of the ones that are done are fine. I don't know if people agree with that. But the two that are -- the three, but the two in particular that are up front are going to create something very dramatic in both

neighborhoods on both edges. That's what this is about. It's not about the past. I was just repeating what the past records are. And that people have said, you know, do they ever reject anything? And I would say there are very few stellar winners, architecturally urban design wise. Are some fine? Sure. But many of them added up create nowhere. And the lack of a sense of place, it seems to me, that should be criteria No. 1. How does a building contribute to the street?

10 Essex Street, a very thin, narrow sidewalk, and to me, it should be a law that the clear sidewalk should be five feet so two people can walk by each other or someone with a bag of groceries can walk by somebody else. I'm amazed that wasn't done. But those are being specific. This is more about the two and a half -- less than two and a half year

period where the Nexus study is waiting, ten more, already ten years, the master plan is in process that people are excited about, feeling that they're being listened to, the Net Zero is being discussed. There is a lot that's in flux. And the two biggest projects, and I'm including all of Alewife Triangle and the East Cambridge Tower, I think --you know, you might feel you don't need the help, but what I saw in those two meetings was terrible and I don't think any -- if anybody should feel that it should be people who are elected. And I honestly do think we can add to the discussion and broaden it tremendously.

Thank you.

HUGH RUSSELL: Okay, thank you.

Any other questions?

STEVEN COHEN: Mr. Councillor.

DENNIS CARLONE: I'm here as Dennis Carlone.

STEVEN COHEN: Yes. You know, as I frequently said in these hearings, I frequently agree with some of your comments and critiques and your approach to urban design as well as your critiques of applications. I think you're aware of that.

DENNIS CARLONE: Yes.

STEVEN COHEN: And I agree with you that we could use some help. And I like the example that you used of a sidewalk on Essex Street. There ought to be a law you said. You're right, there ought to be a law. We're not the folks who pass laws. The City Council are the folks who pass laws. We're not the folks who pass Zoning Ordinances. The City Council are the folks who do that. I agree with you fully that the Triangle is

not a great monument to urban planning. I wish it had come out differently. I wasn't here when that was worked out, but it reflects the Zoning of the Triangle. We didn't pass the Zoning, the City Council passed the Zoning.

DENNIS CARLONE: That's right.

STEVEN COHEN: I agree with you that we could use some help perhaps, and I agree with you that the City Council perhaps can lend a hand, but they have the power to do that already and they have the responsibility to do that already. They set the land use policies in the city and they have the power to pass the Zoning Ordinances. You know, if you think buildings shouldn't be taller than a certain height, the City Council has the power to establish that maximum height. You know, if certain uses are inappropriate in

certain locations, the City Council has that power. So I -- all we do is implement the policies and the laws passed by the City Council. That power, that legislative power of the City Council is inherently a political power. It is a political process. These elected legislators are bound to reflect the will of their constituents and to pass laws and ordinances that reflect the best interests of their constituents. This is a quasi judicial body. Where we don't make policy and we're trying to implement the policy in an objective basis, in a political basis, and we use our best judgment.

So I guess if this is a question, my question to you is why do you not believe that the City Council already has the power and the authority and the responsibility to achieve the goals, you know, that you are

seeking, and what makes you think that assuming further responsibility to implement Zoning Ordinances, which perhaps you feel are, you know, wrongly constituted to begin with, why do you think that that is the way to solve the problem? Why, why should these powers not be bifurcated and why should you not be focusing on that element of this bifurcation that passes laws and establishes policy?

DENNIS CARLONE: We will, but two very large developments that I mentioned are going to be approved within that time. And in different ways they dramatically hurt those areas. So can we retrofit some existing Special Permits and future ones with a strategy on CambridgePark Drive? Can we get a building that doesn't cost huge downdrafts? I used to live in East

Cambridge. I experienced it. And this seemed like a way to do that.

You said follow the Zoning. Essex Street. Minimum of a five-foot setback. That's what the Zoning says. Now, if it's retail, theoretically you don't have to follow it, but everything above does. It didn't. Do I think the Zoning needs a complete overhaul? Absolutely. And if I were on the Council, I would act on that. But I'm here today as a resident. And I think it's both. And, frankly, if the Planning Board didn't accept both developments as they are, I think the Council would support that. So you might take it as -- I'm not saying you personally, as an insult, that has nothing to do with it. It's saying, look, there are bigger issues here than looking at just the building property

lines and what's within. And some of you looked beyond that, but that is the perspective. When you add up pieces and nothing ends up building community, you begin to wonder.

I think the biggest priority -- since you asked, I think the biggest priority is does each project enhance what's around it? Mr. McKinnon has proposed lowering the density I'm told on his latest project. I don't think -- yeah, that's an issue but I don't think that's the biggest issue. The biggest issue is that there are four other -- three other projects that he's worked on and none contribute to a sense of place. You know, that means everybody -- it's nothing about Cambridge. And I'm not even talking about density image or any of that. It's all about creating place. 4,000 people are going

to live there plus. We have neighborhoods that are smaller than that that have some shops.

STEVEN COHEN: If I could follow up with a question. Do you not see that as a reflection of the Zoning of the Triangle?

DENNIS CARLONE: The Zoning was poorly conceived and that is one of the reasons why I might run. The Zoning is poorly conceived, but the Zoning exists. But you have so much discretion, much more than what it seems to be believed of creating a place. That is urban design No. 1. And I'm not being critical. I understand that's how it was viewed. I remember when I was a consultant to the Planning Board, I had to stick my neck out at times and I got slapped for that, not by the Planning Board. But in the long run it was right and that's what's

needed. I know you have a new urban designer, and I wish her all God's speed. And I will gladly talk to you any time by the way.

But I -- I mean, you raised it. I think there should be three urban designers in the city. You have to have people you can talk to and support each other. You can't be in isolation. The honeymoon is over in a few months.

STEVEN COHEN: It may be over tonight.

DENNIS CARLONE: It's over for me. I would accept that as an ancient one. But the goal is to make the city healthier and look at the big picture, and taking off two floors on a -- on the biggest building in the city, I think, that's in a neighborhood, given the legal issues of the ownership, that

has nothing to do with urban design. The architecture is better, sure. When you start from zero, it's got to be better. But there are bigger issues, many bigger issues.

AHMED NUR: Mr. Chairman, I just wanted to finish my thought that I started with Dennis.

I must say that your humor has an effect so thank you. I'm not a politician so I'm not really sure I should trust you.

DENNIS CARLONE: I've been told I'm not a politician. I'm not smart enough and I don't play the games that some others might.

AHMED NUR: I do want to say that I -- the petition, the points of this petition of -- and I'm sorry about the ambulance situation on the Alewife area, but we -- like projects coming in to tonight, the City of Cambridge Traffic Department give us

analysis. I'm not a traffic engineer. Maybe I've taken a course in college and so I rely heavily on that. All the larger projects right now, including those -- all of those 49 of them and that's what we rely on. So, you know, and I apologize if I came across as, you know --

DENNIS CARLONE: You did not.

AHMED NUR: But I do -- I appreciate the intent of working together to make it a better place and I understand that. It's not just you, it's also some of the communities within Cambridge.

DENNIS CARLONE: Thank you.

HUGH RUSSELL: Ted.

H. THEODORE COHEN: I just have a question of why you think that adding 4,000 people, let's say, to an area that was more abund, had old abandoned industrial buildings

as open parking lots, will not create a sense of place? It may be a different place from other parts of Cambridge just as it's different parts of Cambridge have different neighborhoods, but it seems to me that when you add a lot of people in an area, a sense of place will over time develop and will become a neighborhood and will become a place.

DENNIS CARLONE: And what happens in the first few years they're there until that happens? What I've learned, to answer your question, is housing developers -- some housing developers do not get retail. They just don't get it so they try not to do it. And when they fill the space because you asked them to, they will say well, we're gonna rent it at the same cost as the housing, \$36 a foot or so, which is what it

works out to. And what could have happened is -- and granted it's in retrospect, what could have happened is you build the 200 units up above, but the condition is you rent this as a need, small market, whatever the need is. And yes, you might take a loss on that, but that's pretty standard mix use development that you might lose money on the ground floor to make the money above. In other words, you program the community in. The public space, I don't know what that is out there, where the meeting places are, how you can go from there safely other than crossing a parkway at one location. The whole system, New Street, it's not connected to anything. That's all I'm saying, is that looking at the bigger picture, how does it all fit together?

H. THEODORE COHEN: Well, I agree

with you that it's all a chicken and an egg process, but I think you just have to look at Kendall Square which 40 years ago was vacant, and even up to five years ago was not a place you necessarily want to be, and now you've added people and the people necessitate the retail and the restaurants and the bars and that's all coming. And now it is indeed a place where people go and congregate on evenings and weekends which didn't happen. And so, yes, there will be a time when things don't occur, but --

DENNIS CARLONE: But the difference is --

H. THEODORE COHEN: -- over time they will develop.

DENNIS CARLONE: But that was commercial development and people could go home and get all the things they needed.

We're building a residential neighborhood. There isn't even a place to congregate unless you go into the wetlands. That's my --

H. THEODORE COHEN: Which some of the opposition would think it would be a great idea because more people would be using the wetlands.

DENNIS CARLONE: To a point.

H. THEODORE COHEN: To enjoy them.

DENNIS CARLONE: To a point.

H. THEODORE COHEN: Fine, thank you.

HUGH RUSSELL: Tom.

TOM SIENIEWICZ: Yes. My question actually goes back to the process and I appreciate Steve's comment pointing out that we're a quasi judicial body, and I think that's worth dwelling on, because it's important that we hold that position. For instance, we don't at any time talk about

anything that's before us when we're not in a public hearing. There's a total transparency about the deliberations that we undertake for any application, and the public is welcome to come and participate often and certainly to listen at all times, right? Transcripts are made available. And why do we do that? Why is it important that this is a quasi judicial body and is governed by the rules that are court-like and decorum, that is very court-like. It means that our process is often arduous. It means that it's drawn out. But it also means that we recognize what's at stake here, which is we're talking about property rights. We talk about property rights for abutters and neighbors. We're talking about property rights for applicants. And I think all of us can agree in this room that that's something that's is held sacred

in this nation, and it's not to be taken lightly and it's not to be politicked. And it's not to be governed by deals that might be done in a cafe or in a back room. And that's the good nature of the way a legislature actually works. So, I -- I'm very anxious to hear other people's point of view. But coming into this my question is, how can we possibly run people's property rights which are held sacred in this country under the Constitution through a political process? I find that very, very difficult to imagine.

DENNIS CARLONE: Special Permit is not guaranteed. Special Permit is granted beyond the level of the property right. It's an enhancement of the property right for doing certain things. Now, I think you're making a relationship to the politicized City

Council. I think it would be great if we acted in the same way. I do. And we're not saying this is permanent. This is during this period where you have some very difficult projects and a lot of change is going to happen in the city. The saying is there's nothing more permanent than change, but this is enormous change. And I could go through all the issues but I won't bore you now that we talk about; affordable housing, jobs for kids in Area 4 when a major development happens and the company doesn't reach out. I think those are all areas that can be looked at and evaluated on a project-by-project basis.

As people in the audience have said elsewhere, politicizing is actually a good thing because you're talking about broader issues. So, that's my response. I know

we're not going to agree on this. I knew that tonight. I didn't want to come here. I like coming here and offering hope, but this is hope of a different sort and it might help.

HUGH RUSSELL: Catherine.

CATHERINE PRESTON CONNOLLY:

Mr. Chair, I guess I just wanted some clarity on something. Typically for a Zoning change if an application is already in process for a Special Permit, it is heard under the rules established in the Zoning that was in place at the time it was applied for. In which case both 40 Thorndike Street and New Street would be subject to the existing Zoning and not be transferred to the City Council; is that correct?

HUGH RUSSELL: I don't know the answer to that.

Jeff.

JEFF ROBERTS: Jeff Roberts,  
Community Development. I'll take a whack at  
that.

You're correct as to how the Planning  
Board would hear the case, but it is under  
state law it is the case that if a Special  
Permit has not yet been recorded at the time  
that a Zoning Petition has been advertised,  
then that Special Permit would become subject  
to the new -- to the proposed Zoning if it  
were adopted.

CATHERINE PRESTON CONNOLLY: Okay.

JEFF ROBERTS: So, it's --

CATHERINE PRESTON CONNOLLY: Thank  
you for clarifying.

JEFF ROBERTS: Okay. Hopefully  
that....

AHMED NUR: Could you clarify for

me?

JEFF ROBERTS: For the non-lawyers. It puts the cases -- for people who are -- for people who are into science, they're in a bit of a Schroedinger's cat scenario. I think the cases that are currently in front of the Planning Board, because they, they will continue to be heard by the Planning Board as if the current Zoning were in place, but if the proposed Zoning is adopted, then -- and say those Special Permits were granted in the interim, then they, they would retroactively become subject to the new Zoning and it would put them in sort of a legal status that would need to be further resolved, but they -- they would not necessarily be -- they wouldn't necessarily be protected as having been granted.

BRIAN MURPHY: I would just say that

Cambridge at a Planning Board hearing that we're talking about Schroedinger's cat.

H. THEODORE COHEN: One last comment.

Dennis, as a private individual, I did want to say that we really do welcome when you, as a member of the City Council and other members of the City Council, come here and tell us what they think about particular projects and particular matters we're considering and we continue to welcome that and we continue to welcome, you know, City Council orders or reports from City Council where they might be opining from what they think the Planning Board might do. And so I think, you know, just as your petition suggests, that we could issue a report and recommendations to City Council. I think it can work and has worked in the opposite

direction.

DENNIS CARLONE: Well, thank you Ted. We should go out for a drink.

H. THEODORE COHEN: We may both need it.

DENNIS CARLONE: Yes, I know I do. My comments are always about urban design and building community and architecture fitting in. They're not about political issues except in the sense of creating a holistic Cambridge that everybody feels good about, as much as you can achieve that. And I know that's impossible, but at least the goal is that. And that tells me that buildings should fit in. Now, we might change what fit in means, but it's that. And that's all I ever talk about here is that and with suggestions of how to get there.

But once again, when I saw those two

meetings and none of you enjoyed it and nobody out here enjoyed it, I said this is crazy. At least I tried to do something. And it might not be perfect, but it wasn't working from a social point of view that's for sure. And I think -- I give you all a lot of credit and I know you have a very hard job. I'm just saying the Council gets paid for hard jobs. And here's the kicker, we're supposed to approve Zoning. Most Councillors don't know a great deal about Zoning, to respond to Steve's comments earlier, and so they look to you and to Community Development to guide them. One way of learning about Zoning is knowing what it is to approve a project and see the implications of the Zoning and say oh, my goodness, I don't ever want to do that again. So I see this as an educational opportunity for the Council. I

didn't tell them that, but of course now they know.

Thank you.

HUGH RUSSELL: I'd just like to comment on our 40 Thorndike hearing which I was, I was very -- I was psyched for it and I thought it went off wonderfully. There were several hundred people in the room. There was civil discourse. There was not agreement. And to me that was a great experience that maybe doesn't happen very many places in the world. That said, it's in my opinion, presents the most difficult questions that we've had to face. And so I would welcome comments from the City Council before the next time we discuss the project in September because I know the Council has passed orders some months ago. I don't know whether the thinking has evolved since then.

I rather imagine it has. And so the more wisdom we can apply to this difficult decision, the better the decision's apt to be. So that's a plead to the Councillor not --

DENNIS CARLONE: He's not here. But it was a very good meeting. 190 people I'm told were there. And it was, it was a much better feeling than the previous hearing and I appreciate that.

HUGH RUSSELL: Okay.

DENNIS CARLONE: Thank you.

HUGH RUSSELL: Thank you.

So, now we will go on to your -- for the people who signed up to speak.

FROM THE AUDIENCE: Where is the sign-in sheet?

HUGH RUSSELL: The way it works, they live on the windowsill over there and

from time to time they get brought up here.

Can you make out that name?

So the first person who signed up is Paul Stone, but the second is somebody named Robert who lives at 24 Corporal Burns Road. So I just wanted the second person to get prepared.

PAUL STONE: Paul Stone. Is this on?

Paul Stone, 219 Harvard Street. I don't feel comfortable destroying the comedy that's just been created, but I have to talk about the facts as I see them and I've come to quite a few meetings here, and you talk about property rights. And what I've seen, my observation is that the property rights of the developer are considered far beyond the property rights of the existing neighborhoods in this process. And rather than go anymore

into that, I would just like to suggest two things:

One, is that we take a look at the mission of the Planning Board, the CDD, and transportation committee with the idea of protecting Cambridge, its neighborhoods, and its residents rather than putting them in jeopardy. I've been here a number of times when the residents have come to you very upset about the situation and there's been basically a point of view that seems to come out that public interest is not one of the parameters or one of the standards that's applied to your decisions and I think that's crazy. I think you have the right and I think you have the obligation to use public interest as part of that. So we're all here today because we are feeling -- not all of us, but a lot of us are here today because

we're feeling like there's no way of dealing what already exists, which is a point of view that development is gonna go through.

They've got to get a few color changes, they're gonna get maybe some panels that have to block out some of the garage stuff, and the reality is we're just keep growing and growing and growing. And I think we're all here because reality is somebody is saying that enough is enough the way it was, and let's look at doing it differently. So, I would hope that you would take a look at the mission, and I hope CDD takes a look at its mission and the traffic. The fact that you get a report from the Traffic Department doesn't necessarily mean that there's not an impact on traffic. And in fact when developers get to develop three different projects in the same area, you know, nobody

looks at the cumulative effect. It's all one by one by one, and that doesn't work for anybody's advantage except the developer. So, anyway, I hope you'll support the Carlone Petition.

HUGH RUSSELL: Okay, thank you.

Robert. And then after Robert, John King.

ROBERT CAMACHO: My name is Robert Camacho, C-a-m-a-c-h-o. I live at 24 Corporal Burns Road.

Two things concern me about these developments and one is the traffic. Ten years ago, 15 years ago, it used to take me half an hour to get from my house to the third traffic circle on Route 2 on a Friday night at rush hour. Now at ten in the morning on a Wednesday it will take me a half hour to get from my house to the traffic circle on Route 2. And on a Thursday evening

it will take me a half hour to get from my house to the traffic circle on Route 2.

The -- I don't know how many of you folks actually have to use that Fresh Pond Parkway or Alewife Brook Parkway, but I've come to other meetings and I hear Well, this house will only take -- incrementally add to traffic. And then This house will only incrementally add to traffic. And then This third development will only incrementally add to traffic. There's already too much traffic. It's, it's beyond putting up with -- it's not reasonable to say that well, this will happen, but it will only incrementally add to traffic. It's like being a medieval physician and having a patient say well, we'll bleed him a little bit today and then we'll bleed him a little bit tomorrow and then we'll bleed him a

little bit more on the third or fourth day and on the fifth day he's dead.

The other thing I'd like to mention is that Special Permits are exceptions to the rules. Now the rules or the Zoning Ordinances may not be the best that they could be, but they are the rules. But since coming to these meetings very recently, it seems to me that the Board is more important -- or it is of more importance to this Board to pay attention to the exceptions to the rules. And all these Special Permits are exceptions. They're not the rules. The rules have already been pulled out.

Now, maybe the rules stink, but that's what there is to work with. So I would urge the Board that paying attention to the rules as they stand now is more important than the exceptions to the rules which take the form

of all these Special Permits.

Thank you.

HUGH RUSSELL: Okay.

Young Kim. And after Young Kim, Lee Farris.

YOUNG KIM: Good evening, Chairman Russell and Members of the Board. My name is Young Kim, Y-o-u-n-g K-i-m. I live at 70 Norris Street. (Inaudible) development processes in Cambridge through my first experience with Special Permit case 252A on under Section 5.28.2 Zoning Ordinance to convert a former North Cambridge Catholic High School building at 40 Norris Street (inaudible). This case truly highlights what is wrong with the development process and I appreciate Councillor Carlone for his initiative to try to improve the process for large development. However, adding another

layer approval cycle on the City Council for one particular case of Special Permit is not the solution as 5.28.2 fully demonstrated and I urge you not to approve this amendment.

I agree with a lot of things that Councillor Carlone said, but what we are doing is we are trying to patch up the Zoning Ordinance on a case-by-case and Special Permit case comes up and a lot of these things that he's saying is putting the horse behind the cart.

As the first case under the newly amended Zoning Amendment Ordinance was specifically amended for the Norris case to reduce the density, but the developer continued -- after the Special Permit was granted, the developer continued to show disregard for the needs of the community and time after time circumvented the terms of the

Special Permit decision during the construction. We can't be bought. SDS-52A showed the problem is not in the Zoning Ordinance per se but rather in its implementation. We have to take lessons learned from the past Special Permit cases and strengthen the development process procedure from the inception of project to the insurance of the compliers' scheduled occupancy. What we need is a person who will be reporting directly to the city manager or the City Council who can initially get the development and community together and have discussions to address the needs of the community so that you do not have a contentious meeting time after time at this point. You know, we have several discussions before they come before the Board and have tried to resolve as much of the difference

between the developer and the community because there will be always a conflict, and so this person will mediate that with the power of the Planning Board, with the power of the City Council, with the power of the whole city and not just representing one body or another. And after the Special Permit is granted, we need a coordination of different agencies to make sure the conditions of the Special Permit is carried out, not by incrementally change the plan so that by the end of the construction you get totally different result. The hard work that we go through during the Special Permit hearing, we get lost sometimes. And as the Norris Street case clearly demonstrated initially the Planning Board approved something like 40-some odd bedrooms in three floors, but by adding libraries and studies with cased

openings, one can easily put a door on, there is potential of 70 bedrooms.

H. THEODORE COHEN: Mr. Kim, could you wrap up your comments, please?

YOUNG KIM: Okay, yeah.

We need improvement but we need to have improvement in the process to, to implement the decisions of the Special Permit.

Thank you.

HUGH RUSSELL: Thank you.

Lee Farris. And after Lee, Jan Devereux.

LEE FARRIS: Good evening. Lee, L-e-e Farris, F-a-r-r-i-s, 269 Norfolk Street. And as a member of the Executive Committee of the Cambridge Residents' Alliance, I wanted to briefly mention the two letters that we -- that were sent to the city manager Rossi as a result of concerns about

the process by which Special Permits are being discussed and approved. The letters were, and the people who participated in the conversations with Mr. Rossi included representatives of the Cambridge Residents Alliance which is the citywide organization with more than 800 supports from across the city to Fresh Pond Residents Alliance to Harvard Square Defense Committee and the Neighborhood Association of East Cambridge. And we have forwarded those letters to the Planning Board this week as we felt that they provided some useful context to the -- some of the genesis of the Carlone Petition.

We do very much respect your difficult role as volunteers who are working really hard to apply the Zoning Ordinance to the Special Permit applications before you. And certainly some of our concerns relate to what

we see as flaws in the Zoning Ordinance itself. However, we are also concerned that the process as presently being carried forward has neglected to encompass a cumulative impact of individual permitted buildings on the larger footprint of the city, and we're concerned that it seems you do not believe your role can take into account how large projects in combination can create almost intractable problems.

We want our city to be able to use the Special Permit process to negotiate outcomes that do in fact benefit the residents of the city. And given that Cambridge is one of the most desirable and expensive locations in the U.S. for both residential and commercial development, with several large projects pending, we think that the Carlone Petition makes sense and it embodies our sense of

urgency and our belief that the elected officials must play a more central role in the build out of our city. And this is particularly in this time period until Cambridge has a chance to develop a comprehensive master plan for the city. And also noting the fact for the public that City Councillors would participate temporarily in the project review Special Permit process for only of the few largest most significant projects that most affect our city.

As a strong advocate of affordable housing, I'm glad that under the Carlone Petition the Council will be able to impose a range of innovative conditions on any given proposal to encourage affordable and middle income housing, mitigate traffic impacts, support alternative modes of transit, apply strong urban design guidelines and more. The

Council could consider the cumulative impacts of other composed and completed projects. The Council would also have the option of hiring independent experts, and we think that the public accountability that would result can lead to better outcome as recently happened in San Francisco with the increase in proportion of affordable housing from 20 to 30 percent. For all of these reasons and more, we encourage you to look favorably on the Carlone Petition.

Thank you.

HUGH RUSSELL: Thank you.

Jan Devereux. And after Jan, Reshim Ramananzy (phonetic).

JAN DEVEREUX: Hi, good evening.

Jan Devereux, D-e-v-e-r-e-u-x. I'm Lakeview Avenue. Thank you.

Hello, everyone. First, I would like

to acknowledge the inherent awkwardness of the circumstances that have us commenting before you all on a petition that relates to how this Board operates. And so I would like to begin by acknowledging what we have in common, which is that we are all residents and stakeholders whose concern for our city has drawn us to commit many volunteer hours to try to determine how to strike an appropriate balance between the competing interests of economic development and the public good. And all of you have devoted more hours than I have. I'm relatively new to this, but I'm racking up the hours quickly. So I sincerely do believe, and I really want to stress this to you all, that we all want the best for our city's future and that reasonable minds may disagree about the means to the same end. So I hope you'll

take these comments in the constructive spirit that they're offered.

As one of the signers of the Carlone Petition, I have publicly expressed my support for it already twice just last week at Monday's Council meeting and at Wednesday's Ordinance Committee hearing. So out of respect for everyone's time tonight, I won't repeat what was said, it's on the record. Except to say that I think the petition is not intended to strip away your power. It simply adds another layer of review for the large projects that have these far reaching and cumulative impacts in which you have visibly struggled to assess, and only during the time that it takes to develop this citywide master plan, which we hope will provide you and everyone more clarity on the goals and the priorities that will inform the

future decisions.

So if anything, I think this petition's procedural change would take the pressure off the Board and Councillors. Mr. Carlone already mentioned this, it would take the pressure off the Board to make these policy-level planning decisions that you seem to feel are not within your authority as volunteers or quasi judicial body or whatever, and for which you may not have sufficient information. We have an elected body that is responsible, as you've noted, for approving the Zoning Ordinance and for representing the broader public interest. So why not hold our councillors accountable for that grey area where the two appear to be in conflict.

And now because it's summer and somebody already mentioned comedy, and many

of us are comedy, but I'm going to add a little comedy. Many of us in this room may be wishing we were someplace else. I have an extended sailing metaphor so forgive me.

You've hit something of a perfect storm where you're trying to navigate a surging tide of development and it's gale force winds of public criticism -- sorry. A citywide master plan could provide a new chart and some better instruments to guide you, but in the meantime you're going to be sailing through these seas for maybe two, three years. The Carlone Petition will let the Council take the wheel at least until we reach a safer port. The petition could be a lifesaver for your Board, why not grab it.

And just also to comment on a couple of the questions that came up --

H. THEODORE COHEN: Could you wrap

up your comments?

JAN DEVEREUX: Where we could do better, Concord and Wheeler Street. That was my first time coming to any of these boards. That was the first time that I encountered the sort of gospel that Special Permits are normally granted, that you were obligated to grant them. You'll have another opportunity when they come forward with Phase II of that project, and I sure hope you do better. That project is beyond an eyesore at this point.

And I would also say to your comment about true, the projects may not always be approved on the first outing and there are comments, but on many occasions, reading back through the transcripts, particularly in the Triangle, there wasn't any public comments because these areas aren't residential areas and so there's been low awareness, up till

now, about what's going on. So there hasn't been a large number of people to help guide you and respond to some of these issues.

And then finally I'd also like to welcome Ms. Bigolin and say that if Mr. Boothe is planning to walk her around Fresh Pond and Alewife I would love to come.

Thank you.

HUGH RUSSELL: Thank you.

Esther Hanig. And after Esther Kathy Watkins.

ESTHER HANIG: Esther, E-s-t-h-e-r Hanig, H-a-n-i-g, 136 Pine Street, apartment 2.

Dear Planning Board Members -- I'm gonna be very brief. As a member of --

FROM THE AUDIENCE: Use the mic, please.

ESTHER HANIG: Pardon?

FROM THE AUDIENCE: Use the mic,  
please.

ESTHER HANIG: Oh, sorry.

As a member of the leadership team of A Better Cambridge, I'm here tonight to speak in opposition of the Carlone Petition. We believe that the approach that this petition would seriously impair the realization of our vision of a Cambridge that encourages smart growth by expanding housing opportunities and diversity, building local businesses, and addressing climate change. As I have shared with our City Councillors, I feel that this approach will remove the ability to have a professional objective, informed holistic long view of development in our city which is currently provided by the Planning Board. I think as you stated, a system of checks and balances.

It would further politicize an already too political climate on decisions impacting our futures. In doing so, it would surely make the development process longer, more costly, and more uncertain which will result in greatly curtailing much needed additional housing and it could possibly even make City Councillors in the future more susceptible to financial influence as elections become more expensive and difficult to finance.

For these reasons I urge you to reject this petition.

HUGH RUSSELL: Thank you.

Kathy Watkins. And after Kathy, Marilyn Wellens.

KATHY WATKINS: Hi. I'm Kathy Watkins. I live at 80 Fawcett Street the new building. I first had reason to come before the Planning Board because I lived at the --

in the University Park building, I was in one of those affordable units. And that was a time when because the affordable units were going to be expiring in a few years, the City Council did step in and take -- not take over, but they worked on -- they worked with Forest City and you worked with Forest City. I thought it ended up working pretty well. The units were preserved and I, I don't like the bio lab that much, but you know, at least we got the affordable units out of it. I don't think it would be that different what the Carlone Petition is asking. And I think it's -- I mean it's only going to be until the master plan is developed. I don't think -- I feel -- I don't really like coming before the Planning Board and listening to the developers give their big talks because I feel like they have so much power and so much

money. I mean, they are truly the one percent. And so when I come here, I feel like I have no power, like, I'm nothing. You know, they're just going to get what they want. They're going to change Cambridge and they want to change Cambridge not for the betterment of Cambridge but to make money. And so I think that we need to sort of put -- we need to put a break on some things.

And also, I like my new building. I live in an inclusionary zoning unit, but I worry when it rains really hard because of the flooding, and I have these visions of myself getting -- having to be rescued with my cat, by FEMA and stuff in a boat. I'm not looking forward to that. I hope it doesn't happen. But I also -- I just think we need to think about flood zones and climate change and all of that stuff, too.

Okay, thank you.

HUGH RUSSELL: Thank you.

Marilyn Wellens. And after Marilyn,  
Seth Zaren.

MARILYN WELLENS: Thank you,  
Mr. Chair. My name is Marilyn Wellens. I  
live at 651 Green Street. I've been -- I've  
been observing the city and Special Permits  
for almost 35 years, and my first appearance  
before the Planning Board was in favor of a  
Special Permit in about 1982. So I offer you  
my observations.

I favor the Carlone Petition because I  
would like to see some responsibility  
returned to the City Council. Over the years  
I've noticed that the successful development  
strategy for the city to pull it off of a  
deep hole involved changes that included  
Special Permits both to increase amenities

for neighborhoods that would be affected by the developments, but also to sweeten the whole, the whole project for developers. And so when I look at what's happened to the city over the years, I think, boy, the people in my hometown ought to use some of those tools because there are a lot of parking lots where there used to be buildings. But at the same time I have the following observations:

Which is that my understanding of the initial reason for these changes in the development of Cambridge was to shift the tax burden to the commercial sector so that long-term residents and low and moderate income people can continue to live here.

Now, that has in large part continued to be the case, but I believe that things have changed so that the success of that strategy is now A, driving people out; and B,

allowing the second and third generations or, you know, fifth generations to consider selling at a great advantage and moving out. And all of this raises the tax base and it increases the city's coffers and it allows the city to do the things that the voters had wanted it to do. And I would say that it has achieved the AAA bond rating and that has trumped everything in my opinion even as the quality of life changes with the successive changes that are brought about by the different stages of development over the last 35 years. And my current hobby horse is noise and light pollution because that's what we're living with now. We abutted one of the initial buildings in the new strategy which was 1030 Mass. Ave. It was part of the rezoning of Mass. Ave. to induce commercial development and there was a lot of

controversy about that, but that's, that's the past.

So what I see now is what the city is facing is build out and with it build up. And so you have even more pressure on what people have understood as the quality of life, and they're feeling terribly threatened. And I would say, you know, the neighborhoods that had not been affected by this strategy are now being affected, and notably West Cambridge and up by Fresh Pond. So what seems familiar to me is new to these people, but this is the strategy that people have endorsed.

H. THEODORE COHEN: Ms. Wellens, could you wrap up your comments?

MARILYN WELLENS: Thank you.

I wanted to thank you for carrying the water for the City Council for all these

years. You and your predecessor boards have done the job, and to mix metaphors, you have insulated them from the voters' displeasure so that this and previous -- well, previous Councils were returned easily to office as a result of your doing the job. But I think what's been created as possibly a juggernaut, and I would like to see some of the responsibility returned to the Council if only temporarily, so that the voters can actually speak up and the Councillors can hear from their constituents and then we'll see how it works out. There may be no change, but I would like to see how it happens.

HUGH RUSSELL: Thank you.

Seth Zaren. And after Seth, Margaret Desjardin.

SETH ZAREN: Hi there, my name Seth

Zaren, Z-a-r-e-n. I live at 183 Chestnut Street in Cambridgeport.

Thank you all for taking the time members of the public and members of the Planning Board to have this important discussion this evening. It is a difficult discussion and I wish that it were less aggressive and militant at times, because I do think that there are real issues that can be improved, and I do think that we can solve them better if we're not at each other's throat. And unfortunately the way this tends to work is that we get up into our camps and we have a hard time getting back out of those to look for good ideas that other people might have. So as someone, I personally actually worked under this proposed system where the legislative branch takes on the SBGA authority as the city planner for the

city of Newton, Massachusetts, and I don't believe that it was a particularly good system in that case. I didn't have a particularly good experience with it. There are many other people who also thought that that system was very problematic. For some of the issues that have been raised already for the conflation of the legislative task with the quasi judicial task in particular and larger issues as well.

But I think I want to first also express that I empathize with the frustration and anger that has been expressed towards development projects. I don't necessarily love urban design either. There are things I would like to have done differently. I think there are good reasons why many people see urban planning and development as negative words, they don't think smart growth, they

think it's a foil to hide profit seeking, and I understand that there are good reasons for it. A lot of what's been built in my lifetime and in many of the people in this room's lifetime has been bad. It has made places worse. And I think we have learned a lot from the last 90 years of urban planning experience, good and bad, and we can use that knowledge to improve our process. So there are many strategies that are important and more productive, dare I say, municipalities in Cambridge, our ordinance which I took some time today to review, being myself a Zoning planner by trade, is not the most productive, most advanced, most modern, up-to-date Ordinance, and there are ways to improve it. So some of the easy ways to address it would be, for example, to require public meetings for development projects prior to planning

development, particularly with neutral facilitation, so that it can be seen that no one party is controlling that dialogue and that any commitments that are made during that process can be held to in a neutral fashion. And this is because when a plan is presented to the Planning Board, the developer's already spent several hundred thousand dollars or more in the case of most developed projects that this proposal would address, large projects. I felt for parallel projects, they are fiendishly complex. I spent the last two months trying to keep the transformer away from the front door of a project in Salem. It's not easy. It's really not easy. I'm fighting with National Grid everyday.

STEVEN WINTER: You're not gonna win.

SETH ZAREN: Well, if I throw enough money at it, I might. So we're working on it.

It's a, it's a tough thing. And I think that without the -- what I worry is, and this -- I saw this in Newton, is that most people that run for City Council don't run from a real estate or architecture or engineering background, they don't have a deep understanding of buildings. My hope is that many of you do. I just heard a scoff. I used to think I knew a lot about buildings, and then I started working in property management and development. I didn't know anything about buildings. They were really hard -- they're really hard to work. They're really complicated. It's not an easy thing. And I think people are really trying. Yeah, sure, there are some scumbags out there, but

a lot of people are really trying to do good stuff and they're really trying to make the city better.

H. THEODORE COHEN: Could you wrap up your comments?

SETH ZAREN: Sure. I'll just wrap up very briefly.

So, I generally don't think this proposal would improve the process. It really shifts the burden of decision making to a more political body. I think that there are opportunities to improve the process to -- which to improve the application process, to improve the review process, to encourage more and better public engagement, but I don't think this current proposal as constituted, would achieve that and I would wish that the City Council would spend its time addressing the Zoning Ordinance directly

and improve the quality of development as a result.

Thank you very much.

HUGH RUSSELL: Thank you.

I called the name of Margaret Desjardin and now I see she did not indicate she wanted to speak. Do you want to speak?

(No Response.)

HUGH RUSSELL: We'll go on to Rich Clarey. And after Rich, Heather Hoffman.

RICHARD CLAREY: Richard Clarey, C-l-a-r-e-y, 15 Brookford Street.

Two weeks ago at about this hour the Board took up the case of 75 New Street and at which -- a case in which the developer's seeking many exceptions from the law to build their project. I notice that the Board's procedure was to call on a member of the Board to give his thoughts and that member

spoke at great length, and then the other members commented on his thoughts and there was almost no demoral (sic) or disapproval of anything the first member said. Two of the members said it looks good to go, good to go. And another member said, Well, Steve said it, the project is in accordance with the CDD vision. So I guess good to go. And that -- all that set my teeth on edge because that isn't the law. The law is that even though it may -- the project may check off all the checking lines and conform with all the specifications, you still have the power to deny it if it's not in the public interest. There's a lot of cases on this, and I take it there's no lawyers on the Board. I may be wrong on that.

Has anyone read the cases that Mr. Carlone recited to you, I think, like the

Humble case? It was said, traffic is a regional problem, it's not for us. This applicant should not be held responsible for that regional problem.

Well, we live in the city which from Porter Square to Inman Square on the north and Charles River on the south is one mile wide. So to paraphrase Tip O'Neil, every -- all terrific is regional here. You don't have -- you hardly have any local traffic. And for this Board to advocate, as you do, the problem -- dealing with the problem of traffic on the grounds that it's regional and we don't have to deal with it, is directly contradictory to the Humble case. Do you agree with that, that you are acting in these cases in contradiction to what the SJC has told you you should be doing? I've heard that on other occasions, that same language,

that traffic -- we can't do anything about that. We can't punish this particular applicant. Of course you can.

H. THEODORE COHEN: Mr. Clarey, can you wrap up your comments?

RICHARD CLAREY: You can deny every Special Permit. Now, just one more sentence.

I've been told that Goldman Sachs is assembling property or some entity -- align in some property in the Quadrangle. The Triangle is, as Mr. Cohen said, an awful mess. The Quadrangle is going to become worse because it's bigger. And so that's why in order to protect us from the rampant giving away of Special Permits like chocolates from a box of chocolates the way you're doing, that power should be taken from you on a temporary basis.

Thank you.

HUGH RUSSELL: After Heather, next is Patrick Barrett.

HEATHER HOFFMAN: Hi, my name is Heather Hoffman. I live at 213 Hurley Street. I'm a shadow of one of the projects that's come up many times already. Now, I can't recall seeing most of the members of the Planning Board ever at a City Council meeting. You may watch them at home. You may watch them, you know, on-line later, I don't know. But if you haven't, then you haven't watched how the City Council deals with all of the things that one might uncharitably think of as spot zoning to allow this project, that project, and the other project. They don't look at them as Zoning, they look at them as projects. And it doesn't matter whether CDD or a member of the public or anybody else gets up and reminds

them that what they're talking about is Zoning. What they see is pretty pictures and they see a project. And that is how they're making these decisions. So I ask myself how different that is, what they are already doing, from what this proposal contemplates? And what they would have would be something a lot more concrete than just the Zoning. They would also have the good counsel of the Planning Board on -- where you would have thought through a whole lot of things that they are in no position to think through. So I see this as something that, that could well be a tremendous improvement in their decision making because they would -- it would be dealing with the real thing rather than the pretend thing. In addition, one of the things that I heard this Board -- several members of this Board say at the last meeting

was how much they wish that they could have some more studies, some more information beyond what the developers are providing them with for some of these difficult projects. Now that is something that this also provides, and I don't know if it could be arranged so that the Board could get the benefit of this information before it makes its decisions, but certainly the -- this provides for the City Council to get studies because as we all know every one of us is -- I mean, all of you, me, many of the people in this room, are professionals and we understand that although we have professional responsibilities, ultimately the client pays the bill. And the client can do an awful lot of shaping of how our conclusions come out. So that all of the studies that are paid for by the developers are, are not going to say

that what the developer wants to do is a horrible idea, even if it is. Now, I will say --

H. THEODORE COHEN: Can you wrap up your comments?

HEATHER HOFFMAN: Certainly.

I'm still amazed that the wind study for the project that shall not be named, actually did say that the wind would get worse if they did what they said they were going to do, but that is an anomaly in my view and in my experience. So I hope that you will give this serious thought. Why should you have all the fun? Let the City Council join you and really have to think about this and possibly figure out how to improve the Zoning, how to improve the planning in this city when they have to do the real work.

Thanks.

HUGH RUSSELL: Thank you.

Patrick Barrett. And after Patrick, Sam Seidel, but I'm not certain.

PATRICK BARRETT: Hi, my name is Patrick Barrett, B-a-r-r-e-t-t. I'm here to speak against the petition and I'm not sure I can put it any more succinctly than Mr. Cohen has or Mr. Sieniewicz or Mr. Nur. All I've heard tonight so far is that the City Council doesn't know anything about Zoning so why do we want them to be in charge of Special Permit granting authority under Section 19? You know, people are here now because they're upset. They're upset about specific projects. They're not upset about something that's a citywide pandemic. And because of that, almost exclusively we shouldn't be changing the Zoning that affects the entire

city based on certain people who are upset with certain projects. Now the Planning Board exists as a quasi judicial board. The City Council has the ability to change the Zoning.

Now Seth Zaren may have been reading pages out of my diary, but what he was talking before is exactly what we should be doing, citizen review of projects prior to the Planning Board because of the amount of money that a developer has to spend to get here, it looks like the project's already done. And that to them I think makes it look like the system's rigged. They show up with a project, they have a hundred thousand dollars of more on why are they going to change anything except for a few things here or there. That's not how it works, you know, it's not how it works. That's a matter of

perception. And Mr. Carlone also said -- private citizen Carlone said that the petition is not something that's going to be politicized, but it already has been a little bit. So we talked about 49 projects that were approved, and it makes it sound like the developers showed up and you guys were clapping unanimously and that was just great. But actually really what projects brought here, projects rejected, and multiple meetings, multiple hearings, multiple times they come back and back and back to get to where you want it.

You talked about property rights.

Thank you. Something I don't hear very much about in Cambridge. I wasn't sure if they actually existed, at least for private entities. But, you know, there's -- really? Making those, you know, decisions arbitrarily

because we have a feeling or because our blood sugar happens to be low this day, is no way to make decisions. There has to be consistency. And that Mr. Carlone who also initiated the master planning process really wants there to be a substantial change in this city, we have to change some of the Zoning. It's antiquated. It's not this progressive -- not nearly as progressive as we'd like to call ourselves in the city. You guys all know it. There are things that make no sense whatsoever.

Just one of my favorite ones is the FAR for basements. Why? But there's lots of things in the process that we can change. So, why doesn't the City Council work on doing that? They have the power to amend Zoning? If we really want to hold them accountable, which is what this is really

about, they're saying you guys are not accountable for your decisions. Well, you guys live here. You guys work here. You are my neighbors. I've worked with some of you. You're accountable. You got kids. You know, you're a part of the community. Well, how more accountable can you be? And you don't get paid.

And so, please, you know, I know you guys are going to go through this and it's going to be a long night, but just consider, consider those words and consider the spirit of this petition. You know, if you guys remember the Zoning Amendments made during Kendall Square, three Hail Mary amendments at the time of signing. You know, one of which was like, the Net Zero business which was approved and then not approved, and then one councillor who brought that is no longer with

us. She's alive but she's no longer on Council.

H. THEODORE COHEN: Can you wrap up your comments?

PATRICK BARRETT: Obviously I'm against the petition. But I'd like to thank each and every one of you for your comments already and you're educating the people.

Thank you.

HUGH RUSSELL: Thank you.

So, am I correct that it's Sam Seidel at 381 Broadway? And after Sam, Carol Bellew.

SAM SEIDEL: Good evening.

Mr. Chair, Members of the Planning Board, thank you for having me. My name is Sam Seidel, 381 Broadway and I'm here to speak in opposition to moving the Special Permit granting authority from the Planning Board

over to the City Council.

For this most basic reason, speaking from myself, I do not think in the end it will serve the interests of all of these people behind me, even those who are very frustrated with your process, in the long run. And I say it for this reason:

I served on the City Council, I have seen the process of Zoning and I've seen some of the discussions and deliberations that go around that. I cannot imagine given what I've seen in the Zoning process that the Special Permit granting authority will be any better than that or that it will deal with the issues that people here are so worried about.

I also will add to that. I, as a, I will say with a slight rise smile, is a good government liberal, I believe that a point

that was made earlier, the separation of powers is very important. And that is actually something that ultimately in the long run, through decision after decision after decision, protects us more than the idea that somebody's gonna solve our problem. And I very much worry that moving this power over to that body, where frankly there is no expertise whatsoever with the exception of one member of that body, will ultimately protect the broader interests of people whether they like a project or they don't like a project. That's my basic point.

I want to say that I speak, I think, with an exclusive set of experiences to speak on this matter. I was elected to the Council for four years, and before that I served on the Conservation Commission.

I would say to Councillors both present

and past, there is a huge amount of power inherent in being a City Councillor. And if the body as a whole can find a way to speak as a whole or some combination of enough councillors, a lot of this work, a lot of the frustration that's being expressed, can be done through the inherent powers of the Council. It is my strong belief that the Special Permit granting authority acts a lot like the Wetlands Protection Act and the Conservation Commission. It is a very limiting power. It actually says more what you can't do than what you can do. And I remember from being on the Conservation Commission there was always the issue of will this be challenged in some kind of legal proceeding? And that is particularly true on the procedural matters. Any procedural matter through a Conservation Commission or

I'm sure through the Planning Board, is challengeable under law, and that is a very daunting situation. And I cannot imagine -- this is speaking from having both -- having had both of these experiences, why the Council would want to, these are my words, handcuff themselves, constrain themselves with a Special Permit granting authority when they absolutely will not be able to meet the demands of their constituents in many, many instances.

I will not go into the specifics of Special Permits, those are complex. My understanding is that they, what I call lean forward, the idea is that they are wanted uses but you have to meet certain criteria as opposed to Variances which I call lean backwards, they are the exception, the exception and you have to prove the need.

With that, I will just wrap up. I hope that the way forward in this is for the Planning Board itself to think about its processes, its procedures, and how it can give voice both to the people who come here every other week and work and -- themselves work so hard, and that's a lot of work in that. At the same time guide us, which I think it is the role of the Planning Board, through a tremendous development boom that is putting a lot of pressure on us and frankly is about a city that has not yet emerged but will emerge in 2030, 2040, 2050 and that's a bigger challenge.

I thank you very much for your time.

Thank you.

HUGH RUSSELL: Thank you.

Carole Bellew. And after Carole, James Williamson.

CAROLE BELLEW: Carol Bellew,  
B-e-l-l-e-w, 257 Charles Street.

First of all I want to thank Tom Sieniewicz for his comments about Seth Teller at our last meeting. It was very much appreciated by several of us.

I also want to talk about Kendall Square because we as a neighborhood, specifically the East Cambridge Planning Team, have gone to the table with every developer that comes into our neighborhood and sat with them to make them aware of the needs of the neighborhood. We've done it for years now. Before you even see them, we've been with them; including MIT. For two years we had meetings on a regular basis.

The reality is that we as a neighborhood were able to get them to understand Zoning in East Cambridge needed to

have retail on the first floor. They didn't care about the first floor. We said give it away. We don't care. But you better make sure that you do retail and it better be local. We don't want anything national like Harvard Square. So we were very specific in what we were asking them, and I want you to know that we've been at that table, every developer that shows up, we've been there. And that's why some of the work in East Cambridge has been easier than in other areas because we stay at the table working with every single one of them. But the reality is that the courthouse was a different situation, and we've had a hell of a time with that particular project. Now, I'm not wanting the City Council to take over this situation, but if the master plan within two and a half years comes to the table,

hopefully with Dennis Carlone being an architect, he can lead some of the City Councillors who are absolutely green at this to a better place to assist you, not to replace you. And I am for this only because we've had a hell of a time with the specific building which is major to us in East Cambridge for the next 30 years or 40 or 50 years as to what happens to it. And it's very important for us to be at the table working with the developer.

For them to spend two years and then come to the table taking two floors off, is just an embarrassment. City Council even asked them to look at this and that's what they came up with. And even they -- and as I said the last time, even their attorney told them to take five floors off. So, you know, this is not something we can deal with. And

if it -- if we can get some City Councilors with the master plan to do better with this, we want them to work with you, not against you and so that's why, you know, I basically support this and what Dennis has brought forward.

Believe me we appreciate all your time. I mean, we, we really understand that this is not a paid job and that we appreciate every single minute that you guys put in, and ladies.

H. THEODORE COHEN: Could you wrap up?

CAROLE BELLEW: Yes, and that's it. Thanks.

HUGH RUSSELL: Thank you.

James Williamson. And after James, Bill McAvinney.

JAMES WILLIAMSON: Thank you. James

Williamson, 1000 Jackson Place. Greetings from Jefferson Park where 15 units flooded a week ago yesterday morning and still haven't been completely decontaminated.

I would like to first of all say that I support this very modest and moderate proposal wholeheartedly, and I want to thank Dennis Carlone for his leadership on this and on the master plan. I haven't seen anything like it in many, many years here in Cambridge and I really appreciate it.

Again, I think it's a very modest proposal. I think it's a very moderate proposal. And it's only on an interim basis for the period during which a master plan is gonna be developed. But let's not kid ourselves, this does involve what amounts to a shift in power, and I think that is what's crucial, I think that's the point of it. I

think that's what's crucial about it, and I think that's why many of us support it. It shifts some power in a modest way from you the Planning Board to an elected, accountable body, the City Council. That's what's important about this. You are not elected, you're appointed by a city manager. I won't get into some of my views about some of that history and legacy and the politics of it, but personally I would, according to the state law, Planning Boards could also be elected. And my preference actually would be that you the Planning Board were elected. Nobody's proposing that, nobody's suggesting that you be elected. What is being suggested is that for these three, what amount to three Special Permits, the really big ones, during this interim period, the decision making about that, the final decision making gets

shifted to an elected accountable body. And I support that wholeheartedly.

Now, there's an enormous gap between how you perceive yourselves and how you are perceived. It's like the management consultants, you know, I don't know if any of you have done it, how you perceive yourself, how others perceive you.

How you perceive yourselves, is we're very responsible, we have certain rules we have to stick to, we're doing everything we do in the public interest, we volunteer, nobody really appreciates us, and we're making really good decisions. Okay.

And now how you're seen by I think by a growing number of people in the city is you're rubber stamping every single big development that comes before you. Yes, there's some, you know, some tweaking, but

basically whatever developers want in this city, they're getting. And so there's a -- and people are judging you and it's not just about personalities, it's about the results. People are looking at what the results are and they're seeing traffic congestion, they're seeing no real way of getting at the infrastructure, whether it's the social infrastructure that Dennis Carlone talked about or the public transportation infrastructure which is somebody else's problem. If you have a bike rack, you're okay. I mean, these are caricatures --

H. THEODORE COHEN: Mr. Williamson, could you --

JAMES WILLIAMSON: And so given that there's a tremendous lack of trust which led to the master plan, and this is a natural moderate next step based on a sensible

approach to developing a master plan to begin restoring trust.

And I'll just close with if property is sacred, we need to take another look at the history of slavery in this country.

Thank you.

HUGH RUSSELL: Next is Bill McAvinney. And after that Carolyn Fuller.

BILL McAVINNEY: Hi. I'm Bill McAvinney, M-c-A-v-i-n-n-e-y. I live at 12 Douglas Street in Central Square and have since 1970.

I think it makes sense to have one -- oh, I am -- I'm coming here to speak in opposition to this proposal. I think it makes sense to have one body that is focussed on policy, the City Council doing that more generically. I haven't noticed that things are happening so quickly in the City Council

that they have a vast opportunity to have more work thrown their way. And I've heard this described as an arduous process, particularly when there are currently undertaking a master plan. So I'd much rather see the City Council focus on the overall policy of how development is done in the city and to have -- leave the individual sort of project decisions to this Board. Otherwise who is looking at the big picture? The City Council focuses on individual permits. They're definitely going to be taking time away from their other decision making processes.

What motivates me the most is I'm sick and tired of losing my neighbors. I live in Central Square. In the last -- there's -- on my street there's nobody who lives there besides me. I'm the person who's lived on

the street the longest. But even from like 10 or 15 years ago, there's only a couple of people left. And if we were seeing as much people being forced out of their homes by some natural disaster, we would see action. The only action we can reasonably take to address the fact that Cambridge is a growing city and we have a lot of demand for new housing, is to create the housing. And this is what motivates me a lot is my losing my neighbors, and particularly my middle class neighbors. If -- and one of my fears is that if we put this -- put decisions for project approval before the City Council, it will become a more politicized process. You only need to get five out of the nine councillors to approve something, and I suspect that it won't be addressed as a citywide -- well, my specific thing is that I live in Area 4.

Area 4 does not turn out well for elections and even less does it contribute well for elections. So there is a bias in the City Council that's kind of inherent against my neighborhood, and I -- we have issues that we need to negotiate between each other. We get more people in the city, we're going to have more traffic issues. Many of you have problems with the traffic issues. I have problems with losing my neighbors. I'd like to see that addressed in a policy-wide across the city basis by the City Council. And if they're spending their energy on looking at individual projects rather than looking at Zoning policy, that won't happen.

H. THEODORE COHEN: Can you wrap up?  
I guess you have.

HUGH RUSSELL: And Carolyn. And then after Carolyn, Susan Ringler.

CAROLYN FULLER: Carolyn Fuller.

C-a-r-o-l-y-n F-u-l-l-e-r. 12 Douglas  
Street.

I'm here today to speak against Dennis Carlone's petition to give Special Permit granting authority to the City Council. I want to live in a city that is shaped by thoughtful, well-researched, and professional processes with input from community members, not by processes that politicize individual project decisions in increased tensions rather than build community. This petition, if passed, will further politicize city planning and is a back door attempt to place a moratorium on development. This politicization promises to further divide the citizens of Cambridge, not nurture democracy. It gives outsized power to the most passionate and loudest voices leaving those

of us who want a more thoughtful dialogue out of the conversation.

That's it.

HUGH RUSSELL: Thank you.

Susan Ringler. And after Susan, Carolyn Mieth.

SUSAN RINGLER: Good evening. My name is Susan Ringler. I live at 604 Green Street in Cambridge.

I'm here this evening to speak in support of Council Member Carlone's Petition to give voting authority for Special Permit large construction to the City Council for the next approximately two years, a very short time, until work on the city master plan is completed. I would briefly like to make three points:

First, the current system of Planning Board decisions considers each building on

its own an out of the context of other recent and current development projects. It is not appropriate for this to continue unabated until we have a master plan. I was very impressed with a man who came with maps to the Ordinance Committee meeting which showed all of the number of units of housing in the Alewife area in the last five years. This is the kind of -- this is the kind of decision making that we need that doesn't happen -- has not yet happened. We need that to be happening starting today immediately everywhere in Cambridge.

Second, the fact that so many residents attended and spoke during the public comments at the 30th of July Ordinance Committee hearing and also are here tonight, shows that a very large number of residents believe development has been too rapid and

uncontrolled. We support the Carlone Petition as a way to exercise some control over current and future developments. It's not perfect, but it is far better than no control at all for the next two or three years.

Third, this is about climate change. We have all heard that rapid action is needed to keep global warming to two degrees Celsius. But what a rapid? Well, on the 9th of the July a New York Times article answers that question. It describes a United Nations report that was just put out where 15 countries, the largest emitters of carbon in the world were each told to make actual models of how to reduce the carbon emissions in each of their countries to 1.6 tons per person on the planet by 2050. The current U.S. emissions are 16 tons per person. The

U.S. needs to cut its emissions four percent a year every year from now on. We are currently cutting our emissions 0.4 percent. We need to be doing ten times as much to hit these goals, and this is an American team and you can look at the U.N. report. I will give you the link when I give the document, okay? We have got to get going. For Cambridge to cut carbon emissions four percent a year, four percent a year, energy efficiency, other zoning need to be much, much stronger for large buildings that are going to be around for 50 years or more. We need to be building for the future, not the past. Climate change is a huge challenge and we can face it, but we need to change our perspective and we need to promote real energy efficient development, real transit-friendly development, and we need to expand our wetland and urban forest

and not cut them down. And we're gonna have to ask the City Council or the City of Cambridge to govern Cambridge for all of its city, all of its citizens in a very rapidly changing world and that means taking charge of development starting now.

Thank you very much.

HUGH RUSSELL: Thank you.

Carolyn. Is there another sheet?

JAMES WILLIAMSON: Yes. There's about four names on it. Does anyone want to sign up?

CAROLYN MIETH: Good evening, Planning Board Members. I have mixed feelings about this whole business.

THE STENOGRAPHER: Could you please state your full name?

CAROLYN MIETH: Yes. Carolyn Mieth, M-i-e-t-h.

THE STENOGRAPHER: Thank you.

CAROLYN MIETH: Because I know how hard you folks work. I was a Planning Board member for 15 years and we worked closely with the Council, and I happen to work -- found a lot of help from Dennis Carlone in dealing with the issues that we had to deal with. He would come to Planning Board meetings and help explain, pick apart the problems and what we might do to fix things. So I like the idea. I know that Dennis Carlone has good ideas and I would like to see a chance that he put more of them into practice so I will end up on the side of supporting is this project, his project. It might be helpful that some change -- I think that changes should be made in the Zoning Codes, that there are problems there. There's a master plan in the works. We did a

master plan while I was on the Board. We called it the five-year plan. And at the end of five years we were going to review it and see how it worked and what else we might do. That never happened. So if this master planning process does go through, I wish it well and that they would review things after a given period of time. I thought it might be helpful if the Planning Board were elected in order to increase the relationship with the neighborhoods, but I don't -- that's not perhaps the answer to the problems you're facing. I respect the work that you do and how much time you spend discussing a project and taking it apart. The Planning Board I was on did the same, and we tried very hard to do what was right for our city.

Thank you.

HUGH RUSSELL: Thank you.

Amy Castor, do you wish to speak?

AMY CASTOR: Yes.

HUGH RUSSELL: After Amy, Peggy Barnes Lenart.

AMY CASTOR: It's Amy Castor, C-a-s-t-o-r, and I live at 245 Lexington Avenue where I rent an apartment. I've lived there for five years. I'm just getting up to speed on all that is going on with the master plan and what Mr. Carlone has put together, so this will be very brief. I just wanted to share with you my experiences living in that area for a short period of time. When I moved to Cambridge, it was a city that I cared about a lot. In the last few years I have watched in absolute horror as these huge apartment complexes have gone up around Alewife and they seem to keep coming. These aren't places that I would want to live and

any of these people -- some of the folks here have gotten up and talked about pro housing, well, I would ask them would you want to live in one of these units? They are absolute eyesores and it's heartbreaking to see what's going on in the area. They're not affordable places to live. They're not places that I could afford to move to. I think a studio goes for \$2,000. A lot of my friends can't afford to go there. And Cambridge is becoming a place where I no longer want to live. So I wanted to share that with you because I'm sure I'm not alone. This is not what Cambridge looks like, what I thought it would be. I cannot believe what's been going on in that area in Alewife and then to learn that even another 400-unit building is going up on New Street? I'm in shock. That is the only thing that I can drive around to get to

Whole Foods. I cannot go on the rotary the traffic is so bad. And when it rains, I can't even go on New Street. The other day it rained and the street was flooded. I had to drive my car through at least two feet of water. I didn't know if I'd make it. The only reason I thought I could make it was because the car before me made it, so I sort of thought well, here we go, this is all I have. You know, it's a dead end street. It goes into a parking lot and you risked your life driving through that parking lot because people are coming at you, you know, that are using it like a thoroughfare. So, I'm just horribly upset about what's going on, and clearly just to look around the development, I look around and I think gosh, somebody's making a lot of money, but what's been allowed to be developed there is not in the

interest of the residents in the area, that's clear to me. So I am supporting this petition. I hope you will, too, because I can't imagine, I can't imagine this continuing.

That's it. Thank you.

HUGH RUSSELL: Thank you.

Peggy Barnes Lenart and then Carolyn Shipley.

PEGGY BARNES LENART: Peggy Barnes Lenart, B-a-r-n-e-s L-e-n-a-r-t. Hi. I live at 115 Fayerweather Street where a lot of action is going on these days. I'm keeping my comments brief.

I'm here to support the Carlone Petition. I have come to since 2001 I believe, I've been following this process, the process of the down zoning and the results that have come from that. And I live

in an area which has seen this incredible growth due to the incentives that the down zoning has given, and apparently it is working beyond what seems wise at this point. I had found it difficult to find a way in as a resident to the process, and I see that for this two-year period that we really do need to have some access as residents. I've been noting those who are opposing the petition by in large seem to be from the developer's perspective. So I gather it's working well for their perspective. And so I don't see politics as a dirty word. It's a Democracy and I see that the City Council could be a way in for residents to also consider and have a voice as the citywide master plan is being developed and is bringing in more inclusive perspective. In terms of expertise I'm glad you're here and I do respect that

this is a volunteer position, the amount of millions of square footage that you all have had brought in front of you is, it's mind boggling really, and the decisions to be made, it seems to me will have a huge effect for our future. So they are deserving of some real time and fact and integrative planning, comprehensive planning, and so that we are living with a legacy that we wish to be with.

Just an observation, I returned from London where I was for a few days and we're not alone. This is, this is a historical time with money and real estate being put into urban areas, and for the first time in history more than 50 percent of the world's population are now living in cities. So it's an historical turning point with green space, with how do we relate to nature now that we

are in an increasingly urbanized environment.

Back to London, they are actually having to cover up one of their buildings. They didn't realize the glare from the windows, maybe you've heard of this case, they had put a net down.

H. THEODORE COHEN: Can you wrap up, please?

PEGGY BARNES LENART: And they are actually tearing down a building that they felt was too distracting, detracting from this surroundings. So there's a lot of pressure, a lot of pressure being brought to you all. And I say the City Council, as an important way for us to continue to have some say in the process as residents.

Thank you.

HUGH RUSSELL: Thank you.

Carolyn Shipley. And after Carolyn,

Steve Kaiser.

CAROLYN SHIPLEY: Good evening.

Carolyn Shipley. C-a-r-o-l-y-n Shipley with a P, S-h-i-p-l-e-y, 15 Laurel Street. I'm here to support the Carlone Petition. And to try to say again and repeat that it's, it's temporary, it's not the end of the world. You know, it's not -- I don't see where it's political. We're just -- it comes out of a need and a desire by so many residents as Lee Farris explained, there's 800 people on our CRA, Cambridge Residents Alliance mailing list. And that we have joined with other neighborhood groups who feel the same way we do, that people who are concerned that are not being considered, that development that has been approved one building at a time is not looked at the whole picture or how it affects us. Therefore, we have asked for

this master plan. We grabbed on to that idea, that the city needs a real master plan, not some that we have had on the books as Carol Mieth has -- Carolyn Mieth said didn't work. They didn't really look at all these issues that we are facing today. We are facing a lot more issues now than we were 10 or 20 or 30 years ago. I appreciate your volunteering to be on this committee. I know some of you are here only for a year, some for 23 years. It's great. I'm not trying to pat myself on the back. I have been working with community school program for over 23 years in the City of Cambridge, too, as a volunteer, so I know it's a lot of work, but the results are rewarding. I don't, I don't -- I have a question about the mixed use plan. This is what we're also talking about, mixed use, and there have been some

referrals to a couple of mixed use developments in Cambridge. I have to mention the Home Trust Building which was a misuse -- mixed use, but it's a failure. There's a huge corner store commercial site, vacant. It's been vacant for years because the way it was planned, poorly planned. The office space is on the second floor are now apartments. That didn't work either. So when we're talking about the first two floors of any of these new buildings being commercial and office space, here's what happens in reality. So there's a difference from the drawing board to reality, it's not as imagined and we live with that in Central Square. I walk passed that empty store every day. And my friend, someone I know is the person who is managing it and trying to rent it, she's up against all kinds of obstacles.

Someone mentioned the success of Kendall Square. Well, I've got to tell you, yeah, maybe there is activity at night and the weekends if you can afford to go to the expensive restaurants. I was just attending a meeting nearby and I was looking for a coffee nearby, just a coffee or something like that in the evening, and there is absolutely nothing that sells to the 99 percent. Maybe the one percent that can afford in expensive restaurants --

H. THEODORE COHEN: Could you wrap up?

CAROLYN SHIPLEY: -- I could not find a coffee. Okay.

So the planning is -- this is why we need a master plan, so that we can look at that planning, look at the mixed use, see if it really does work. I'm concerned with my

property rights. I'm not concerned with the developer's property rights. I'm sorry. I've seen so many changes in the 33 years I've lived here. And some people have mentioned it, too, how families are leaving. Three generations of families on one street, maybe houses that are nearby, it was common in my neighborhood in Cambridgeport and Riverside, you don't see that anymore. You know, it has all --

AHMED NUR: I'm sorry your time's up.

H. THEODORE COHEN: Please.

CAROLYN SHIPLEY: So, I have another minute? Okay.

H. THEODORE COHEN: No.

CAROLYN SHIPLEY: I'm sorry?

H. THEODORE COHEN: No, you don't have another minute.

CAROLYN SHIPLEY: Oh.

H. THEODORE COHEN: You've already gone over your time.

CAROLYN SHIPLEY: Okay. Thank you very much. And I support this.

HUGH RUSSELL: Thank you.

Steve Kaiser. And after Steve, Beth Stevens.

STEVE KAISER: Hi, I'm Steve Kaiser at 191 Hamilton Street. Today the Board is undergoing the most intense scrutiny of its long tenure. It was formed in 1914, 100 years ago. Since the beginning of the year, public concerns over the courthouse and the New Street have highlighted citizen concerns about the way the Board does its business. These concerns take the form of an undercurrent of distrust and dissatisfaction. On May 20th of this year I watched the worst

Planning Board meeting I have ever seen.  
That dismal meeting convinced me that I  
should become a full supporter of the Carlone  
Petition.

Is the problem poor communication?

Is it the stonewalling of citizen  
concerns?

Is it the appearance of being in a  
tank? These are very common criticisms of  
governments. And the BRA in Boston is even  
in worst shape than we are.

STEVEN WINTER: Excuse me, sir?

STEVE KAISER: Yes.

STEVEN WINTER: Can you tell me what  
"in the tank" means?

STEVE KAISER: Yeah, I'll get to  
that.

STEVEN WINTER: Please.

STEVE KAISER: The BRA in Boston is

in even worst shape. The Long Wharf case is a volcano waiting to erupt.

State governments have similar problems. A few years ago the state -- high state officials spoke in the East Boston meeting about the refusal of the state to require an environmental study. The official explained I am not into the tank. From the back of the hall it was shouted out: Take off your scuba gear when you say that. With some validity, citizens presume that money plays too much of a crucial role. Two or three years ago when I encouraged the Board to consider public priorities and not developer preferences, an active participant in development activities told me my concerns were all wrong. He said the way things are done in Cambridge is called pay to play. Pay to play. The developers have too much money.

Citizens are locked out when the rules are pay to play.

As a former teacher, I thought that preparing a report card on how well the Planning Board performed this year might be a good idea. I made a list of various attributes and the Board did not do too terribly well. On traffic and flooding, for example, I could detect no skills. And that's been a problem for 25 years. It's not your fault. It's the fault of the appointing authority. But you still need to know that if you're going to look at Alewife, you need those two skills vitally and they're not here. And if anything happens in the meeting, a question is given to an individual from Traffic and Parking who is not a traffic engineer. And so there's a problem in the way this is done. And when I got to one of

the attributes, one of them struck me as absolutely fundamental. Who are the members of the Board who, by their statements, appear to have a conscience. I can think of only one.

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

STEVE KAISER: Yes, and I worry greatly about the others.

Thank you for the warning and I'd like to agree with the Board for limiting my time because otherwise I would have spoken for three hours. But I did prepare a one-page summary of the history of the Planning Board which I think will be useful and I'll hand that out.

STEVEN WINTER: Mr. Kaiser, I have a question, please, before you -- you indicated that this Board is, quote, "In the tank."

Now what does that mean?

STEVE KAISER: What I meant by that is this is a criticism that I have heard.

STEVEN WINTER: So you said it, so you tell me what you meant.

STEVE KAISER: That decisions are made ahead of time and that they are not the result or necessarily of public opinions at a public hearing. It's a back -- sometimes the term back room deal is used. Okay? And so the public does not have the sense of confidence in the way that the decision is being made and that it is open and that it is fair. And so people complain. I don't know the origins of the term.

STEVEN WINTER: All right. Well, let me ask you another question. You indicated that in Cambridge, you "pay to play."

STEVE KAISER: Yes.

STEVEN WINTER: Now was that a referral to this Board?

STEVE KAISER: It was a referral to the process of the City of Cambridge for getting things approved.

STEVEN WINTER: I didn't ask you that. Was it a referral to this Board?

STEVE KAISER: I think it included the Board.

STEVEN WINTER: So you do include that you believe "pay to play" or graft and corruption is a part of what this Board is all about?

STEVE KAISER: All I know, and all I stated, sir, is that was what was told to me by somebody very knowledgeable --

STEVEN WINTER: I'm not asking you to say what was told to you.

STEVE KAISER: Yes.

STEVEN WINTER: You made a statement here at a public hearing that this Board is in the tank and that Cambridge paid to play.

STEVE KAISER: I did not make that statement.

STEVEN WINTER: Okay. We have --

STEVE KAISER: Please, I can give you my comment and you can read it. And if I've stated something wrong, by all means you can correct it.

HUGH RUSSELL: Okay, so basically --

STEVE KAISER: Let me hand out my comments.

HUGH RUSSELL: -- basically you're saying your testimony was hearsay? Okay. I'm not sure that's very helpful.

TOM SIENIEWICZ: I hope it's hearsay.

STEVE KAISER: I'm concerned about the editorial comments about what I say. I think the Board should be in a position to listen to everybody without the editorial comments.

Thank you.

HUGH RUSSELL: Beth Stevens.

BETH STEVENS: Hi, good evening. My name is Beth Stevens. I live at 100 Spring Street. Stevens with a V. I'm here to testify in support of the Carlone Petition. I've heard from a lot of people tonight. I think the people who are opposing the petition that the current Zoning Ordinance and the plan for the City of Cambridge is not up to date and is not adequately gonna be able to address the current Special Permits that are before the Planning Board.

I appreciate Councillor Carlone's

initiative in coming up with some kind of solution that can address immediately the concerns that so many people have that are evident by the amount of people that have been showing up at City Council hearings and Planning Board hearings and are concerned that the quality of life in Cambridge is being affected adversely and that we need to do something about it now. I'm happy to see that there is a master planning process, but I think everybody agrees that some of the changes that need to be made are not going to be done in time with the current big projects that are currently pending and that are going to have a citywide effect on Cambridge. So I would just ask that you do consider that this temporary measure to solve a current problem that everybody seems to acknowledge exists at this time, and that there is an ability for

the Planning Board to work with the developer on these Special Permits to get them to a place as far as the Planning Board's able to get them and then leave it ultimately to the City Council to agree or not and so that they have their stamp both putting their authority and also their responsibility and saying that yes, we agree that this is good for the city on an overall, from all of the policy and public interests points of view that the City Council is supposed to be representing. I think that would be a good thing for the City of Cambridge. I think it would really be a win/win for everybody so I hope you're going to support it.

HUGH RUSSELL: Thank you.

Does anyone else wish to speak? Yes, sir.

MICHA SCHATNER: M-i-c-h-a

S-c-h-a-t-t-n-e-r. Lexington Ave.

My -- due to all those processes, first of all, the pending request for permit.

Second thing is the up and coming two to three years master plan proposal. My fear is being those two dates, which we now end the master plan proposal everybody and his sister will try to sneak under the wire to reach the deadline which we create a tremendous pressure on this Board. And other than slow down the process to begin with or to even asking for moratorium, I don't know what is the propose other than to another impediment on the road as the lessor of two evils or more evils maybe. It's still an evil. I'm also, by the way, just as for the projects that are now being proposed in build without a plan, in my opinion, just as a patchwork in the Alewife Triangle. Last time I was here I

was told that things there is a 30-year study or a recurring study for overpass over the railroad just for bicycle. I don't know why a train and only 36 trains a day on that patch has the right of way 24 hours a day when it takes at most two minutes to block a past Sherman Street and just forget the overpass. Just make a pass there.

Also give -- in this respect, give the residents of the Triangle another exit towards Cambridge rather than using the bridge and the trail which is impossible. All those things just show me that the point of view here is rather narrow and doesn't look at the broad issues as a part of the whole ensemble. And that's not to mention the old study of 2006 about the Triangle and the Quadrangle which I didn't see any reference in the Zoning or what happens now

in the Triangle.

Thank you.

HUGH RUSSELL: Thank you.

Does anyone else wish to speak?

CHARLES TEAGUE: Thank you. Charles Teague, 23 Edmunds Street.

I wasn't planning on speaking tonight but there's been a lot of talk of Democracy here. And I gotta tell you that the very, very first thing as you all know I would like you to be videoed, just like the City Council. So I want you to be more like the City Council, that's what I would like.

I would actually -- in terms of Democracy, and there's been talk and James Williamson and was recited by someone else, that said, I like the Planning Board. I go well, yeah, that would -- sure, that can be done through a vote of the City Council up to

the -- and petition goes to the state. But I would say term limits. I'm a term limit kind of guy. I admit you've been here forever and there's this huge knowledge base and I believe in term limits and I -- that would, and that would eliminate some of the -- that unfortunate expressions that we've heard tonight. But, you know, at the end of the day, on this particular petition, I don't think it much matters. It really doesn't do a lot. And if we go, if we go back to the MIT up zoning, final Ordinance Committee hearing, MIT came out with and they dispensed basically little shiny baubles to each Council that they could use on their campaign literature and the former Mayor of Cambridge told me he was ashamed when he saw that. And I go, I'm torn because, you know, we come down here and we ask -- we try to get a few

street trees and it's like oh, we got something, but it didn't address the fundamental issue of 5500 MIT graduate students, post-docs replacing people out of the city. So I don't think this much matters. I think Democracy matters. I think we can do some -- just getting my video webcast just like the City Council, I think that would be a great thing.

Thank you.

HUGH RUSSELL: Thank you.

Does anyone else wish to speak?

(No Response.)

HUGH RUSSELL: Okay, I see no one. We've been sitting here for two and a half hours. We have several items on our agenda. We might or might not choose to discuss this matter, and what do you think we should do?

AHMED NUR: Take a break.

HUGH RUSSELL: That's my feeling, too, that we need to take a ten minute break and then go on with our agenda. And I don't think we've decided whether we're going to discuss that yet. We'll do that after the break.

H. THEODORE COHEN: What is the timing on the issue to report to the City Council?

HUGH RUSSELL: If we don't do it within 30 days of this hearing, the Council is free to act on the petition.

STEVEN COHEN: Within 30 days?

HUGH RUSSELL: Yes. We might have to act tonight.

STEVEN COHEN: It's so infrequently that we get the opportunity to hear public testimony, discuss it, and actually vote on the matter in a single night. And I think

this might be one of those exceptional opportunities to do so. We'll discuss it I guess after the break, but I would advocate for doing so tonight.

HUGH RUSSELL: Okay. Well, let's take a break and let's try very hard to go to only ten minutes, 25 minutes to 10.

(A short recess was taken.)

HUGH RUSSELL: So, I would propose that we actually take 15 minutes and discuss the Carlone petition.

And you want to lead off, Tom?

TOM SIENIEWICZ: Sure.

Once I finish my dinner which is a handful of peanuts.

Well, I -- the testimony was terrific and I really appreciated the perspectives that came to the Board from the room. Some of the comments actually I didn't appreciate,

but that's the nature sometimes of these public debates and it's human. So everybody's forgiven. And I am -- I meant no offense either by the comments I've made in the past.

But I was thinking about what we might do. How could we be most helpful in this situation given that what actually is before us is ourselves? You know, and I feel a little bit strange about trying to make a decision about our powers in particular and it's very hard to get proper perspective on that. So I was trying to think, okay, and I had a little sidebar with you in the hall thinking about how can we be most helpful to the citizens and to the City Council under those circumstances. So I'm uncomfortable about voting up or down on the particular petition that's before us, but I'm very

comfortable about trying to offer perspective which is unique, uniquely we hold as being Planning Board Members, try to offer that perspective both in comments to the public for the people who have taken the time to come out tonight, but more importantly actually to communicate those to the City Council so that they can make a wise decision about this particular amendment that's before us.

So a little bit of a start by saying procedurally that's what I would recommend. I don't know how other Board Members are feeling before I get into the substance of what I heard tonight.

HUGH RUSSELL: So I think until we speak, we can't say yay or nay on the question of whether we're going to vote.

TOM SIENIEWICZ: Okay.

So anyway, we'll put a motion on the table and we'll discuss it later on that question.

So, my comments or my questions to Dennis at the onset still are very much on my mind and are a concern about the messy legislative process which is appropriate for some kind of decisionmaking, but I think less appropriate for a really measured and careful assignment of property rights. And we also had a sidebar in the hall different on what is actually going on here. But I firmly believe that the discussion on both the property rights represented by the citizens that are sitting in the audience every night and the proponents of development proposals are rights that need to be very, very carefully guarded and carefully considered, and the messy sausage making factory that is

the legislature is a place where that -- I can't imagine that happening fairly and properly. And so that's my deepest concern about the petition, and reasonable people can disagree, but I still hold that concern.

I guess the other thing I wanted to single out as a comment that really struck me, two comments actually, one by Marilyn Wellens who I've been interacting with publicly for many, many years saying that we offer a buffer politically to the City Council and that that's not fair. The City Council should bear that political and public buffer more directly. I don't know, I think it's probably the proper role of this Board to serve in that position. We've done it for years. There is a way in which there's a discourse that can happen here around a particular and pointed issue that I think

it's a service that we provide the City Council that is not unimportant.

And then I'd very much liked the metaphor of Jan Devereux talking about it being a sailor type with the nautical way in which this might help us through the near term -- might be a mechanism by which we can get through stormy seas. I'm not afraid of the stormy seas. If you're well prepared and you are a captain or a navigator of some experience, and I think that that's the way in which we might differ from the City Council. With all due respect, they have a lot of skills but this is a Board that is made up of city planners, yes, some people don't understand that, but there are city planners, lawyers, architects, transportation engineers, contractors, who not only have that experience professionally and that

perspective professionally and that patience professionally but they also have some significant tenure. If you added up all the years I'm sure it exceeds in excess of, I don't know, 50 or 100 years of Planning Board years, and that's is not insignificant, again, when you're weighing something as carefully and as delicate and as sacred as the citizens' property rights and a proponent's property rights.

I guess that's where I'm in -- where I am. I strongly disagree with the petition and that's where I am.

HUGH RUSSELL: Okay.

CATHERINE PRESTON CONNOLLY: I guess I want to start by appreciating all of the suggestions that have been offered on ways that our process can be improved. I think the Planning Board has shared the public's

frustration with how a number of meetings have gone recently, although the most recent 40 Thorndike Street meeting was a good step in the right direction. And I think we're -- I know I am and I've heard from my fellow Board Members, committed to doing what we can to communicate better and make the process work better for everyone. Nobody here likes being on either side of frustration. And I think some very good suggestions have been offered for improvements that independent of the Carlone Petition could be taken up. Although in general I think many of them are ones that we would ask for the Council's help in taking up such as a requirement to reach out to neighborhood groups before Planning Board public hearings. I think that's something we would love to see required and would need a Zoning change to require it. It

is something we already encourage Board Members to do and has spoken about. We benefit greatly from the amount of time and effort neighborhood groups already put into working with the developers before they ever get here. Better proposals come to us because of that work, and I think that's really valuable and I'd like to see more of it. I think we as a Board could do a better job of explaining some of the things that we take for granted that we know go on both at the staff level with Traffic and Parking, with CDD, and keeping track of the iterations of feedback. As I'm Ahmed alluded to earlier, it's very rare that a developer comes in and gets rubber stamped by either staff or the Board right off the bat. We don't formally reject those proposals because there are legal problems with doing that, but

there are lots of pushback at lots of points and we maybe need to do a better job of communicating that clearly so that residents do understand, we do hear the concerns, we do act on them, we do ask the developers to do better, but it may not occur until the proposal comes in or it might occur beforehand, but some of that needs to be better seen and explained. And I think there are lots of different ways that that can be done.

With regard to cumulative effects which came up again and again, and this is, every time we see an uptick in the development cycle, this is a major issue that comes up that everyone wants us to deal with the cumulative impact of projects, and I appreciate that. I go back to what Tom has and others have referred to as the judicial

nature of this Board, and the fact that we are expected to treat all applicants equally and fairly. That means we count on the Zoning to deal with those cumulative impacts and why I'm personally very excited about the master planning process that's going on. And that's where cumulative impacts are best addressed. When you look at a neighborhood has a whole and you say what can this neighborhood as a whole apply so that it -- everyone does the maximum they're allowed to, we can live with the impact. That's what we count on those planning processes to do, to result in Zoning, that then we can administer to all property owners equally and fairly and not say well, you're the last one in, so now you don't get to have the same rights that your neighbors did.

Now, we did go through that process

several years ago. I don't disagree that it's time to revisit it. I appreciate Carolyn's point that it really should be revisited on a regular periodic basis and that we should keep checking to make sure that we're looking at those correctly. But I do think that Zoning and not individual permits are the correct place to do that. And I guess that's why I would prefer to keep the City Council focussed on the master planning process, dealing with those policy issues and cumulative impacts and not going project by project the way in the administration -- the quasi judicial administration of the law that we are tasked with.

AHMED NUR: I will be quick because I spoke earlier on this matter, but I wanted to also say thanks to all the people that

came down here and thanked us for our volunteering time, and we also thank you for volunteering your time. It takes all of us to make this straight. And I also wanted to say that I am a bit concerned about some, I guess at the time taking notes, some of the notes that are extremely finger pointing and negative, and in such that we're not looking at the best interest of the public. We neglected our job in Zoning, we're abusing the system, and there's going to be a temporary power transfer. Why aren't you guys at the City Council meeting? Though, you know, I don't want to get into it, but as a father of three kids and doing a bunch of other things, the last thing actually I want to do is go to the City Council.

A rubber stamp for the city,  
uncontrolled development, less transferred to

the City Council where they could control it better, stormy ship, we want it better by the City Council and back room deals and city corruption and you guys are in the tank.

These comments I take these very seriously, and sometimes I hate to bring it on to this, but, you know, the last few days I was somewhat weary because my time means a lot to me and I don't make a living out of sitting here. I wanted to make it better for my kids and for the city. And I came from a war torn Somalia and I'm really happy to be here. And the one thing that I can do is volunteer my time. I'm a civil engineer. Graduate from UMass Lowell. I know all about buildings. I was involved in Harvard buildings and all over the place in Cambridge, Lesley, and three and three and many others in Cambridge and Boston. I'm sitting here, I think, to

look at the best interest of my neighbors and community that we're all involved. Some of you are parents that know my kids, and so on and so forth. I don't like to pat my back and say that stuff, but I guess, you know, hearing all that's going around, maybe it's necessary for people to know why I come here, who am I? I was -- some of you came in to our rescue. I was at the Central Square Committee, a part of that. So I don't think it helps to come down and just throw the Planning Board under the bus and just say you are this, that, that. And actually half of those people just came and did that and left. I haven't seen them before Thorndike. I haven't seen them before New Street. I'm not proud of Thorndike. I recuse myself for a good reason. I'm a contractor and my company is seeking a job there. For that reason I

step out. Would I support it or not, for good reason I don't want to be part of it.

New Street? I have the same issues that everyone else does. I am you. I work for you. My time that is.

So having said that, I want to get that off the chest so I can sleep better because, you know, God forbid my wife says you got to go. You have to go. I thought about just resigning. Why am I putting up with this? So anyhow, aside from that, for that reason, for this petition, I don't think it's a good idea for the City Council. City Council or anybody can run the City Council to make a living out of it and say oh, I am a Councillor, therefore, I can go and decide this and that. They want to be re-elected because that's where they make their living. I don't think the public generally will say

what is your degree? You want to work for the City Council, are you an engineer? Are you a planner? Are you this and that? No. Majority rules, you get, you know, you get elected to City Council any time. So I think it's a great idea for the Planning Board even though we're overloaded and we can definitely use help, I think the way that this particular has been going for has sort of affected my thought of it. So I'm not opposed to this, you know, but I'm not definitely for it either. I need to think, but I just wanted to say these points.

HUGH RUSSELL: Okay.

Steve.

STEVEN WINTER: Thank you,  
Mr. Chair, just a few points.

I agree with my colleagues and I won't repeat the things that they have said that I

do agree with, but there's a lot of agreement. I will say that I think that suggestions for process improvement are critically important and we have to be really open to what those are and then to institute them. There are problems with the process and we need to fix that. And that's not something that I would chirp from, that's something that I would be thrilled to get involved with to solve those problems that have been around for a long time.

I also think there continues to be a lot of misunderstanding about roles, you know, what is the role of the Planning Board? What is the role of the CDD? What is the role of the Zoning Ordinance? I think there's a lot of questions about how do all these things interact and what are our respective roles? And if there's

misunderstanding about that, it's up to us to clear that up. It's our responsibility to clear that up. We need to do that as well. For me comes with the our improving our own process here.

You know, it's interesting to talk about who does the studies and, you know, maybe we should really look at, you know, if the proponent should not hire traffic, wind, noise, water, engineering consultants, who should? And how should that be done? And so that's maybe something that we need to take a look at. I don't know. I think it's come up here quite a bit.

I think that we need a closer liaison with the City Council on planning issues. I don't know how that would happen between two boards that I think must meet in public, but I think that some kind of dialogue has to

happen whether here or at the Council meeting, and I just don't know, but I think we need to put our heads together. We can figure that out, how to do that, and make that happen.

You know, there was a lot of talk about volunteers, who's a volunteer and who is not. And I have to tell you, this is work. And I take it very seriously. It's -- I think that all of my colleagues would agree, this is a job and we do this job. We have agreed to do this job. I do this for the future of the city. The city that I love very much and has been very good to me. I don't do it for money, but it's still work and it's still something that gets 100 percent of my focus and attention as a volunteer.

And I guess, you know, the last thing I wanted to say is I really am reluctant to put

these, the planning decisions in a political environment. I know political environments and I know how they work and I'm not being pejorative, but there's a lot of political theatre and we've seen it here. The political theatre is no place to have a discussion, a thoughtful careful discussion about whether something is within the bounds of the law or the Ordinance. That's not the right place. Political theatre is folks laying a lot of bait and that's not going to work, because when we talk about planning, we need to focus on the genuine article. What is the point? We need to find our way to look at that point and hold it up and say okay, here's where we hang our hat. This point right here in the Zoning, in the Ordinance.

And, you know, I'm not inclined to

support this petition, but I think it does bring with it a host of other questions that we can work with and be effective with.

Thank you, Mr. Chair.

H. THEODORE COHEN: Thank you. And I do appreciate all the comments made by everybody tonight although I do oppose the petition for a number of reasons.

The first one is that even though it's purported to be temporary, temporary laws have a tendency to become permanent laws. But more than that, I think it will politicize the whole procedure. I think we are the quasi judicial body and that I think the City Council is the legislature and the executive and that their role is to create the rules, create the Ordinance, create the policy, and then leave it to someone else to implement. I know there are other

municipalities where the City Council or the Board of Selectmen do serve as Special Permit granting authorities. I do agree with the gentleman from Newton that I don't think it works very well.

I do know the law. I am a lawyer. For 30 plus years I specialized in municipal law. I represented municipalities. I sat through interminable Planning Board, Board of Appeals, Conservation Commission, Board of Selectmen, City Council meetings. I've represented and defended various boards and I've sued various boards. I do know what the law says, and I sought a position on this Board because after 30-some years of representing other municipalities I wanted to do something for the city that I've been living in since 1972 and that I really love. But I do want to remind people that the first

statement in the Zoning Ordinance under criteria is: Special Permits will normally be granted where specific provisions of this Ordinance are met. And then, yes, it goes on and says: Except, and it can't be to the detriment of the public interest. And there are lengthy determination of what that detriment might be.

Well, we can all differ on our own position of whether something is a public detriment or not, and, you know, that's fair and that's why there are board members from all over the city with different backgrounds because we all get to bring our own opinions and expertise to this matter in a non-political environment. I really think that if this were in the hands of the City Council, the fact of being elected and running for elections all the time will

inevitably make it a political decision, will inevitably make individual City Councillors think about their particular constituencies in a particular neighborhood whereas we are from all over the city and we think about the city as a whole.

I respect the City Council completely and I take umbrage at the concept that they're, you know, "in the tank" or that it's "pay to play" with them or that we're "in the tank" or that it's "pay to play" with us. I don't think that exists at all. And as I say, I really do respect the City Council. And as I said earlier this evening, I welcome them all to come here and give us their input, to send us orders, to give us their recommendations. I think that would be a big help to us. And I also think that it is their responsibility with CDD and with us to

revise the Ordinance as it is necessary. And I think people have made a lot of very valuable questions and very valuable insights and suggestions and, I think, you know, we need to listen to everybody and try to implement them. And, yes, I agree, you know, our process can certainly be improved. We can be clearer as to what we're doing, as to why we're doing it, and involve the public to a greater extent. I think that these are things that we can do and that we should do. But I -- and, you know, these are three unique projects, but I think we've handled many other projects of similar scope. You know, perhaps not the courthouse, but I think that's something that this Board can handle very well with input from the public and with input from the City Council and with input from CDD. And, you know, I personally think

that the power to issue the Special Permit should remain with this Board.

HUGH RUSSELL: I would agree with that. Somebody said well, the Planning Board gives a developer everything they want. And that's not true. And it's not just that we will modify projects or encourage modifications. I'm thinking of the one on the Hathaway Loft, was that the bakery? Well, we actually didn't make a deal. A deal was made between the neighborhood, the developer, and the Historic Commission. But when it came to us, we said this doesn't look right to us either so work it out. And then it came back and it was this deal where we said, you know, this is pretty good. So we don't always -- we're not always in the middle of that decisionmaking process. But developers don't come and ask us for what

they want. They come and they ask us for internally what they think the Ordinance will permit them. And the Ordinance is quite restrictive and that's a big difference than say the City of Boston, which basically has negotiated Zoning.

When I study a project in Boston, my clients say -- and I do mostly multi-family housing. They say, oh, don't worry about the Zoning. You know, there's a five-story building here and a six-story building here and the Zoning may say four stories but they're approving five and six-story buildings. And you go and, you know, you negotiate with the Mayor's office and the local councillors and with the BRA, and the BRA is the planning agency of the City of Boston, and it's a highly politicized agency. And you make a deal and then the BRA Board,

which is like the Planning Board, has to act. They just rubber stamp it. You go in and the meeting lasts ten minutes because it's all been worked out in advance. And that's the way negotiated zoning works. And it means you don't know what the rules are. The rules are constantly influx.

What happens in those situations is you usually get more than what the rules say, not less. Here you get less. That's a big difference.

You know, how does this relate to the Carlone Petition? I think it's because -- if you hand the power for Special Permits -- put it this way, if the City Council decides it wants to take the power for Special Permits, because that's really what's being asked here, and it's our awkwardness is that, you know, the City Council has the authority to

enact this provision. It's permitted under state law, they can do it. And so we know they have that authority to do that. We're trying to advise them about that, but I feel uncomfortable saying well, you know, the Planning Board thinks it's a bad idea. I mean, in some ways it would mean we'd be out of here by 8:30 most evenings. I mean, I think development would probably stop for that two-and-a-half-year period. I think it's really probably more a moratorium because the process would be so difficult. And I think that pleases some people that these difficult cases will therefore be decided sort of by default, not by rational thought, not by trying to figure out what's best for the community, but just stop.

And so, you know, there's a technical problem in this amendment. The way the

Zoning works is that usually people need more than one Special Permit when they're coming for a Special Permit. We consider a series of different criteria and then there's a ramp-up urban design permit. To have -- we do the -- the way the law works is that we make those decisions as one case. Under the proposal before us the Zoning Board of Appeals would be granting most of those Special Permits. We would advise the Zoning Board. I don't think they want to do this. I don't think they want to get involved in reviewing major developments, but that's what would happen because the way these permits are assigned to the Zoning Board, sort of all permits are assigned to the Zoning Board and then there are exceptions and one of the exceptions if the Planning Board is granting the permit, they grant all the permits. So I

believe that's a defect in this proposal that wasn't contemplated. That procedurally it would be very difficult.

I don't know, I think I've said enough.

STEVEN COHEN: We've probably all said enough, but I'll say some more.

HUGH RUSSELL: I can count on you.

STEVEN COHEN: I can't help myself.

Just repeating briefly what I said early on, I feel strongly and the separation of powers that there be a legislative process which is inherently and inappropriately and politically to establish Zoning and land use policy in the city, and then a separate entity which is of more of a quasi judicial in nature which is divorced you from the political process to implement the policy made by the legislative political body in Cambridge under our set of laws, that's the

Planning Board. It's certainly not a matter of, you know, wanting to hold power to ourselves even though we're not here for the glory or for the power. I mean, we're here to contribute as best as we can towards the welfare of the city. And I think with this sort of separation of power it's the appropriate and best way of governing land use. We've heard from several people, and especially an articulate Larry Bluestone, a professional in the field who have worked with the municipalities and the City Council and legislative body has in fact assumed the role of the Special Permit granting authority, and I think everybody who has worked in such a situation has unanimously voiced the opinion that it doesn't work well. We haven't heard a contrary opinion, I think, either that reasoning applies here as well.

I don't think it would work well.

We have a Board here which is 100 percent committed to the public interest. I heard people say that we're not interested or committed to the public interest. Why else do you think we are here? What criteria, what goals, what interests do you think we have other than to perform the best that we can in the interest of the public and the community? You know, we're not politicians. We don't run for office. You know, we're not looking for votes from anybody. We're not getting paid big bucks by anybody. We're here for no reason at all other than to do what we consider to be right and good and wise and best for the city. And in doing so, you know, we value your input. You know, we listen carefully to your input. We think about your input. But ultimately it isn't

about the number of people in the audience and it isn't about the passion that you express or the volume of your opinions, because at the end of the day there's 50 or 100 or 200 of you folks in the audience in a city of 100,000 people. So it's really the strength of your arguments, you know. Can you persuade us of various matters? And we listen carefully to that and we think about it. But at the end of the day, you know, we have to use our best judgment and that's what we do. You know, we have various experts in various disciplines. We're well motivated. We may not agree on everything, but please don't question our motivation. You know, and we try to make the best decision that we can in the interest of the city.

I guess I need to make one comment.

Mr. Kaiser, you made some comments about us

"money talks," "in the tank" and so forth. We hear from you often, Mr. Kaiser, and I expect that we will hear from you further in the future. And I will listen to you and you are entitled to express your opinion, but you've said things, you know, today as to which you had absolutely no evidence, no objective basis for -- you've demonstrated a total disregard for the truth and for facts. And as far as I'm concerned, you've discredited yourself and you have no further credibility at least with this board member. So I will listen to you politely in the future, but you've lost any credibility in any future testimony with me.

Finally, the comment has been made about cumulative effects and, boy, I agree with that entirely. That, that the way we're set up right now it's difficult to take into

account cumulative effect. But I also agree, I think it was Catherine who said that the best way to address cumulative effect is in fact through the planning and ultimately the Zoning process. Because if you're asking this Board to think in terms of a cumulative effect rather than just responding to the application before us, well, what does that mean? That one person comes before us and we approve it and the next person we approve it and the third person comes and we approve it. And then the fourth person comes along with the exact, same application and suddenly we say enough, you know, now we're not going to approve it. Now, you know, that means that we can't act consistently. That we're making totally subjective judgments about who's okay, who gets in under the wire, and at what point, you know, have we had enough? Well,

somebody does have to make that judgment for sure. You're absolutely right about that, you know. But it isn't the quasi judicial body that makes that judgment. You know, it is ultimately the legislative and political body that makes that judgment about when we've had enough and what is the right approach to be taking towards land use planning in the city. You know, so ultimately as I said to Dennis, yeah, I agree, you know, that perhaps we could use some help, some changes, and I agree that the City Council could and should be the one to offer it, that assistance and input. But the way you do that is through the Zoning process. You want to change the Zoning, you don't like the way it's going in the city overall or in one particular area, you change the Zoning. That's how you govern the

process. Our job isn't to, you know, decide, you know, what and how to do it in the city. Our job is to implement the policies and the Zoning passed by the City Council.

So, you know, I must strongly oppose the petition. I agree with many of the concerns, you know, expressed by Dennis over the months and years. I disagree with Dennis that this is the right approach towards remedying those concerns. I think this would be a very detrimental approach for the city to adopt and I urge the City Council not to adopt this approach.

AHMED NUR: I just wanted to make one correction on Steve's comments. I agreed with everything you said and except you said that we're here for the city. We're here for the people of the city. I just wanted to put that out there.

STEVEN COHEN: I accept that amendment.

HUGH RUSSELL: I'm not sure that our comments have mirrored one part of the testimony and that I may have not been listening properly to everybody which in that was that -- and sort of takes off from what Steve was saying, it seems to us given what we've heard, that we need to work on the Zoning and that the Council should devote their efforts for the next two years for that activity and not try to take on a very time consuming process which is the development approval.

So now is there a motion? We've made comments. Jeff has been perhaps getting it in his new technology. If not there's a transcript.

JEFF ROBERTS: It's working now.

HUGH RUSSELL: I trust that transcript technology.

JEFF ROBERTS: It's working 85 percent of the time.

HUGH RUSSELL: So, Tom, did you want to present a motion?

TOM SIENIEWICZ: I think because of the extraordinary question that's before us, I'm a little self-conscious of the fact that the petition actually relates to a governing of our power to some degree, and so on that basis, you know, if I ever was a legislator, I would have to voting myself a raise or even maybe this could be considered the opposite. It's hard to get credibility on such a vote. So, I would recommend that we send our comments to the City Council in the interest of trying to help them deliberate on this, but not vote. And maybe this is

hairsplitting, not vote on the actual petition up or down.

So the motion would be to forward comments to the City Council as articulated by the Board Members tonight, but that essentially we would decline to vote yes or no on the substance of the petition.

HUGH RUSSELL: So is there a second?

AHMED NUR: I was just going to add, you know, for the respect of Harvard Square, East Cambridge, and Fresh Pond, I'm actually not going to vote. I'm not ready to vote if we were yes or no, but I am willing to go along with that as a second to take our comments to the City Council.

HUGH RUSSELL: Okay.

So discussion on the motion?

STEVEN COHEN: Yes. Could I speak?

HUGH RUSSELL: Yes.

STEVEN COHEN: Well, just briefly, I have no discomfort in taking a more straight forward assertive perspective. It isn't as if we're, you know, aggrandizing power to ourselves here. I mean, I think we are, all of us here, professionals in this field and I think we can make a professional objective, dispassionate judgment as to what is the most advantageous and appropriate structure for land use planning and implementation in the city. And from that professional objective perspective, I for one would propose that we give a negative recommendation, that we recommend that this petition not be passed.

H. THEODORE COHEN: I would concur with that position. I think, you know, we're saying essentially that we should be the body that's going to vote yes or no on New Street, the courthouse, and CambridgePark Drive. And

if we can say yes or no on that, I think we can say yes or no to the City Council, whether we think this is a good idea or not, for the reasons that we've articulated and which Jeff will transmit to the City Council. And then it's their power to listen to us or not. And they make the decision based on, you know, what we say, what the Ordinance Committee says and what they think is the right thing to do.

STEVEN WINTER: Mr. Chair, I concur with my two colleagues who just spoke. I feel comfortable moving ahead offering a negative perspective on this, but I also -- I would like to say, Tom, I had this enormous respect for you wanting to take that road and that position. I just had to say that's, that's just monumentally marvelous, wonderful. And I really appreciate that kind

of thoughtful stuff. That's what we do here.

HUGH RUSSELL: Catherine.

CATHERINE PRESTON CONNOLLY: I'm also prepared to vote against the proposal and for all the reasons articulated. And I agree that City Council is not unaware of our position as the Board whose powers as being voted on, and I have no doubt that they will consider that in reviewing any opinion we've forward to them.

HUGH RUSSELL: Okay, we have a motion on the floor which has been made and seconded. We can amend that motion.

TOM SIENIEWICZ: Well, I appreciate the perspective of fellow board members and the sentiment that's here and I've been swayed by some argument. I'm going to withdraw that motion is that possible under the rules or we can just vote it down simply.

HUGH RUSSELL: I think you can withdraw.

TOM SIENIEWICZ: Okay. I'd like to withdraw the motion.

Thank you.

HUGH RUSSELL: Is that a second?

AHMED NUR: Second.

HUGH RUSSELL: Is there a new motion?

STEVEN COHEN: I would move that we send a negative recommendation to the City Council that they do not adopt the Carlone Petition.

HUGH RUSSELL: Is there a second?

H. THEODORE COHEN: Second.

HUGH RUSSELL: Is there a discussion on this motion?

STEVEN WINTER: No.

HUGH RUSSELL: I would -- I want it

to be understood that as with all recommendations to the Council, that the discussion that the Board has is a part of that recommendation.

So all those in favor of the motion to not recommend the Carlone Petition?

(Raising hands.)

HUGH RUSSELL: All members voting in favor of that motion.

Okay, thank you.

There are other items on our agenda.

Are the folks from the Housing Authority here?

JOHN WOODS: Yes.

HUGH RUSSELL: We should take up the Comprehensive conversation.

JOHN WOODS: Hi, my name is John Woods. I'm a deputy director for the Cambridge Housing Authority. I was here

maybe a month or so ago to give you a head's up about the fact that we are submitting a request to the BZA for a new Comprehensive Permit for Jefferson Park, and also at the same time amending a previous Comprehensive Permit that was originally issued in 1982. And essentially --

HUGH RUSSELL: Excuse me. I just want to interrupt for the benefit of the board members who may or may not be familiar with the Comprehensive Permit process.

Essentially it's an alternative method for approving Zoning approval on a project that involves affordable housing. So the Housing Authority has for the last 30 years been adopting that procedure rather than seeking Variances.

STEVEN WINTER: What's the reason, Mr. Chair, that they're taking that route?

HUGH RUSSELL: The reason is that the Variance procedure requires findings of hardship that are very difficult to satisfy, and this legislation was enacted by the state to encourage people to provide affordable housing. And so the standards are basically, don't require a finding of hardship.

There's -- it's a complicated process. And in other communities that do not have the affordable housing whereas in Cambridge there's should the Zoning Board turn down the application, they have the right of appeal process to a Housing Appeals Board. Because Cambridge has met its quota, that right of appeal does not apply in this case, but the ability to give the Comprehensive Permit still remains.

STEVEN COHEN: If I could add, it was originally called the anti-snob zoning

law. And the premise was that the towns and cities would have Zoning, particularly to prevent this kind of dense affordable housing, and so the Comprehensive Permit process is essentially a vehicle to trump the local Zoning.

TOM SIENIEWICZ: But also to be clear, it would be the Zoning Board that grants the permit, right? We are to aid them in their deliberations, opine on the development, but ultimately the BZA will be granting that permit or not?

HUGH RUSSELL: That's correct. And as all city departments and the board agencies are requested to, you know, make their recommendations to the Zoning Board. That's why it's called the Comprehensive Permit. It does not -- you still have to get Conservation Commission approval. You still

have to get a Building Permit, but all the rest is rolled up into one process.

JOHN WOODS: That's right. And in the package that I submitted is the same package that those other departments have. So getting input from each of those departments into this proposed change.

Now in 1982, this original Comprehensive Permit essentially broke the Jefferson Park development into nine parcels. We are making changes to one of those original nine parcels which is the parcel that was the site of the Jefferson Park state development which was actually the first development that was created in 1950. So what we're doing is we're sort of reconfiguring some of these parcel lines that were created in 1982, enlarging the space where those four buildings were, knocking

those four buildings down, and building six new buildings. Whereas, we had 108 units in those four buildings, we're now going to have 104 units in those six buildings. The buildings themselves or the units themselves will be larger. And one of the key changes that we're proposing is to get away from those central staircases and instead create an emphasis on individual unit entries.

So essentially what we've done is taken the parcel that housed Jefferson Park State and added about 25,000 square feet to it. And conversely we've also added gross building size of about 11,000 square feet from what was on there previously. And our FAR has actually dropped from 1.16 to 1.03. The footprint of the buildings, as you would imagine with the six new buildings, it's a little bit larger, it's about 12,000 square

feet larger. And I was trying to come up with a dimension that would be helpful so I took the building footprint versus the lot size, and this does show you that we're actually using more of the lot for building size. So it went from 29 percent to 33 percent. So it's an increase of about four percent more building space on the site itself. So, you've seen -- you see in your package a series -- well, first there was the new Comp Permit that we're putting forward which we compared to what was on there, on that particular parcel before and what we're proposing, and then I also went ahead and provided building tabulation forms for all the other parcels. A little complicated, but essentially what we're doing is on the same footprint of the Jefferson Park development creating new buildings to replace the

obsolete buildings that now exist there.

HUGH RUSSELL: And as I recollect from the last presentation you made, you say obsolete, they're obsolete both in terms of being old buildings that have been used for a long time and obsolete because the sizes of the units no longer meet the needs of the people you're trying to house.

JOHN WOODS: That's right. Today's standards are just not a practical thing to utilize those buildings.

They've also, as you mentioned, from 1950 on they've taken quite a beating. And, again, one of the changes that we're very excited about is this emphasis on both a green meeting, the green criteria but also creating spaces that will be provide some sense of private space while still creating that community.

We're running -- we're sort of reinstituting Clifton Street down the center of the building placing the parking much closer to what is seen in the rest of the neighborhood, parallel parking. As emphasized so there's no large parking areas, it's more spaces along a roadway so to speak.

So the one thing that we have lost, there was a little bit of the open space that was particularly the open space in front on Rindge Ave., but we've been able to actually utilize a small amount of open space to create a greater sense of available green space at the site itself.

I apologize for the complexity of all these parcels that were created in 1982. In 1982 I guess there was a specific reason for it in terms of the financing package that was put forward. So this development that we

intend to put forward will be funded by a variety of state and federal funding sources. We are happy to have secured \$10 million from the state which really helped make the project possible. It was also made possible -- in fact, to get the \$10 million because we got a little over \$6 million from the City of Cambridge. So we're very pleased about that. The rest of the funding for the project will be provided by low income housing tax credits and private debt. We have been approved by the state for the Comprehensive Permit status. So all we're looking for at this point is some comments or recommendations from the Planning Board for our meeting which will be next Thursday.

HUGH RUSSELL: We'll indulge Mr. Williamson who lives in Jefferson Park.

JAMES WILLIAMSON: Thanks a lot.

Actually, I know it's unusual. And I'll keep it less than three minutes. John, thanks a lot. I really appreciate it.

James Williamson 1000 Jackson Place which is in Jefferson Park, and I'm one of two delegates elected to the recognized citywide organization recognized by the Housing Authority from Jefferson Park.

So, and I've had conversations with John about this. John has indicated he's strongly committed to going forward with the plan as is. There was a meeting at the community room in Jefferson Park where some neighbors were invited and expressed, not universally, but to those who showed up had some similar concerns, concerns similar to what I also have concerns about and I'll just call them concerns. And one is about the loss of open green space. I think John told

me earlier today that there was about 7,000 square feet of open green space in that triangle that exists between the existing buildings and Rindge Ave., and that's the spot where people walk through there, enjoy the spaces further in what was originally veteran's housing. And then when you get closer to Rindge Ave. it's a news amenity for people who live inside and also when you're waiting for the bus and also an amenity for people who live across the street. That is going to be really one of the principal features of this proposal is the two big four-story buildings right at the sidewalk. And which you can see in the page 2 and page 3. And on the first floor are going to be the workforce development, the computer training, you know, services for people who live in Jefferson Park with the residential

units above. But, I mean I really think there's a question as to this loss of open green space and the overall loss of open green space, because they're going to put the road, they're going to put the street through it. And I know this is part of sort of ideology of how to reconnect, you know, public housing of the existing streetscape, and I share some of those ideas, but I think when you're talking about losing this much open green space to put a street through the middle and every single tree, as I understand it, correct me if I'm wrong, is going to be taken down. And there are some incredibly beautiful (Name) trees right where that road with the parking through the middle is proposed to go. And what are the new trees that are going to be put in? You know, I'm not an arborist, but I've heard people talk

about what some of those new trees typically are these days. I think maybe it's hopefully going to be more interesting. But there are a couple of really giant beautiful old trees that -- I actually showed this to Dennis Carlone. He said, well, that's actually -- maybe the trees could be protected. Maybe there's some way to tweak this -- here I'm advocating tweaking, but to make some adjustments so that some of the open green space, there's a little bit more generosity on the sidewalk side along Rindge Ave. for everybody, people who live -- being relocated right now are going to move back and the people who walk down Rindge Ave. and live in the neighborhood. And also if there weren't maybe some way to take another look at what to do about the trees and maybe preserve some of them. And take a look at the -- you know,

I've been to, you know, to some of the resident meetings. I don't -- this is the state side. I live on the federal side. A lot of what comes up at these meetings is how big the kitchen's going to be. They are going to be bigger apartments, but it's a sort of a private space which, you know, there's something to be said for that, but people have already said that at Lincoln Way, which in, you know, many ways is a very nice successful project, that people are being told that they're not meant to be out playing on the grass. So, I mean I just would ask you to maybe just take a look at it, especially those two aspects of this.

Thank you.

HUGH RUSSELL: Okay, thank you.

Are there questions from the Board?

CAROLYN MIETH: I would like to

support James and what he's done about the taking down of all the trees and the green space. I, I was shocked as I drove by and was told all of this is going to be gone. Surely there's some ways to design it so that it's not to lose all of that green, greenery and green space.

Thank you.

RICHARD CLAREY: Can I make a very brief statement?

HUGH RUSSELL: Sure.

RICHARD CLAREY: In elaborating what James said. Rindge Ave. is one of the oldest streets in the city. I believe it's 380 years old, and very narrow, so narrow there's no parking, no parking I believe on either side. So that when that green space that he's been talking about is lost, you're gonna have a canyon, a narrow canyon at that place.

I certainly hope that some of it can be saved. Some of that can be a setback. I understand that -- why they need to say that they have to use it, but it's gonna create a very narrow canyon there.

MICHA SCHATTNER: I would like to second the problem. The streetscape, we have here all of a sudden a wall facing inward. We have a development which is totally uninvited -- uninviting with outside. On top of that the exit between the two, four-stories building is blind exit. You have to set back the buildings, people are trying to get out will have (inaudible) instead of falling on the sidewalk.

HUGH RUSSELL: Okay. These are the sorts of comments we can forward to the Zoning Board.

Are there other questions by members of

the Board?

AHMED NUR: Yes, I do actually. I wanted to -- so, normally we get drawings that are readable in terms of the size of the rooms. I do see here the overall design and the increase, even though this is, this is from 600 to 700. For example, you have 24, one bedrooms existing right now. 565 square feet. 30 at -- why is it not at this point 500 to 600 square feet? In other words, you can fall into that.

JOHN WOODS: Right. Well, there's a variety of different styles throughout the development. So not one specific style.

AHMED NUR: On those one bedrooms?

JOHN WOODS: Right.

AHMED NUR: I guess the only comment that I would say is I would appreciate it if there was a, I don't want to rely on getting

my information from Mr. Williamson. I want to see a drawing that has the parks, the streets that I could see running through, the sizes of the rooms, showing the dimensions before and after as opposed to cramping it into this.

JOHN WOODS: Sure, sure. And, again, the package -- the original package was a colored version, so I can get that to the Planning Board in a color version. But, again, I think one of the thoughts was, you know, the comments made around the loss of the green space, it is unfortunate that the space that we have available to us in order to meet our objectives, does require us to bring it all the way up to the street to utilize the space that we do have available. The resident service space on the first floor was an intentional effort to bring some of

these programs that we've traditionally provided both -- the location for both city and CHA programs designed to improve the quality of opportunities for folks right up on the street on Rindge Ave. So we're kind of proud of that actually. And, again, we were getting feedback from folks throughout the process, and it actually -- despite the comments here, we have gotten quite a bit of positive feedback about using that space. And actually putting it out right there in Rindge Avenue as sort of a statement of what goes on in the rest of the development. And again, the idea of using those four-story portion of the development there. And, again, emphasizing some of the green space inside, particularly for the use of the individual residents and the community as a whole that's being created.

AHMED NUR: Is there a playground that you can point to?

JOHN WOODS: Yeah. We don't have a playground on the new development site. There is a playground currently at Jefferson Park on the federal portion of the site. Not utilized very much. We actually have quite a few playgrounds throughout the development. And, again, we found that they were not being utilized to the greatest extent. In fact, they're becoming a source of some problems where people were hanging around not using them for a playground but for a gathering of other types.

In addition to that, there is a, some playground equipment available at the day care center. So, but and then again across the street there's a public park.

AHMED NUR: We have a playground

where I live. 3-5 Washington and Tremont there was a playground and that kind of activities and the police came in and straightened it out and it became a nice park. It was pretty bad.

JOHN WOODS: There is some play equipment at the site now that serves not only the state side but the federal side.

H. THEODORE COHEN: Do you have an elevation that would show what it would look like across Rindge Avenue?

JOHN WOODS: Sure.

JAMES WILLIAMSON: The play area is on the main map. If I could, you know, the current play area is on the main map of the existing if you're interested in seeing where it is.

JOHN WOODS: So this is a rendering of what we expect it to look like upon

completion. And, again, the emphasis on Rindge Avenue here being the location for the resident services. The intersection of the extension of Clifton Street -- one of the things that, again, in response to comments and feedback we got were working with Traffic and Parking to change the current traffic light there so that it will be a four-way stop sign.

H. THEODORE COHEN: I'm sorry, before you put that one up --

HUGH RUSSELL: We can't see it very well.

JOHN WOODS: Okay.

H. THEODORE COHEN: Are you saying that street there is Rindge Avenue?

JOHN WOODS: Yes.

H. THEODORE COHEN: And the -- where the person is standing in the middle --

HUGH RUSSELL: Could you show it perpendicular to us so we can actually see it?

JOHN WOODS: Sure.

HUGH RUSSELL: Just hold it.

JOHN WOODS: I can stand there.

H. THEODORE COHEN: So the person that's standing in the middle, that's the entrance between the two, four-story buildings?

JOHN WOODS: You mean this person over here? This is actually across the street. This is the entrance right here between the two buildings.

H. THEODORE COHEN: Right.

JOHN WOODS: This is a little bit more visible. This is the Clifton Street extension right here.

H. THEODORE COHEN: Okay, so what

I'm seeing with the people standing in the street, that's the continuation of Clifton Street and the car is on Rindge Avenue?

JOHN WOODS: That's correct.

AHMED NUR: Clifton Street is to your right?

H. THEODORE COHEN: Right, I understand. The proposed continuation.

JOHN WOODS: Yes.

H. THEODORE COHEN: And what we're seeing on the -- at the street level, is that where the community center is going to be?

JOHN WOODS: Yes.

CATHERINE PRESTON CONNOLLY: Hugh, I would just comment that I think -- I'm glad to hear, John, you and your staff are working with Traffic and Parking and I would also encouraged I presume that Cara Seiderman is involved in those conversations as well,

especially in light of the significant reduction in green space, I think this might be an excellent opportunity to -- rather than treat the Clifton Street extension as really an extension of the existing street, to really treat it more as a green street or an opportunity that would invite people to walk in and congregate in and have traffic speeds appropriate for people to play and use that space as an extension of the yards and green spaces around.

JOHN WOODS: Yes.

Yes, and I think some of the traffic calming suggestions that Traffic and Parking has provided to us, we're incorporating. You know, raised crosswalks at the entrance to the development will keep the traffic slow. There's also -- one of the things that our new design meets the current standards for

bike spaces. So, yes. And not only that but the emphasis on the parallel parking along the road itself was an intentional design to keep it as passive entranceway.

H. THEODORE COHEN: You know, I'm sorry, the comment I have is that, you know, the drawings make Rindge Avenue look like this quiet little country way and that just ain't so. And, you know, when the traffic is on Alewife and Fresh Pond, Rindge Avenue is backed up all the way to Middlesex and beyond.

AHMED NUR: Mass. Ave.

H. THEODORE COHEN: Well, Mass. Ave., too, yes.

Well, it's a pretty major throughway, you know, and you're showing buildings. You know, Dennis was talking earlier about the width of the sidewalks. And do you know what

the width of the sidewalks are here?

JOHN WOODS: Yes, it's a six-foot -- I believe it's a six-foot sidewalk and then there's about a five-foot space before the buildings themselves. That was a point of conversation with the neighbors because they did want us to push it back and so we were able to push it back just a little bit to give it a little bit more room. So the sidewalks themselves are closer to between 10 and 12 feet wide there. And, again, you know, it is an extremely active pedestrian walkway there and so the idea of having that little bit of extra space that will actually increase the width of the sidewalk there --

JAMES WILLIAMSON: It looks like 5.1 here. Is that different from what's in the plan?

JOHN WOODS: 5.1 plus the sidewalk.

Again, six-foot sidewalk.

TOM SIENIEWICZ: So, actually I have a question about the parking. I've noticed you're dropping the parking count by two spaces and I wondered how you arrived at that metric.

JOHN WOODS: I think one of the confusing things about that parking count, we're actually having -- there's 175 parking spaces at the entire Jefferson Park development. The parking spaces that were dedicated specifically to this portion of the development, the Jefferson Park site did drop. But overall it's still 175 spaces.

TOM SIENIEWICZ: Maybe you misunderstood the thrust of my question understandably, which is why so many? I mean clearly we're experiencing not only in the market rate housing but also in affordable

housing, that the requirements for parking is, you know, dropping pretty quickly. This relates to earlier comments from fellow board members, you know, if we could suggest that there's a way you don't have to construct those parking spaces, could you save some of the tree canopy? Do you actually need that many parking spaces? Could we make this an economic suggestion, not an uneconomic suggestion in saving some dollars and demolition of trees?

JOHN WOODS: I appreciate that.

The -- and the parking -- we strive to keep the parking what we had in an effort to address the parking needs of the residents that are there. It's worked out pretty well. The space, the number of spaces that we have there have worked out pretty well, so we felt it was necessary to sort of keep what we had.

And, again, one of the things that this development opportunity allowed us to do was to get away from those large parking areas, and instead distribute it, reinforcing that whole streetscape aspect of it.

So even if we, if we didn't have the spaces, the parking spaces, we would still probably be utilizing the lot for the construction.

CATHERINE PRESTON CONNOLLY: My fellow board members are pointing at me in my capacity as the limited parking guru here. I do think -- I appreciate that, you know, the pooled parking between the two developments allows you some flexibility. It is the case that, you know, we're seeing new developments where significantly less parking than is being provided and I do think that, you know, to the -- just because parking is there and

it's being used doesn't mean that one could not conceivably do with less.

JOHN WOODS: That's true.

CATHERINE PRESTON CONNOLLY: And so to the extent that additional parking spaces could be eliminated and additional green space preserved and enhanced and made more usable for the residents, I think in general I certainly would look favorably upon that. I mean, you talk about loss of 7,000 square feet of green space in this area. I think that's a legitimate concern of residents. And to me preserving every last space to the best of your ability is not necessarily the right balance there.

HUGH RUSSELL: And if you were to -- there is a very tightly planned development and I think that's good because we're maintaining affordable housing and increasing

the quality of the housing even -- but if we can combine some parking spaces like lined spaces on the south end, that might allow you to push the whole project down a little bit or take a few spaces in the middle that might allow you to save some of the trees. I think those are the things that we would, we would ask the Zoning Board to ask you to study.

JOHN WOODS: Okay.

HUGH RUSSELL: This is very important that this project be done. We're just trying to make it as good as we can.

CATHERINE PRESTON CONNOLLY: Agreed.

JOHN WOODS: I appreciate your input.

H. THEODORE COHEN: I have a question about -- on the drawings and the very limited green space you've got diagonals and crosses of crosswalks going through them.

Is that really necessary?

JOHN WOODS: I think one of the ideas behind that was to create some level of interesting -- there is -- the landscape design calls for some different materials throughout that so that was sort of an effort to highlight some of the different variations of material. And, again, the passageways was an attempt to mix that idea of what was considered sort of community pedestrian space positioned in such a way that we still had some sense of private space. So I think that was -- the architect was attempting to accomplish a couple of things there.

H. THEODORE COHEN: Well, I mean I was struck by the size of the trees that exist now and the fact that they would be lost and, you know, they probably were saplings 50 years ago when this was built and

now they are what they are.

JOHN WOODS: Yes.

H. THEODORE COHEN: But I would suggest maybe the architect look at those crosswalks again and see if they can remain as uninterrupted green space and maybe that allows to keep some of the trees.

STEVEN WINTER: Mr. Chair?

HUGH RUSSELL: Although I would say that what that does provide is hardscape play space. It may not be the best optimum configuration, but I think that's, you know, it's a mixture of hardscape and softscape that works for kids.

STEVEN WINTER: John, do they also provide a foundation for grilling?

JOHN WOODS: No, we're not proposing this for this point here.

STEVEN WINTER: It's not there?

JOHN WOODS: Right. We're not going to move forward with that. We've had limited success with some of the grill spaces in the past in terms of both maintenance and....

TOM SIENIEWICZ: I'm very conscious of the fact that you're doing really important work. I don't want to put any road blocks necessarily for what it is that you're trying to do and I would also respect the Comprehensive Permit process that we're in here and do not want to put economic conditions on this. But I guess I come back to the parking count and the trees. The trees are a community resource. They're a city resource. Trees of that maturity are really important to the community, and I think they actually, in my opinion, would go a long way to combatting some of the image of what subsidized housing might look like if

you had mature trees rather than the three-inch caliper trees that will probably be replacing them. So I really would encourage, you know, the two Davids that allocate architecture to take a closer look at this. And I think if we can, you know, encourage it, encourage you as my good fellow board member has said, to take a good look at those parking ratios, they seem implausible at that level given our experience on this Board. They could be half that. But we need to offer you that flexibility.

JAMES WILLIAMSON: It's a short walk to the bus stop and the Alewife T station.

JOHN WOODS: And I can certainly take a look at that.

I just didn't want to mislead you at all that if we did maybe reconfigure some of the parking spaces in here, I imagine we may

be able to make some additional green space in this area. But I didn't want to -- the importance of having these buildings from all the way out to Rindge Ave. is really intricate to the development scheme itself. So I can certainly mention it to him, but I also want to be realistic about the capacity to be able to keep those trees. And some of the more -- the other mature trees that are inside of the development themselves were actually right in the middle of this roadway. So I mean, we're unhappy with losing those but I also want to be realistic about our capacity to make those changes to accommodate those. But I will -- the point about reducing the parking spaces is actually a good opportunity for us to look at it from that perspective. I just wanted to be clear about the space here on Rindge. I don't see

how we could keep this general plan without removing those trees. And I just didn't want to be misleading.

TOM SIENIEWICZ: I agree.

HUGH RUSSELL: Okay. So I think we would send the recommendation to the Zoning Board that we feel this is a very important project and we've received a lot of thought, but there are a few areas that need some more thought.

STEVEN WINTER: I think it's important to add that.

HUGH RUSSELL: Yes.

Do we need to make a motion on this?

JEFF ROBERTS: Sure.

HUGH RUSSELL: So is there a motion to -- someone want to make a motion on what I just said?

CATHERINE PRESTON CONNOLLY:

Mr. Chair, I move that we forward that recommendation to the BZA, that they approve the project, this important project, but continue to work on issues of green space and parking with the proponent to ensure that mature trees and green space are preserved to the maximum extent possible.

HUGH RUSSELL: Second?

STEVEN WINTER: Second.

HUGH RUSSELL: Steve.

On the motion?

(Raising hands.)

HUGH RUSSELL: All members voting in favor.

The next item on our agenda is the 8:30 hearing, Planning Board case 189, 303 Third Street.

And so this is a little complicated. We have an attorney here to explain it all to

us.

ATTORNEY JAMES RAFFERTY: Yes. Good evening, Mr. Chairman, Members of the board. As a fellow volunteer, I can attest that these meetings can fatigue you.

STEVEN COHEN: You're here as a volunteer?

ATTORNEY JAMES RAFFERTY: Well, when you work for Mr. Maguire it often feels that way.

For the record, James Rafferty appearing on behalf of the much loved Alexandria Real Estate Equities. Joseph Maguire is here. Also present is Laura Boule, B-o-u-l-e. Ms. Boule is the Vice President of Investments for Equity Residential. They are the owner of the 303 Third Street multi-family building.

This is an application that seeks a

Special Permit and asks the Planning Board to invoke its authority under Article 6 to grant a Special Permit to allow for the reduction of parking. We dealt with this on a temporary basis about 60 days ago when we were here, and the board approved a Minor Amendment for up to have 60 days. We did it in a two-step process because it would allow for an advertisement and notices to be sent regarding this public hearing request. As you know, Minor Amendments are not subject to the publication and public hearing requirements of Special Permits.

So Article 6.36 or Section 6.36 of the Zoning Ordinance empowers the Special Permit to reduce the required amount of parking. One, it can be demonstrated through parking studies and other means of reduction or required parking will not have an adverse

impact upon the surrounding uses. Submitted with this application was the same parking analysis and study that we provided in the Minor Amendment several weeks ago which demonstrates that the capacity of this garage exceeds significantly the demand.

It's a unique garage because it actually exceeds the number of dwelling units because the project as originally conceived and brought before the Board, had over 500 dwelling units in it. So there are 527 parking spaces and the number of dwelling units is --

LAURA BOULE: 490 plus condo owners.

ATTORNEY JAMES RAFFERTY: 490.

So there's already over one per dwelling unit.

LAURA BOULE: 1.1.

ATTORNEY JAMES RAFFERTY: There's

1.1 existing.

So we have provided this analysis to the Traffic Department, and there's been a memo submitted by the Traffic Department that supports the request. And, again, it's a temporary request. It's a request not to exceed 36 months. And frankly, under the terms of the proposed lease, it's actually going to be slightly less than that. But you'll recall that allowing for this temporary reduction in the relocation of the parking spaces allows for the surface parking at 50-60 Binney Street to be relocated and permits the construction of the building authorized under the Alexandria PUD. And work there has -- excavation work has already begun at that location. So this is on a critical path that was anticipated in the Alexandria PUD as surface parking lots were

built upon there would need to be temporary accommodations to be made for parking. This parking will return to 50-60 Binney Street in a below grade parking facility, so that's why it's only temporary. And as indicated, the 303 Third Street garage accommodation of reduced parking and shared parking demonstrates that we will not be adversely affecting the ability of the garage to accommodate the demands of the residential community of 303 Third Street.

So for those reasons we're asking for the granting of the Special Permit which will have the effect of amending the existing PUD Special Permit.

Thank you.

HUGH RUSSELL: Thank you.

Is it your July 8th memo the applicable memo, Adam?

ADAM SHULMAN: Yes.

HUGH RUSSELL: This is a public hearing. Does anyone wish to speak?

(No Response.)

HUGH RUSSELL: I see no one.

Are there any questions or comments by members of the board?

TOM SIENIEWICZ: Just for the record, it seems to make sense. The arithmetic adds up very conveniently here. And, again, it's reference section to the previous hearing, we're seeing parking ratios and parking demands for housing change in a downward trend. And so there's no doubt that I believe the parking arrangement here won't have a deleterious affect on the public. It's quite plausible that the capacity is there.

CATHERINE PRESTON CONNOLLY:

Mr. Chair?

HUGH RUSSELL: Yes.

CATHERINE PRESTON CONNOLLY: I think it's worth noting that -- well, having advocated in the past for Major Amendments over Minor, I just want to say specifically that I'm comfortable with this being a Minor Amendment because of that it doesn't alter the concept of the PUD. That even though I don't consider 200 spaces a small change to parking, I think that what's been discussed in terms of the shifting around of the parking on a temporary basis to accommodate development in the area is consistent with the approved PUD. So even though the number of spaces is not small, the change is small and it's temporary and, therefore, I'm comfortable with this being a Minor Amendment.

H. THEODORE COHEN: I concur with what both Catherine and Tom said. It made sense 60 days ago and it makes sense now and it's -- I concur that it is a Minor Amendment because it is temporary and it doesn't change the basic concept and it's clear that the spaces are available so we're not in a situation of putting cars out on the street.

ATTORNEY JAMES RAFFERTY: Right.

And I maybe failed to mention in the memo and the study and the memo from the Traffic Department, we have alternating peak demand here. So the daytime office uses, the studies indicate there's approximately 300 spaces unused during the day, which of course when the demand for the office use is at its greatest. And we're seeking only up to 200 of those spaces. So there's a significant cushion here in the accommodations. It's not

just a reduction, it's a sharing. So we deliberately built that cushion in.

HUGH RUSSELL: Any more discussion?

(No Response.)

HUGH RUSSELL: If not, would someone like to make a motion that we encompass both Minor Amendment and the reduction in the parking requirements? There's a Special Permit application cover sheet.

STEVEN COHEN: It's the temporary reduction?

HUGH RUSSELL: Yes.

CATHERINE PRESTON CONNOLLY: I'll make a motion.

Mr. Chair, I move we approve the request for Special Permits under Section 4.372 and 6.351 for 303 Third Street changes in parking as applied for by the proponent.

STEVEN COHEN: If I could just offer

a minor amendment to your motion, just for clarification, and I hope I'm understanding it correctly: That the reduction in parking requirements is a temporary reduction for no more than 36 months?

CATHERINE PRESTON CONNOLLY: That's correct. That is specifically what was applied for that's why I referenced the application.

STEVEN COHEN: I didn't see it in there.

ATTORNEY JAMES RAFFERTY: Sorry. I think in that case the Special Permit on its face -- the Special Permits can be limited by time. So this is a Special Permit that would have a 36-month shelf life, at which point it would expire unless further action were to take place.

CATHERINE PRESTON CONNOLLY: I note

in the project description here it says: For a period of time not to exceed three years. So that's why I referred to the Special Permit application. But, yes, my motion would encompass the three-year term limit.

ATTORNEY JAMES RAFFERTY: She's not just a traffic authority, she's a lawyer, too.

CATHERINE PRESTON CONNOLLY: You get it all in one package here.

STEVEN COHEN: I still can't find it so I'm relying entirely on your expertise.

HUGH RUSSELL: She's a young woman so maybe she'll become an urban designer some day.

STEVEN WINTER: Second.

HUGH RUSSELL: Second.

Is there any discussion on the motion?

(No Response.)

HUGH RUSSELL: All those in favor of the motion?

(Raising hands.)

HUGH RUSSELL: And seven members voting in favor.

I would -- so thank you for your patience.

ATTORNEY JAMES RAFFERTY: Thank you very much.

HUGH RUSSELL: And I would suggest that we not undertake the Town Gown discussion, but that if any member has any comments on the proposal, to forward it directly to the Department so that it comes before us again and those changes could be incorporated. The thing that would -- I would ask you to think about are there specific questions -- the last part of the whole thing, the specific development

questions to be presented to each of the institutions, that's the part where it's I think we can be the most help.

JOHN HAWKINSON: Mr. Chair?

H. THEODORE COHEN: Could I just make one comment on the Town Gown?

HUGH RUSSELL: Sure.

H. THEODORE COHEN: There is a question with regard to Lesley about their telecommunications equipment on University Hall which is great, but why don't we ask all of the schools if they currently have any plans for telecommunication facilities and where they might be located and just what they're thinking is about the location and how they can make them as least obtrusive as possible.

HUGH RUSSELL: You don't want a bunch of antennas on that fancy new building?

H. THEODORE COHEN: Well, they're not Town Gown, are they?

HUGH RUSSELL: They are now.

H. THEODORE COHEN: They are?

HUGH RUSSELL: The School of Business which is conducted, I guess, primarily in the other building but they are an addition this year.

JOHN HAWKINSON: Mr. Chair, very briefly. John Hawkinson.

I note two things: One is there doesn't seem to be any mention of Bard. And I think you all had expressed an interest in 2013 in hearing from Bard School of Music debacle. At least that's my recollection. So I think that sort of got lost somewhere and it might want to get put back in if there's still concern about that.

And secondly, the 22 City View folks

have been recording your Town Gown meetings but they haven't been making them available anywhere. And I think the city government can work a little bit better to make that process work. After considerable prodding I got a DVD from them and I feel like I could upload it to You Tube but that's probably not the desirable thing. And it would be great if they could get you -- they've also aired them briefly. They've cut them down to one hour a piece and aired them on the air, and I think very few people have watched them. But it would be great if you were going to have a two-part process if you could get (inaudible) recording if that's useful to you. They should become available to the public in some way. And I hope that CDD and TAD can work together somehow and maybe you can push that.

Thank you.

HUGH RUSSELL: Okay. Does anyone have anything else?

(No Response.)

HUGH RUSSELL: We're adjourned.

(Whereupon, at 11:15 p.m., the Planning Board Adjourned.)

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