

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE PLANNING BOARD

IN RE: GENERAL HEARING

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Department
Susanne Rasmussen, Director of Environmental
& Transportation Planning

- held at -

City Hall Annex
Second Floor Meeting Room
344 Broadway, McCusker Building
Cambridge, Massachusetts
Tuesday, June 2, 2009
7:30 p.m.

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P R O C E E D I N G S

(JUNE 2, 2009 - 7:30 p.m.)

WILLIAM TIBBS, CHAIRMAN: Welcome to the June 2nd meeting of the Cambridge Planning Board.

We have one public hearing tonight on the change to amend the Cambridge zoning ordinance to create wind turbine installations, and we are also going to be deliberating at the public hearing we had the last time regarding vehicle sharing, parking, or Zipcar sharing, and before we do all that, we'll get an update from Beth.

BETH RUBENSTEIN (ASSISTANT CITY MANAGER FOR COMMUNITY DEVELOPMENT): Thank you, Bill. I don't have too much to report tonight.

I did want to note for folks who are following the course of the Lesley University proposed rezoning, that has been, again, at

the Ordinance Committee and the Council has said that they expect to be taking up that item at the City Council meeting on June 22nd.

And just to remind folks, our City Council meets through -- September through June, they take a hiatus in the summer, there's one summer meeting. This year the summer meeting is July 27, but right now, it's our expectation that they'll meet through June, probably through June 29, although occasionally that last meeting gets cancelled. So, that's the Lesley petition.

In terms of our schedule here, tonight is our first June meeting. We have another meeting scheduled for June 16, and then in July, right now, the schedule dates, the 1st and 3rd, Tuesdays are July 7th and 21st.

It probably won't surprise anybody to know that our business is a little bit

quieter in terms of projects seeking special permits, and we're making our way through some of the Zoning petitions.

So, I think in terms of summer cancellations of Planning Board meetings, I think we would like to see how things go depending how the Board, for example, does tonight. If everything is wrapped up tonight, we may look at cancelling the 16th. We'll know more at the end of the evening.

And I would also just note that we know that several board members need to be away on July 21st, so if we have a meeting on July 21st, we won't be holding any public hearings. It might be an evening where we do other planning business, but no public hearing on July 21st.

So, we'll keep you posted and, obviously, we always keep the public aware on our email of any cancellations of any

Planning Board meetings.

I think that's it. Anything else from the staff?

Okay. Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you. We have a public hearing, as I mentioned, it's a City Council petition to amend the zoning ordinance by creating wind turbine installations.

I think you're going to be doing the presentation. Before you start, I just want to remind the public we do have a sign-up sheet. So, if you want to take part in the public comment sign-up, if whatever reason you didn't or can't, or if people come in late and they can't get to the sign-up sheet, we always ask if people have comments. So, if you think now you don't want to make a comment but change your mind, you can.

We ask that people come up to the --
I was going to say podium, but I guess it's

a -- they'll be coming up to the projector stand and the microphone to speak, we'll probably pull the podium out before then, and we like you to limit for the public hearing portion, we'd like you to limit your comments to about three minutes, and Pam will be monitoring you, and giving anybody who is speaking, a signal to let them know they're getting close to or over their limit.

And when you come to the microphone, make sure you give your name, your address and spell your name for the recorder.

And unless I forgot something, you can get started.

PUBLIC HEARING

CITY COUNCIL PETITION TO AMEND

ZONING ORDINANCE BY CREATING WOOD TURBINE

INSTALLATION REGULATIONS

IRAM FAROOQ (SR. PROJECT

MANAGER/COMMUNITY DEVELOPMENT): Thank you,

Bill. Good evening, everybody. Iram Farooq from Community Development. And we're going to talk a little bit about the wind turbine zoning that you have before you.

And for those of you have been on the Board for a little while, you might recall that last year you commented on a couple of various applications from Harvard University and from the Museum of Science seeking to install wind turbines on their rooftops. And that really brought up the issues that how are wind turbines treated in the ordinance right now? And the answer to the question is that they really are not addressed in the ordinance, so they're thought to be a principal use, but they're not listed in the use table at all.

So if it's of use, that if they're to be installed, a variance -- a use variance would be required.

This was not something that was

intentional, and so we felt that -- well, not just us, but you and the City Council, and we've been hearing from others who are interested in installing wind turbines that it was time to take a closer look at the issue, and to figure out what would be the best way to incorporate the topic into the ordinance.

So the green building and zoning task force which had this on its agenda was asked to kinda front-end this, which is why you are seeing this particular recommendation come forward separate from the rest of the Green Building Task Force's recommendations which will follow in a few months, we think.

So this is the Harvard installation which is now up on the Holyoke Center. These are about eight feet tall apiece, six of them. On the image on the left they're barely visible, so we sort've zoomed in for

you. When most of us think about wind turbines, we think about something like the second image on the top where it's a long pole, and then it has a little revolving thing with three wings, but there's really a wide variety of other kinds of wind turbines that are available now.

Those are sort've what I call the horizontal access, so the wind is spinning around the horizontal access, but the ones on the bottom are all vertical access, so they're more -- you know, the helix wind is like a helical object there, and they're designed differently. Some of them are designed to capture wind in specific conditions.

These turbines that you see before you are generally able to be installed, either on rooftops, or on the ground. Some of them like the architectural wind which you saw there, is really designed only to be

placed on a parapet. So there's sort of this vast range that the committee, the Green Building Task Force, realized that we have to deal with. So, it's not as sort of simple as we thought when we embarked upon the process. So the recommendation is broadly a two-layer recommendation: One is a citywide special permit, and the second piece is an as-of-right component that would be limited to areas that are far away from neighborhoods, and that are intended for principally educational and research purposes, and are affiliated with an educational principal use.

And part of the reason you -- the task force looked a lot at what ways can we limit things, what would be the best -- could there be some component that would be as of right everywhere. Should we say small turbines are as of right no matter where you are if they're located in a certain way, or

should we say there is should be a cap to the maximum height of turbines because we don't really want to see wind turbines like Cape wind in Cambridge somewhere.

So where we ended up after weeks -- I mean, this discussion took well more than any one of us had thought when we started off. But where we ended up with was that we don't really know enough about wind turbines, particularly in urban settings, to really be able to make to draw a line and say this can be allowed as of right, this should be special permit, or this should be disallowed altogether.

So, instead, it was thought to be easier to have you make the decision and utilize a special permit approach. So the special permit would apply citywide, and it would be for both building mounted turbines and for ground mounted or free-standing turbines. There isn't a size limit that has

been established, but there are a series of criteria that try to get at how a particular turbine installation would affect the neighborhood character, how it fits in, in terms of size, scale, bulk, and if it's in a historic district, it might be treated differently than if it were, say, in Kendall Square, if it were close to neighborhoods, small neighborhood like we're in right now, it might be a different approach, once again if it was right on Mass Ave.

So, those will be the kinds of criteria that would be looked at during the special permit if this were to pass.

And the other issues that are faced with wind turbines, not just come in cities, but the understanding is largely comes from bigger sort've wind farms-type installations, which are more common and have been studied a little more.

So, the issues are that of noise and

of shadow impacts. Both kind of just shadow from the standing body, but also the moving shadow when the blades move, which is also sometimes refers to as flicker.

And there are impacts on the environment. In our case we would have to think a lot about impacts on, say, playgrounds and natural areas because when you say where would you put a turbine in Cambridge, one of the things that people often say, well, wouldn't Dana Park be fabulous, but not everybody would feel that way. So, once again, it's a judgment call. There's a lot of wind, it's elevated, but it's also recreational use. How does that trade off work? Not that the City would go ahead proposing that any time soon, but those are sort've the trade-offs that would need to be looked at.

There are certain requirements that are being proposed that alter lines would

have to abide by so you couldn't have -- you couldn't use them as de facto billboards and put advertising on them or signage beyond just the standard manufacturer information. You couldn't use them to put cellular antennas on them.

So, the committee was concerned that people would be -- there would be a proliferation potential of turbines because there would be a place to be able to generate income potentially. So we're trying to get away from that.

And then generally the issues of no lighting, no bright colors unless specific permission is obtained from the Planning Board, or if the lighting is required by, say, for instance, some safety regulation. So, if it's a very tall turbine, you might need FAA permission in which case you would need lighting.

We're not anticipating that that

would really happen, though, we would get that scale of turbine in Cambridge because there aren't really locations where you would be able to accommodate them, but we put that in just in case.

Also, that the maintenance of the turbine should be accommodated within the site, so you shouldn't be protruding onto the public right-of-way, or on to your neighbors' property in order to -- you know, the turbine needs to sometimes be laid down in order to do regular maintenance work, and we wouldn't want that to happen outside of the person's sight.

So, clearly there's going to be a learning curve during this special permit, and you may find that you're asking for more information or less information as you go along.

But you might want to ask for shadow studies, but there are be certain baseline

requirements, things like just the standard plans and specifications. They would have to demonstrate that the noise ordinance can be met cumulatively for all the turbines and the equipment affiliated to them. And then just a few other patriotic duties to deal with besides the fact that there shouldn't be commercial use in the residential districts.

So, if you are in a residential district and want to put in a turbine, it should be for residential capacity, but we did put in a provision that said that you could pool and have a larger turbine that served multiple abutting properties, and we have done provisions such as this in, say, Concord Alewife where we said adjacent neighbors would be able to pool their storm water requirements and build one facility or have a common parking garage, for instance.

So, just as a way to allow people to

kinda pool resources and do something positive, which, clearly, I guess I didn't start off with this, but part of the reason why we're even talking about wind turbines is because it's one of the cleanest sources of energy, it's totally renewable, so clearly there's a lot of interest in the City in seeing that happen, not just on the staff and the Board and City Council, but members of the public as well.

And, clearly, safety considerations have to be met, those based on regulations, but also issues of not allowing unauthorized access that properties should be secure -- I mean, the turbines should be secured so people can't just -- they're not as easily accessible to vandals, and also, if someone abandons the turbines, it's not been used for two years that they would be responsible for their removal, or the City could go in and remove it, and they would have to -- at the

point of getting a permit, they would have to put in a bond that would pay for its removal if the City had to go in and do that.

So, now to the as-of-right component. So that is the yellow/gold districts that are marked here. They're the C3, C3A, C3B and the Special District 6.

So, those districts would be the areas whereas as-of-right wind turbines would be permitted as long as they were 200 feet away or more from the nearest residential neighbor.

And that does not include residential -- that does not include dormitories or other residential that's owned by the same university. So, if it's an MIT dorm, then they don't have to be 200 feet away from it. They can sort that out internally.

So, in this as-of-right component, one of the -- sort of the broad issues are

that the turbines have to be a certain size, they have to be mounted on buildings. They can't be more than 40 feet taller than the height of the building.

We did think that if an existing building is taller than the district height requirements that might be a good spot actually to put a wind turbine, so you would be able -- you will be able to put it on a non-conforming building and still be 40 feet taller than the building, so it's 40 feet above building height not district height.

Also, there would be a setback from the nearest public way in order -- the property lot line, and, again, that would scale up depending on the height of the turbine. So, if you had the little turbines like Holyoke Center, which are less than 10 feet tall, you could be right at the property line and no setback is requirement.

But if you have turbines that are 20 feet or more tall, so the turbines on the Museum of Science, if any of you have seen those, I think they're 20 feet plus.

If you had those, you would have to set back by 50 feet, and if you have intermediate between ten and 20 feet, the setback would be 25 feet. Similar, again, to, you know, we have had for mechanical equipment, when we did mechanical next to residential districts a few years ago under the Mechanical Task Force, we created a bolt control plan, so as the can mechanical gets taller, it has to be further and further away from the residential district. It's a similar principle.

So that's kinda of the gist of technical components. And if you have any questions on this or on the specific language, Les and I would be happy to answer that.

WILLIAM TIBBS, CHAIRMAN: Do we have any clarifying questions?

(No responses.)

WILLIAM TIBBS, CHAIRMAN: I guess I do have one, and that is that you said two years, use two years as -- can you talk a little bit about why you picked two years where if it's non-functional or abandoned, why can't it be shorter than one year? I just interested in whatever discourse you had.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): I don't think we had really -- we had a lot of discussion internally about what that number should be, and we felt it shouldn't be too long, but it also shouldn't be too short because technologies are evolving.

There aren't as many vendors, maybe something -- takes you awhile to figure out if something is wrong, but you contact

somebody and maybe it takes them a really long time to get them to come out, and then a part needs to be shipped from Germany and it takes -- I had a friend who had an Alpha Romeo, the door was busted, and it took six months to the door he shipped here. Things like that because some of these turbines are not even manufactured in the country. Some are.

There's vendors and manufactures in the US, but some are not. And there could -- we just wanted to be a little bit safe so we're not penalizing people too quickly and we just wanted to be sure there was a little bit of a cushion. Two years seemed just right.

WILLIAM TIBBS, CHAIRMAN: And --

HUGH RUSSELL: I mean, I would just add to that, there was a thought that maybe some students would actually like to build their own turbines and see how they

worked.

WILLIAM TIBBS, CHAIRMAN: And it might take two years to figure it out.

HUGH RUSSELL: It might take awhile to -- they wouldn't start the project until they knew they could do it, so the two years is kind've -- gives them a chance for a year of operation and then a little more time.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): I apologize. I think I was answering the wrong question.

I thought you were asking two years about the as-of-right. You were asking three years --

WILLIAM TIBBS, CHAIRMAN: About the abandonment piece.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): We also have a two-year for as-of-right permit which is what Hugh was responding to.

WILLIAM TIBBS, CHAIRMAN: I was more looking at, you know, what's derelict for two years, that's a long period, you know if it was operating and for whatever reason they just stopped, but that was interesting your discourse, and we can talk about that later.

One other clarifying question I had and that is: Could you talk about the 40-foot height that you said it can be over the building height, and I'm interested where the 40 feet came from in terms of whatever discourse you have there, too.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): Yeah, sure. Well, that piece pertains a little bit to what Hugh was talking about, you know, the as-of-right component is really meant to make it easy to innovate.

There's universities here that are really interested in finding solutions to

problems of energy, but also particularly tailored to urban settings and we are, in some ways, you know -- we might be at the forefront of that because turbines, you know, windmills, wind turbines have been around for hundreds of years, but they haven't really been common in urban settings, and wind characteristics are such that they are -- the traditional turbines, the three-blade things, do best if they have clean sheets of air, which you don't get in urban settings. What you get here is more -- you might feel that on a modern rooftop, boy, it's really windy up here, but it's not as smooth as it might seem and so it's more of what they define as turbulence. So it's moving in different directions, it's affected by buildings. There might be a channel. I mean, the way that the architectural wind turbine is -- it's sort of curved this way, and the idea is that the air movement on streets as air

sort've scoops up and it's able to capture that scoop better. Now, who knows? It's not necessarily supereffective just yet, and which is why you see people like Harvard at the forefront trying to evaluate and test out some of this equipment because it's all sort've beta at this point. It's all being developed and worked on.

There are people who are really focusing on how to tap into turbulence. There's a wind turbine, I don't think I have a picture called the Turbe, because it's really designed -- I mean, they're attempting to design something that focuses on turbulence may not do as well if there's clean sheets of wind.

So people are really working on this --

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): When you draft turbulence relative to obstructions, 40 feet is the

point where that you have to clear to be able to get away from obstructions.

That's the generation of the 40-foot marks.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): They turbines we showed you sort've ones that we were looking at that might work on top of rooftops. They typically range from like 10 feet to about 35 feet and we wanted to give a little bit of a cushion above that.

HUGH RUSSELL: When I was studying wind effects in the city in about 1966 or 1965, I remember that the turbulent boundary layer over a city is perhaps 1,000 feet thick. Over a plain or a sheet of water, it might be ten or 15 feet and over a forest, it might be somewhere in the middle. So that's one issue, but the buildings themselves create very specific pieces of turbulence and if you were still -- you might want to get

your turbine away from the building or to -- and that's why picking it up to 40 feet.

I also advanced the theory that having MIT look like it was actually a technical institute wasn't a bad thing. It looks like it could be a bank or something else, most of their buildings.

WILLIAM TIBBS, CHAIRMAN: I'm sorry. Patricia.

PATRICIA SINGER: I have a lack of knowledge about the Cambridge Historic Commission. Would they have jurisdiction over buildings and properties within the university boundaries? Perhaps this is a stupid remark from an engineering perspective, but conceivably could Harvard put a 40-foot wind turbine on top of the spire of Memorial Chapel?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): Well, this would not supersede any other review. If a

building is subject to a historical review, it would continue to be subject to the same historical review, but if they're not currently subject, yes.

PATRICIA SINGER: So, my question is: Are the university buildings subject to Historic Commission review?

HUGH RUSSELL: I think the answer to that is that the -- there's a Cambridge common historic district that comes out and sweeps into the edge of the yard along Mass Avenue. What we did in the Science Center, we keep the building five-eighths of an inch out of that district because we didn't think the Historic Commission would like it, and they made us make the fence around the construction site of a different -- that was in their jurisdiction, so we had a chain link and then it turned into something beautiful, the Historic Commission, it was kinda strange, but there's an arrangement, an

agreement between the Historic Commission and the university about reviewing projects at the university because -- and so, I don't know the details of that agreement, but I do know that when Harvard goes to build a building, they go and talk to Charlie Sullivan, and so, it's a little complicated.

WILLIAM TIBBS, CHAIRMAN: Yes, Ahmed.

AHMED NUR: I just had a quick question about the 200 feet. You said it has to be away from -- 200 feet from a residential not pertaining that part of the institution itself. Would that 200 come probably with either noise or a reflection of a shadow; is that right?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): It was 200 feet is about a typical city block, so we felt that if it was a block away, it kinda felt kinda right, and, again, like I said, we

don't really have a lot of data, but we do know a little about noise, we do know more about shadows, but it just felt that -- given there were 40 foot tall maximum above the building height, we probably would -- 200 feet felt like a safe distance. It's probably we erred a little bit on the side of caution. It could've been a little less, but since it's as-of-right, we wanted to be really sure that we weren't creating a nuisance, which is also why there's the two-year interval. So if it turns out there's a problem, then that particular permit would not be --

AHMED NUR: Sure. Any limitations, though, on the dorm any where the students live in terms -- no, nothing set?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): No. The assumption was that the universities would hear probably more from their students than

we would.

AHMED NUR: Thank you.

WILLIAM TIBBS, CHAIRMAN: Ted?

H. THEODORE COHEN: Thank you.

I have a couple of questions. The first one is about the two-year time limit on the building permit, and the concern being that I assume there's a fairly substantial cost of installing one of these turbines, and whether it's reasonable -- I mean, obviously, we don't know what something that will be a nuisance or a hazard, and it should be addressed as soon as possible, but there's no standard in here what nuisance or hazard is.

And I'm wondering whether we then put people at risk that they're going to spend a large amount of money to install a turbine, and then it's going to be every two years subject to being taken away from them for some unknown reason. So I was wondering

the basis for what the two years process was.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): Just one thing to point out before going too far is that Harvard and MIT were at the table during this discussion, they were both part of this and felt fairly comfortable with this component, so the principal purpose of these the as-of-right installations is really research and academic experiments and so forth.

So it was presumed that two years was a good time period for an experiment so that you allow a little more in case someone wants to do a longer term study, so they can renew it.

But the assumption was if the university wants to have turbines that are going to be really long-term energy generators, then they could certainly go through the special permit process that is

allowed citywide and have that safety with the greater review.

H. THEODORE COHEN: The provision about accommodating laydown of equipment without trespass, I mean, you mentioned that they will have to be serviced and taken down now and then, how frequently does that occur?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): I'm not actually sure. I think it's probably every couple years, but unless something goes wrong, so, for instance, the Harvard turbines we were told they were installed and they weren't functioning for a little while because it turns out there was some manufacturing defect.

Those are really little turbines, so you don't have to worry about laydown, but the point is that there could be simple problems that require maintenance more frequently, but there are pieces of

mechanical equipment so there's regular maintenance regimes.

H. THEODORE COHEN: Are there other places in the ordinance where we similarly require that they have to be able to do laydown on their own site because it just seems to me that in order to use the City's streets or the property someone else owns, they would have to get permission to do it, and why are we imposing a requirement on them that it had to be all within on their own property when, presumably, if they needed it from the City they would have to come to somebody and get a permit to do it or they'd have to get permission from an owner.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): That's an interesting point that we had not talked about and we should think more about.

H. THEODORE COHEN: And then a

somewhat related question is: Is the requirement for a bond for removal, is that -- are there other similar provisions in the zoning ordinance?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): I think there are, and I'm going to look to Les for the specifics of that.

Les, what are the things that --

LES BARBER (DIRECTOR OF ZONING): Generally we don't.

H. THEODORE COHEN: I mean, 'cause it seems to me, otherwise, we simply require, rely upon bonds and enforcement and why are we imposing a particular cost, bonds do cost money and not just on the institutions, but also on individuals that have to come up with why would there be a need for this.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): I think that ends -- the laydown one was sort batted back and forth on the

committee issues of having what is possibly a very large tower, a free-standing tower on your site, and that's sort've unusual in our residential neighborhood, especially, but it's sort've unusual in general and trying to handle that and so I think a lot of it was imagining if you're putting -- someone should choose to put up, you know, a 100-foot free-standing in a small residential setting, what kinds of rules or what kind of concerns would you have about that, and I think the image of -- certainly, it's an older image for Cambridge, but it's not unknown the notion of something sort of like an old billboard kind of thing rusting in place.

I think the notion that someone might put something up, then just sort of leave it, you know, say, hey, it doesn't work, I'm just leaving it in place, and it becomes at some point sort of a safety hazard or nuisance hazard of concern. So, I think

that's what they're addressing and trying to get at, whether that's the right way to get at it, but it's sort of trying to address the notion that you might have a 300-foot standing tower in a fairly small setting.

H. THEODORE COHEN: I understand that. I would think that normal enforcement and authorizing the City to be able to remove it and leaving the property would serve the same purpose and not have an added expense for people when they're trying to construct these.

Thank you.

WILLIAM TIBBS, CHAIRMAN: All right. We'll do the public comment portion, as I mentioned. We would like you to keep your comments to around three minutes. Ahmed's setting up the podium. So, when it is set up, you can come up to it and give your name and address and spell your name for the recorder.

We have, according to this list, we have one person who is interested in speaking and it's Paul Tamaro.

PAUL TAMMARO: My name is Paul Tamaro, T-A-M-M-A-R-O, 4 Marion Street.

Under Section 7 of the laydown, I don't know if you've ever seen the turbine laydown drawing, but the reason they have them is when you are taking a concentrating load and putting it in a concern location, and the reason you do that is to accommodate the weight.

If you were to have a two-year item sitting there, you will actually sink in the tarmac if you leave it there too long. One due to heat, plus the concentrated load.

This thing should really be expanded to accommodate whether or not they're going to lean an item against a building, whether or not they have to secure it and whether or not it should actually submitted as a

drawing.

I would recommend that you submit a laydown for every component so they know how that component is going to be lied down on the location. Otherwise, you'll have these people bringing in a tractor trailer and leave the tractor trailer there. You know what I'm saying?

They actually have laydown drawings for these items. These things are not toys, they're fairly heavy, but that was my only comment.

WILLIAM TIBBS, CHAIRMAN: Thank you. Is this it?

That was the only person on this list.

Is there anyone else who would like to speak on this issue?

Yes. Come to the podium, give your name and address and spell your last name.

PAUL MORSE: I'm Paul Morse from

Beech Street, M-O-R-S-E. Beech Street in Cambridge. My only concern is are we -- I appreciate the forward thinking in doing this in terms of the research facilities, but I wonder if we're not short changing the town in thinking forward to how this might be used in a residential application. I'm a remodeler and my clients are thinking about geothermal and how we're going to allow them to do this without going through a rigorous -- an undue rigorous process to allow them to be part of the forward thinking Cambridge society that we are.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Anyone else?

(No response.)

What we typically do is close the public hearing for verbal comment, but we do leave it open at least until as long as we make our decision. Sometimes we make our decision in the same night, but we will leave

the public hearing open for written comments, as I said, until we make our decision, and if that's the pleasure of the Board -- it appears to be. Good.

PAMELA WINTERS: Yes.

WILLIAM TIBBS, CHAIRMAN: Okay. So we have any other comments and/or questions from the Board?

STEVEN WINTER: I have some.

WILLIAM TIBBS, CHAIRMAN: Go ahead, Steve.

STEVEN WINTER: I want to thank Hugh for sending the Green task zoning information with the big picture, that was good to have.

I feel like I got my head around the 40 feet, although that number scars me a little because it just seems so big particularly if it's on top of something that's there larger than could be there now. It just seems big and I think maybe people need to see what that looks like to have a

visualization or somehow really see what does it look like from the street, what does it look like from the second floor or porch or something like that. I think people are going to need to see that.

The part about allowing small utility generation apparently, I like that, and I think it's good, I think it ought to be there, and I think it can open up some interesting doors and create some interesting motivation if people want to follow that, but I think it will also bring challenges that we have to be ready for, so I just want to make sure that we have really thought through what that means to have that kind of heavier duty infrastructure in place as opposed to a refrigerator that you use for your family and something else that's a zero freeze cold system that's institutional in use.

In other words, I feel like the infrastructure will be different, of a

different quality and heaviness and duty, and I wonder if we're really ready for that and understand what that all means. I'm not sure I do.

I feel that the abandonment at two years is too generous, and I -- I don't think we should shoot from the hip on that figure, but I think that we should revisit it. The two years seem overly generous to me. If that property is abandoned and its infrastructure and it's in an urban, a dense urban environment, it ought to go ASAP.

I like the no signage, I think that's great and I wonder if we might need to also regulate that with language to prevent misuse of it. You know, somebody writing their name down the side of it in gigantic letters and saying "Well, this is standard operating procedure. We do this whenever we do this." So, that would be offensive to me as a sign.

And I also like the fact that we're being careful about effects on these pieces. I don't want them to turn into art, which I will call plop art where you plop something down and this is a piece of infrastructure and I really don't want it to turn into an artistic expression. As much as I love and value artist expression, I don't want it on the electricity generating infrastructure.

I also think that if the abutter grants permission to the neighbor to access during construction, I don't know why we couldn't let that happen. There was the -- there was language that said it has to happen all within your own lot, it's in your own boundary, so, you know, if neighbors are neighbors and they're willing to take whatever risk is involved to let their neighbor put this infrastructure up and use both yards, I don't see why we can't let that happen. It may be another step to say that

we should also make the City do this. That may not be a place we want to go, but I think from private parties to private parties maybe we ought to let that happen fairly easily and consider what it might cost to ask someone to have the City close a street or put a police detail and then make them pay for it. Because that's really what we have to do.

I'm willing to deal with a little bit of discomfort just, you know, to accommodate a new technology.

Flicker was very interesting to me also, and is it a standard measure as in United States weights and measures? Is there -- I mean, if we're going to say flicker, I like the fact that there's something we watch to prevent, but I don't know what flicker is.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): No. It falls more in the category of like a shadow study, so there aren't thresholds that are

established, but you could ask somebody to do a flicker study. If you Google it, you will find a couple.

STEVEN WINTER: Okay.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): (Inaudible) for larger wind farms because that's where the issue is greatest, but certainly there could be a modest version.

STEVEN WINTER: Well, perhaps we should do some due diligence and have a level that's accessible or not accessible in the way that our noise ordinance says this measure is acceptable, this measure is not. When you cross this line, that's not for instance the way we do rooftop mechanicals or street performers in Harvard Square, whatever, we say we'll measure it and it's okay up to here, but if you go past, then it's not okay.

I also found the bond process very

interesting. I'm not sure I have a problem with it. I don't know if it's a huge cost or a small cost. I really don't know. But I also wonder if it's possible if this -- I don't know if as income generator and possibly the City could manage the process or have some way to manage it.

If it's an income generator, then we could put that money back towards renewable energy investments or whatever, I just don't know. But I think it's -- possibly we could look at it and just see. It may be a real harebrained idea, but it was just an idea of mine.

Municipalities are, as you know, completely cash strapped with the exception of Cambridge, I presume.

And then I didn't quite get my head around as the mechanical gets taller, the setback becomes greater, so how would that work in a residential environment? Did I

miss something?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): That was in the as-of-right component only.

STEVEN WINTER: Okay. So, if I was in a residential area and wanted to use the technology, I wouldn't need that setback. That's all I needed. Okay.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): Right.

STEVEN WINTER: And, gee, I want to congratulate the department for looking into this like this and for making these inquiries and for moving ahead. There's really not -- if you go to ordinance.org and look for Massachusetts and look for who's got turbine friendly, there's not that many, there's 25 or 30 cities and towns.

So, I think it's great that we're looking at it now and getting ready.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Steve mentioned something about a clarifying question about something you just said, and that is when you were referring to the ability for neighbors to agree, you were referring to the laydown piece of that, or were you referring to the installation?

STEVEN WINTER: I'm still a little confused about that laydown, but I think that I was referring to the installation where the ordinance -- the proposed language said installation needed to occur completely within the boundaries of the lot of the owner of the infrastructure, so perhaps you can help me with the laydown term.

WILLIAM TIBBS, CHAIRMAN: No, I was just asking for clarity as to what you were referring to.

STEVEN WINTER: That's what I was referring to.

WILLIAM TIBBS, CHAIRMAN: The

installation not the laydown, okay.

All right. Tom?

THOMAS ANNINGER: I have -- (tapping mic) does this work? It does work?

WILLIAM TIBBS, CHAIRMAN: Yes.

THOMAS ANNINGER: On the setback, it seemed to me that the way you've done it creates somewhat of a discontinuity, you go from zero to ten, ten to 20, 20 and above. A gentleman, I think it was a gentleman, who made comments on it, I thought made a good suggestion which was to have a sliding scale and to have a setback equal to the height of the turbine. That makes a lot more sense to me. That has a logic to it, and I think it eliminates these discontinuities where if it's over a certain amount of feet, you can be this close, and so I would suggest that as a better solution. I think he was right on that.

Number two, going to the -- one of

the two-year rules, not the abandonment -- I'll come to that in a moment -- but the renewal of the two years.

If I read it right, and I can't find it now quickly, there's an exception or you say that the renewal cannot unreasonably be withheld. I'm not quite sure how you would possibly apply the unreasonably withheld criteria to something like this.

Let's say I don't like it or we don't like it, is that unreasonable? What is reasonable in a context like this if we just find it unpleasant or don't want it anymore?

I think that's a standard that I don't see working very well acquiring judgment when a lot of this is preassumed. A good portion is going to be very subjective, and that could be in somebody's eyes unreasonable.

Number three, on the two-year abandonment, I agree with Steve and what I

think Bill was suggesting which two years seems long to me. I'll just put it to you this way: I go to New Hampshire pretty regularly and up there using antennas, as an analogy, you will see at the top of peaks these rather unsightly antennas, sometimes with a lot of stuff on top that technology has bypassed and they stay there and they stay there for a long time, and whether they have any ordinances or not to stop that, they seem not to be followed through and enforced, and it would seem to me -- I've seen them -- it would seem to me the point Steve made, which is once these things are no longer for whatever reason useful, then I don't quite know what the criteria is for abandonment, but we can come up with that. I think they should go. I don't think they should linger up there for two years. I think that's too long.

Finally, I have a drafting comment

and maybe you can help me by -- I'll put this in the form of a question, but I found the two parallel tracts awkward in the way it's drafted. You say as-of-right and then you say special permit and you repeat just about everything that was in as-of-right with certain exceptions to it.

I would've thought a better way to do it, and I think that's more the way the ordinance typically does it, is to mesh the two. So that one is an exception really to the other. I might have started, let's say, with the special permit process and all the requirements, and then you come to but as-of-right, if you have it only up to 40 feet, and if it's only in this area, and if you do this and if you do that, then you can do it as-of-right in certain areas, and it not only eliminates a lot of words, but I think it avoids your reading one way and then you're reading something else and you end up

comparing the two where are they different and trying to scratch your head why are they repeating all this?

I think it would be better to mesh them. You could do it the other way around, you could have as-of-right and then make the special permit the exception.

I think it works better the other way, but that's for somebody to look at.

Do you have a comment on that, Les?

That's all I have to say.

WILLIAM TIBBS, CHAIRMAN: Any other comments?

BETH RUBENSTEIN: Bill, can I just add one other thought?

WILLIAM TIBBS, CHAIRMAN: Sure.

BETH RUBENSTEIN: I think Iram said something earlier sort've in humor, but I think it's true. I think the notion that most turbines would come before the Board for a special permit at this point really

reflected the committee's sense that the knowledge is still developing, and I think one of the comments that was made in the public comment was an interesting one, that this is too rigorous a process for your well-meaning homeowner who would like to do something in terms of clean energy on their house. And I guess I would just take the liberty to say I think the committee was very sympathetic and supportive of that that the more we conjured it, I think there was a sense among the committee and the staff that at this stage we really needed a place, such as the Planning Board, to really have an opportunity to look at drawings, to look at shadow impacts, to look at possible consequences, acknowledging that over time as our experience grows and as the technology, if you will, settles down, we might very well move in the direction where they might become as-of-right for the residential sector.

I just thought I'd add that.

I think that was very much contemplated that in not the too distant future we might actually be at that point where we could talk about something a little less regulatory for the homeowner.

WILLIAM TIBBS, CHAIRMAN: If folks don't have other comments, I think we should probably comment on some of the things that other board members have said to see how the Board feels in general about them.

I'll start, but if Tom or Steve if I miss something, feel free to say.

What about the two-year abandonment, how do people feel about that?

HUGH RUSSELL: I think part of the problem is I think you have to think about how does this really happen? The thing breaks, and you think, "Well, should I fix it, maybe go out and get estimates? You might try to make some repairs and you might

be a year into the process before you finally say, "I just can't do it." I think it's rare that you would say, "Oh, well, it's January 1st, time to abandon the wind turbine."

That said, maybe a year is a better time than two years.

WILLIAM TIBBS, CHAIRMAN: I guess my question -- my only comment is, could we do something similar to what we do with special permits and construction where we say they have to actually get a building permit within a certain amount of time, and if they don't do that, they have to come back and explain why they haven't?

So the abandonment piece seems a little harsh to me when I read it. It said two years or it has to be abandoned. It didn't give -- regardless of the time scale, it didn't give the opportunity for somebody to say, "Hey, we're just waiting for the part to come from Germany. Can we get an

extension on that?" I'm not quite sure if that -- I'm not sure if that mechanism would work in the as-of-right piece, I guess, but go ahead.

H. THEODORE COHEN: Well, abandonment generally requires an intent to abandon and so, that would then be up to the enforcement, however, in this provision about abandonment, it's not just abandonment, it's also nonfunctioning equipment unrepaired or failure, which I would think is probably the biggest issue because, as was mentioned, they made need a part that's going to take more than 100 days to obtain.

So, I think we could probably try to separate abandonment as that we no longer intend to use this, and maybe that is of fairly short period of time. Maybe up to a year, but for other issues where there's no intent to abandonment, but we're trying to repair it or we're trying to do one thing or

another, that for one reason or another is outside of the owner's control, that a year might be too short or 100 days might be too short. Maybe there's a separation between the abandonment where it's gone and we still want to use it, but where MIT students who have to figure out how to build this around our exam schedule and other issues that are just going to take a longer period of time.

WILLIAM TIBBS, CHAIRMAN: Yeah. Or their -- or their summer schedule, they can't deal with it until they come back in the fall or something.

STEVEN WINTER: The core value for me here is proliferation of a lot of abandoned infrastructure in a dense urban area. I suspect that's not going to happen right away. So it's a problem that could happen, that could occur. Maybe it would be more prudent, since we don't really know what is going to happen, would be to revisit the

piece and to leave it as relaxed as we can to encourage people to go there, but to revisit it in -- on an annual or every two-year basis just to see what is happening with it before we lock it in.

WILLIAM TIBBS, CHAIRMAN: Beth, you are looking pensive or do you have a comment?

BETH RUBENSTEIN: It is a little confusing, but it's good to remember that the abandonment refers to the university or institutional installation, but it's not going to be Steve's scenario.

If it came to that, which would be unfortunate, it would be an installation inside a campus or an institutional setting at least 200 feet away from a residential neighborhood. Again, this isn't the scenario we want to see, but if something happened and it was abandoned or even remained unrepaired for a long period of time, it's not going to be dotting your neighborhood. And, frankly --

IRAM FAROOQ (SR. PROJECT
MANAGER/COMMUNITY DEVELOPMENT): We have it
in both.

STUART DASH (DIRECTOR OF COMMUNITY
PLANNING): It's in both.

WILLIAM TIBBS, CHAIRMAN: I'm sorry,
what was the last comment?

STUART DASH (DIRECTOR OF COMMUNITY
PLANNING): It is in both.

BETH RUBENSTEIN: So it's in both so
that is in correctly. So it could
potentially be a problem in a neighborhood
then. Maybe you want to shorten it.

WILLIAM TIBBS, CHAIRMAN: Comments?

I guess my other question is how
should we proceed on this if -- are you going
to listen to our comments? I'll try to see
if we have enough consensus so that we agree
to something and you're going to redraft, or
I guess I'm interested in what is the best
approach to deal with this.

BETH RUBENSTEIN: Generally, this is a Zoning Petition, you're making a recommendation. We probably wouldn't redraft. What we would do is formulate your recommendation and make sure that the City Council gets that as soon as possible since they are the ones who adopt or choose not to adapt this, they could then say, "Gee, we like the Planning Board's recommendation on X, Y and Z and we ask the staff to redraft."

WILLIAM TIBBS, CHAIRMAN: Okay.
Good.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): Bill, the only question probably I think I would respond to is Tom's on just the sort've the drafting that to some extent they took two different formulations.

I think in a way it was sort've different in some their situations like this, so I'm trying to think back to sort of how they got separated because it was felt -- it

felt like really two different situations, like the universities within their campus, you have 200 feet away, we'll let them do what they want, we're not worried about flicker, let them worry about their own impacts within the university.

To some extent, it felt it's more for research. It felt very much a different situation rather than you're doing a little bit here and a lot here. It's more like a different kind of operation. So that's kinda how they got divided that way. So we'll take a look back at it.

THOMAS ANNINGER: I can understand that. But if you read it through without going through what you did, which is seeing these two different discussions, you read through it and it seems strange, to me.

WILLIAM TIBBS, CHAIRMAN: I just want to say that as far as the Board is concerned, since we're not -- we don't have

to necessarily come to a consensus on all these items, people are expressing issues and concerns which you're going to document, and hopefully we will read that documentation before it goes, so we're comfortable with it, but that if something -- if you feel strongly about something that somebody has said, by all means speak up.

BETH RUBENSTEIN: As you point out, though, if you don't all agree, we can write up the variety of opinions to the City Council, which obviously we have done many times before.

WILLIAM TIBBS, CHAIRMAN: Ahmed?

PATRICIA SINGER: I have a couple. I'm sorry, did I just step on you?

AHMED NUR: No.

WILLIAM TIBBS, CHAIRMAN: I actually had called Ahmed, but by all means, whoever, it doesn't matter.

PATRICIA SINGER: I have a couple of

questions or things to talk about on 11.2 which is the university museum piece.

I guess the first thing that I wondered about was whether or not, and I may not have read this correctly, but whether or not it was appropriate to extend the permit to build pretty much indefinitely in two-year pieces.

I think that, for example, if we look at special permits for major building projects in the City, we tend to say at a certain point enough has changed that it warrants going back and looking at the basic premise, and I think that's not dissimilar here, that something that we approve today, if we're looking at it in 2019, don't you think we should go back and look at the basic premise again?

So, I'm not sure that I'm in agreement on unlimited two-year extensions for universities. That's the first thing

that I thought about.

The second thing is, again, in the Section 11.42, it talks about noise generated on the particular building, but because institutions tend to cluster buildings, I think it's frankly more appropriate to look at noise levels in the area, and I'm not enough of an expert on this subject to know how do I define the area, but I know, again, just from walking through the Harvard campus, which I'm more familiar with than MIT, but even at MIT, there are sort of these quads and the noise that echos off of the quads is quite substantial, but it's really the result of four buildings being clustered or four sides being clustered.

And I'm thinking back when we were talking about, I guess it was Bent Street and people were talking about the noise coming of kinda the Galleria and all of that echoing around in the neighborhood.

And then, finally, we are an urban area and we have precious little open space here, and I think it's a little bit different when you're talking about an urban setting to talk about putting up a tower or a substantial piece of infrastructure in open space than it's in a rural area, and I think since we, as a community, are fighting to maintain and increase and preserve our open space, that it perhaps sets, I don't want to use the word precedent, but perhaps flies in the face of everything else that we're doing just to say that, well, you know, because this is clean energy and wonderful, we should go and stick up a wind turbine on Magazine Beach. I don't frankly think that's an appropriate spot and/or use. I'm not sure how I would feel if it was a small pocket park somewhere. I probably would feel it even more strongly.

So those would be my three comments,

I think the first two specific onto the institution, but the second really generic onto the notion of wind turbines.

WILLIAM TIBBS, CHAIRMAN: I guess you were referring to as the as-of-right as well as the special permit provisions, too?

PATRICIA SINGER: Yes.

WILLIAM TIBBS, CHAIRMAN: On that last one?

PATRICIA SINGER: Yes.

WILLIAM TIBBS, CHAIRMAN: Any comments? Go ahead.

H. THEODORE COHEN: Well, if I could just speak to the last one. I guess if we're talking about the as-of-right institutional, it's their space, it's not public open space as much as we may all walk through it and use it, and I think that also goes to the issues of noise that it's a noise that's generally going to be confined within their own space. Now maybe it's something that noise that is

generated that lapse outside of the institution's boundaries or something, we ought to be addressing, but, otherwise, I think it's different from people in East Cambridge talking about noise bouncing off the Cambridgeside Galleria because we're talking about private property.

The other issue is I think the way this was drafted with it being a special permit would allow the Planning Board to determine whether Magazine Beach or a pocket park or some other place is for one reason or another the absolute perfect place to have a windmill or an absolute wrong place to have it, and to try to determine in advance as technology develops and all of our needs for energy increase about whether this is the right place or wrong place, and to prohibit something right now would not seem to me the right way to go.

I think the idea of a special permit

and leaving it up to the public process would sufficiently address that.

WILLIAM TIBBS, CHAIRMAN: Ahmed.

AHMED NUR: The only comment that I had was that noise in the dormitory area, specifically Harvard and MIT both happen to be in the City of Cambridge, and I think that it's fair to make a recommendation maybe leave it to their mitigation with regard to noise. At times the students are taking tests or studying or sleeping in their dormitories to take it into effect. That's all I have.

Especially not that they have no limitation as of distance between where the classrooms are and where the students sleep.

WILLIAM TIBBS, CHAIRMAN: On their own property, yes.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): I wanted to clarify something on the noise component. I

think our language is a little bit looser than it should be, and it makes it appear that we're talking about all of the equipment on that particular rooftop.

But really what we wanted to refer to here is all of the wind turbine-related equipment must meet cumulative the noise ordinance. So we should definitely type in that part up here.

But especially for those of you basically, Hugh and Tom who are on the rooftop mechanicals task force, as well as everybody else who has had to deal with them for the last few years, will recall how hard the noise question is especially when you start to talk about cumulative impacts, and it's very, very difficult to measure multiple buildings because there's ambient noise that comes into the equation, and there's no way to separate the two, and then essentially can you penalize one building or one property

owner for ambient noise that they're not really generating, but it's coming from abutting uses.

So essentially, it's not a perfect solution, but you sort've can deal with what is being installed at a given time, and try to make sure that that follows the requirements of the ordinance and that would apply both to the university case as well as the special permit case so essentially everybody has to (inaudible) to the noise.

What we're doing here that's over and above is saying that all the equipment cumulatively not just each wind turbine has to meet that threshold.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): In terms of the formulation of the zoning language, the university installation is as-of-right, so there's really not an opportunity for a judgment call, this is harming a certain student too

much, so it's not really set up like that.

You really have to make -- you have to put it in some place of judgment, which is why the special permit is there at the Planning Board. But the notion is as-of-right is if you can check off these ten boxes you -- it's hard to check off a box saying not bothering a student. It's not the kinda check yes, no kind of answer which is, you know, what you're --

WILLIAM TIBBS, CHAIRMAN: I guess I have a question about the noise ordinance in general because we can't as-of-right just put stuff on our property and generate noise because that's why the ordinance is there.

So, I guess I was going to ask Les the question as to whether or not the noise ordinance itself would kinda handle some of the noise issues here or if we thought of just another piece of equipment that's on the

property.

LES BARBER (DIRECTOR OF ZONING):

Yeah, the noise ordinance is citywide and has various standards for various different districts, the most restrictive being the residential districts.

WILLIAM TIBBS, CHAIRMAN: I guess the question is are we making some exception for these things to a noise ordinance, or does this just have to comply to the noise ordinance?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): We're making this a little more aggressive. We're making it more restrictive than the noise ordinance.

WILLIAM TIBBS, CHAIRMAN: Again, I just -- maybe I'm missing it. But can you just explain how it's more restrictive than the noise ordinance?

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): Normally if

you put a piece of new equipment onto a rooftop, you could -- that piece could be -- would have to meet the regulations of the noise ordinance, but not necessarily cumulatively with everything else that is there.

So essentially we're saying that if you are putting up six turbines, all six of them together because when you add -- if each one is rated to, let's say, 40 decibels. So 40 plus, 40 plus, 40 plus 40 is not 40. It's also not 160. It's --

HUGH RUSSELL: It's 47.

IRAM FAROOQ (SR. PROJECT MANAGER/COMMUNITY DEVELOPMENT): That's right. So what we're saying is that have your engineer do the math and make sure that however all of this -- all of this turbine equipment together on this one rooftop must still be below 40 -- I'm making up the 40 -- but whatever the number is, I think it's 45

in residential.

WILLIAM TIBBS, CHAIRMAN: Yes, Steve.

STEVEN WINTER: We got a lot of thoughtful comments of things that we need to look at. And I think we have a nice -- we can have a nice series bulleted suggestions or proposals and, you know, you have always been very good at managing it.

But, Hugh, I wondered if you could give us a little leadership on do we want to accompany our comments with some kind of an endorsement that -- these are the kinds of issues that we want to explore? These are the kinds of issues we want to zone. Do we want to do something that makes a statement to the Council?

HUGH RUSSELL: That's a very interesting question.

There's a basic principle on sort've innovative technology and zoning that if you

don't have rules, people don't know what to do.

Once you institute new rules, you actually facilitate things happening. The classic example is a biotechnology due to Mayor Bellucci, 30 years ago who, you know, made a real issue to the City Council about over the threats of this, the City established a task force, came up with new rules, regulations, and at that point in time Cambridge was the only place that had rules.

And so biotechnology flourished here because you didn't know what you were getting into in Lexington.

So, I think in a perverse way or in a real way, I mean, these rules will actually encourage the people to go forth and try to put wind technology up because now there's a way, a process that's set out, you can know what is involved, and you know what the

standards are, and so I think in that sense, if we're -- we should say something we believe having these rules will facilitate this, and it is clear that the Council feels we should be facilitating this because they're the ones who are asking for this.

I've been sitting here wondering if I should comment on all the comments that people have made, and I guess the only general comment I would make is that I think almost every comment is related to something that you could foresee happening, and I'm wondering if there should be a more general ability in the special permit condition for us to waive the other limitations and requirements upon the showing that this isn't bond, so we could waive the bond if it doesn't make sense in a particular case. We could, you know, accept an agreement of abutters for laydown. We could -- so that

might be a way of addressing some of the thought processes. We really don't know what is going to be triggered and maybe that's just the way to handle it.

STEVEN WINTER: Thank you.

WILLIAM TIBBS, CHAIRMAN: Yeah, I that actually if people felt that that wasn't a reasonable thing to at least bullet and talk about that kinda eliminates several of the items that have been mentioned earlier, things like the sliding scale for setbacks, things like being unreasonably withhold and/or denied relative to the permits whether or not they can installed on someone else's property or yours. I think that that kind of -- these are all things on the list of things that I was going to ask people what their comment was.

But I think I, for one, like the idea of maybe having some language which gives us the prerogative ones, particularly

in the special permit process where we see this stuff that we can -- we have the option of waiving it or adjusting it as we go.

I don't know what people think about that, but that's my thoughts.

BETH RUBENSTEIN: A waiver?

STEVEN WINTER: Yes, yes.

BETH RUBENSTEIN: I think that's possibly a solution. I would like to be explicit about what it is that you have the right to waive. I heard the bond, which, I think, may makes me sad, the laydown on site requirement. Would you also want to be able to waive the height? What else are we talking about waiving?

HUGH RUSSELL: Well, the height is basically only in the as-of-right, so I don't think we would be waiving that.

And the -- I don't whether abandonment whether we should --

WILLIAM TIBBS, CHAIRMAN: Well, we

talked about the possibility of separating abandonment from disrepair, which I think we probably -- and if we agreed that they can have different --

BETH RUBENSTEIN: One year disrepair, two years something like that.

WILLIAM TIBBS, CHAIRMAN: Yeah, yeah.

STEVEN WINTER: I think we're there.

WILLIAM TIBBS, CHAIRMAN: Tom?

THOMAS ANNINGER: Well, I'm just trying to think how we proceed in terms of making a recommendation to the council. I think it would be difficult for the staff to take all of this, put it all down and send it to the Council without perhaps giving us a list to look at a future meeting that we would then have one more night to discuss it and give us a couple weeks to think about this. It doesn't seem to me like this is an urgent matter by any means.

BETH RUBENSTEIN: Let me check how urgent.

WILLIAM TIBBS, CHAIRMAN: Just because of the summer schedule in terms of the length of time that flies by and the fact that they don't meet but once in the summer.

LIZA PADEN: The ordinance committee has not scheduled this for public hearing yet and I don't have a sense of when they plan to.

WILLIAM TIBBS, CHAIRMAN: And the clock starts ticking.

THOMAS ANNINGER: It might not be until the fall, is that possible?

LIZA PADEN: No, the 65 days to hold a public hearing expires, I believe, July 1st.

BETH RUBENSTEIN: So the Council is likely to hold a hearing in June.

LIZA PADEN: They'll need to advertise a hearing very soon, otherwise, it

will be placed on file, and it will have to be referred again, but the 90-day clock doesn't start until the City Council's Ordinance Committee.

BETH RUBENSTEIN: So we're already at June 2nd. It has to be advertised. Let's say the Council holds an Ordinance Committee meeting sometime in June, mid- to late, so now you're looking at mid- to late-September, so probably is going to be not the summer meeting, but in September. That's right.

WILLIAM TIBBS, CHAIRMAN: I would agree then let's make a first pass at a draft and we can distribute it and discuss it and review it.

BETH RUBENSTEIN: Can I just clarify? I think I'm hearing that in the main there's support here and you would like a statement of support from the Planning Board for wind turbine, et cetera?

WILLIAM TIBBS, CHAIRMAN: Yes, yes.

If that's okay, then I would suggest we just take a quick break and then we'll come back and deliberate the Zipcars.

(Short Recess Taken.)

GENERAL BUSINESS

CITY COUNCIL ON VEHICLE SHARING

PARKING ZONING

WILLIAM TIBBS, CHAIRMAN: We're deliberating the shared vehicle ordinance or what everybody calls the Zipcar, and I must admit that when I first had this topic before I ran anything or listened to any of the public testimony, I was like this is a piece of cake, this is gonna be a breeze. And I must admit there are some very interesting issues in this which I think caused you to have to think about it. So, I'm very interested, and now, that we've all had time to digest this a little, let's see just what the Board members think.

So, with that, I'll just open the floor to whatever issues or comments and any clarifying questions we want to make.

BETH RUBENSTEIN: Would you like Susanne to take you through the package of materials or --

WILLIAM TIBBS, CHAIRMAN: It would be, particularly I was finding the maps a little hard to digest. They look good. I just wasn't quite sure what they were.

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

The materials I sent to you, the first item was a report called "World Wide Car Sharing Growth," and the reason why I sent that report is because it gives you a good indication of world wide how many people have reported that they have either sold their car or postponed -- not bought a second car or postponed a car purchase, and I had

referred to Table 1 because there was some discussion back and forth at the last meeting regarding, can we feel confident that if somebody becomes a car share member that, in fact, it will lead to fewer rather than more cars, and I thought this study does a very good job of illustrating that point and that while there's a range, indeed, in all these instances that have been looked at, there's a net decrease in car ownership.

BETH RUBENSTEIN: Sue, could you just hold that up because I didn't see that in the package?

STEVEN WINTER: This one here (*indicating*)?

BETH RUBENSTEIN: That's the Portland evaluation.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: World Wide Car Sharing Growth, you should've received this.

BETH RUBENSTEIN: I don't think it's in here.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I'm not sure why that did not happen, but --

BETH RUBENSTEIN: You can skip over that.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: Okay. Let me just tell you then what the table says.

There were -- there's a table called "Car Sharing Benefits by Region," and the two regions that we looked at were either Europe or North America and there are four different categories. The first category is number of vehicles replaced due to one car sharing vehicle. So one car sharing vehicle shows up, how many other vehicles go away? And in Europe the range was between four and ten depending on what country you're in.

In North America depending what city you're in or in the case of Canada, the range was six to 23. So the least number of cars that car share members give up is six and the highest is 23.

And there were -- there was a column called "Percent of Participants Who Sold Private Vehicles After Joining Car Sharing." Maybe I'll just stick with North America for now, so I don't recite too many numbers. But in North America, it's between 11 and 29 percent of car share members who sell their car after joining the car share company.

And those who didn't sell a car, but postponed buying a car, or avoided altogether buying a car, the range was 12 and 68 percent.

PAMELA WINTERS: Susanne, can I ask a question? Does that mean fewer trips if you sell your cars?

SUSANNE RASMUSSEN (DIRECTOR OF

ENVIRONMENTAL & TRANSPORTATION PLANNING:

Yes, it does. I'll get to that in one second. And then -- actually I'll get to that right now because they looked at the percent and the study was done in kilometers but vehicle kilometers were due to car sharing and the range was people drove 7.6 percent less up to 80 percent less, so there was quite a range, but if we just go with the minimum numbers, forget about the high end, percent of participants who sold private vehicles after joining car sharing, 11 percent was the lowest. Percent who postponed or avoided buying a car, 12 percent was the lowest, and percent of kilometers reduced the lowest was 7.6.

And you should've received also a single sheet from Zipcar and the numbers that Zipcar self reports are significantly better than the low range, but I want to make sure you knew that in all cases, there's a net

benefit in terms of fewer vehicles and fewer miles traveled when car sharing is present.

WILLIAM TIBBS, CHAIRMAN: I don't want to speak for the Board, but is it safe is to say that I don't think we were debating those issues. I think it was more the mechanisms that this ordinance is generating that we were debating back and forth.

So, I think that, you know, overall I think we see the benefits of Zipcars, for instance, in my mind, does the individual who is renting or leasing this space have the same motivations that the person who actually is using the car has? And in terms of -- and I'm not saying -- that's just a question I have. I don't have any conclusion on that yet. But just the whole mechanisms, the residential neighborhoods and how do you then balance what we perceive as a good?

If this ordinance was to, in some kind of way, increase the amount of Zipcars

in commercial spaces, I think I would feel it's a no brainer, it would be a slam dunk, it's a residential component that I think we need to sort out in how we feel about that and I think that's where a lot of the issues came up in the public hearing at least that there were concerns and issues about how to do that equitably and all kinds of other issues.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: For sure there was a request and perhaps --

STEVEN WINTER: I actually want to reiterate that I made a request for some reporting that you felt was credible that we could read and understand and hang our hat on about the numbers of cars that fall out of use for people that become zero vehicle households and I thank you for that.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I

won't go into details in the other reports unless you have questions about it, which is an evaluation published by the City of Portland. It has a lot of very relevant information, but I'll just go straight to the maps.

So the two maps you have, the first one is called "Share Vehicle Locations Within Quarter Mile Walking Distance." It's called "Draft" only because the report was done January 20 and things change, so this is a snapshot on January 20, 2008 where Zipcars were parked and the bigger the dot the more are parked in that one location.

You can see the legend. And then around each parking facility is a quarter mile walking distance, and that's why it's not perfect circles, but these kind of jagged blobs for lack of a better word because if you walked away from the car share parking facility, as you would normally walk, not as

the crow flies, but as you would walk, when you hit the quarter mile, that's when the pink area stops.

WILLIAM TIBBS, CHAIRMAN: So this is actually -- actual walking up different streets and things, so that's what this is, and the jaggedness of the edges of the thing was what was confusing me.

THOMAS ANNINGER: Did you a computer that does that? Who does that?

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): Brendan Monroe actually has done all our maps for eight, ten years now, and there's a program. He can figure the system.

THOMAS ANNINGER: There's a program for walking a quarter of a mile? That's incredible.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): Actually the system can only go long streets as opposed to cross backyards and go over fences.

WILLIAM TIBBS, CHAIRMAN: I was anticipating a map full of circles. When I saw these, there were little amebas, I was like, oh, jeez.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: So what you can see from this map is if you're not in a salmon-colored blob, you are further than a quarter mile from a current Zipcar parking facility. So -- and this was actually the map I was referring to at the last meeting when I said the large parts of West Cambridge, parts of Cambridgeport, and, as you can see on the map, there's significant parts of the City that today are more than a quarter mile walking distance from an existing Zipcar parking facility.

PATRICIA SINGER: Susanne, did you say this is 1 of '08, January of 2008.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING:

Yes.

PATRICIA SINGER: So this data is 18 months old.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: Yeah, 15. It hasn't changed dramatically, but it's -- did you have a question?

PAMELA WINTERS: I did. So the gray areas are mostly residential, would you say? Would you say they're mostly residential?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: Some institutional, but a lot of residential and then out in the Alewife area, there's some commercial.

PAMELA WINTERS: Commercial areas out there, too.

THOMAS ANNINGER: No dot falls in a residential area because under today's rules, it is not permitted to fall.

SUSANNE RASMUSSEN (DIRECTOR OF

ENVIRONMENTAL & TRANSPORTATION PLANNING: The Zipcar locations, as they exist today, do not follow the existing rules, which is why we're here.

WILLIAM TIBBS, CHAIRMAN: So there are some in residential areas?

THOMAS ANNINGER: Some of these dots may fall --

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I can point to one that I'm familiar with is in Cambridgeport, the one that's kinda nearest to the gray area that's right next to a big green square area namely, Dana Park, that one is an example of a residential driveway parking facility, and one that's been there for quite a number of years.

HUGH RUSSELL: One thing that's interesting about this map is that when you start looking at the gray holes and you think well, like, for example, there's a huge gray

hole for Harvard, and Harvard's got plenty of surface parking lots in that area, and I would think it could be a good public policy for there to be Zipcars in those gray areas that would serve probably students more than anybody else because there are a lot of dormitories for grad students in there, but some of them are close to residential neighborhoods, like Agassiz neighborhood has very poor service, and if there were, you know -- so that that's an example of where I think you could imagine a parking space in a Residence 3C District that really -- and you've got to convince the university to do it, but that's probably feasible, particularly if it becomes legal, so I think you have to distinguish the C3 Districts, which are Harvard and MIT from the other residential district.

It appears that my house does not have a Zipcar within a quarter of a mile,

but, for example, this building is a few feet away and maybe the person who operates this building would decide that it might be useful to have a Zipcar or two, say, on the street on the other side of the building.

Now I realize parking is a very hot issue around this building, but, nevertheless, there's -- I think if you were to start looking at these holes, you would discover that there are options in every one of these gray holes for Zipcars that aren't in somebody's driveway.

PAMELA WINTERS: Right. I agree, Hugh.

HUGH RUSSELL: And even though they're in the residential district. I think also -- I'm looking at -- I think there's a huge lot on Irving Street, is that correct?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: There was one -- it wouldn't be permitted

under this regulation.

HUGH RUSSELL: But right now there's -- that may be just a problem because there are too many in one place.

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

HUGH RUSSELL: I did a calculation in my head about Antrim Street, which is the street I live off of. There are about 100 dwelling units on Antrim Street, and if ten percent of the population in the City belongs to Zipcar that means ten percent of those dwelling units on the street might be assumed to belong to Zipcar, ten units, and the Zipcar folks are saying they need 40 people to support a car, so that means our street can't support a car. Maybe it can support half a car.

So, you know, if there was a driveway on my street, there would only be

one like every other street in mid-Cambridge, there would be very few cars, and the impact would be pretty small if it was just on one. Still I can't imagine exactly whose driveway it would be on my street.

PAMELA WINTERS: And if their neighbor would be happy.

HUGH RUSSELL: Right. So, I guess I'm feeling that -- I don't have problems with principal having these cars in the residential neighborhoods because I think they're really serving the residents, and apparently, it's impractical to use city streets for parking these cars because people won't leave the spaces open for the Zipcar. And I guess that's -- there's history about that, that would talk to that.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): There's a lot of history about people not parking where they're supposed to park. We

haven't had a lot of them. There was history when the space was out here in front of our building, which was completely incompatible with people coming to want to pay parking tickets so there's towing going on here.

WILLIAM TIBBS, CHAIRMAN: But is that for a Zipcar space?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: There was a Zipcar space and it was moved over to Harvard Street where there was less competition. It's still an issue, but -- and it was something that the City of Portland reported as well that they -- in the on-street parking spaces that they do have, they had to do a lot of towing and they ended up with a decision that the only way they could avoid the problem was to paint the entire parking space on the street in a specific color and really call it out, and there's obviously issues involved with all of

a sudden in the streets you now have these giant colored spaces on the road, both in terms of how people perceive that, but also the maintenance that's involved in maintaining that kind of a pavement marking. But it was something that they reported as a big problem with them with their on-street spaces.

THOMAS ANNINGER: Can I just say, this thoughtful Portland report said nothing about the issues that's bothering us, that I could find. Not one word on this residential issue.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: Right.

THOMAS ANNINGER: Which I found curious.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: The report didn't comment on that?

THOMAS ANNINGER: Well, why would they have not confronted that issue?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I think the residential spaces they have are in lots. I don't think -- they have many fewer in terms of the square footage of their city, so in terms of -- they're much more spread out.

BETH RUBENSTEIN: Anything else would be a building form where more people have driveways and garages, I'm guessing.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: Right.

BETH RUBENSTEIN: Just knowing the Midwest and different land use patterns, you have more --

THOMAS ANNINGER: Say that again? I didn't understand.

BETH RUBENSTEIN: I'm guessing that

there you have more people who have driveways and garages so the competition for the on-street parking spaces may be less intense. That's a guess, but...

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING:

They don't have the issue we have with the large percentage of people who are -- who have to use curbside parking.

BETH RUBENSTEIN: Right.

THOMAS ANNINGER: My sense is that that aspect of a residential problem is less important than the commercialization of a driveway turning it into somewhat of a business that creates a certain amount of activity that may be unwanted or unregulated or uncontrollable. My sense is that's the real issue. The loss of parking spaces on the street, I think, is kinda of an added on argument. So I'm not sure that we're talking about the right thing when we're talking

about then.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I think Portland is such a different looking city. You don't have houses that are close together in the same way we do. So I think that's why it didn't come up here. It wasn't they're trying to avoid the issue. It just hasn't -- it's not a city that looks like Cambridge.

Would you like to just quickly explain what this other map shows?

WILLIAM TIBBS, CHAIRMAN: Sure.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: So at the meeting I was asked essentially what would the situation be if Zipcars or other car share vehicles were only to be allowed to be parked in commercial districts, and this map shows the commercial zoning districts and so if it doesn't have a color, it's a

residential district. And the crosshatched area is again the same quarter mile walking distance as you would walk, so there's good coverage.

A lot of the City, however, if you look, for example, in West Cambridge, the commercial districts are very, very small, so it's obviously not at all certain that a car share company would be able to gain access to one or more parking spaces, so you couldn't be guaranteed that as much of the City would be available in terms of having a car share vehicle within a quarter mile distance if it were only to be permitted in commercial districts.

I don't know if I'm -- if I'm making that argument clearly, but if not, let me know.

THOMAS ANNINGER: Would you state it again, please?

SUSANNE RASMUSSEN (DIRECTOR OF

ENVIRONMENTAL & TRANSPORTATION PLANNING:

Yes. So for example, in the eastern part of the City, there's a lot of the City that's covered by commercial districts, so it would be very easy for a car share company to be able to secure, rent a parking space and place a vehicle.

Some of the commercial districts, even though the quarter mile distance from commercial districts in Cambridge covers most of the City, it's not at all certain that in these very small commercial districts that a car share company would be able to negotiate an arrangement with somebody to park one or hopefully more vehicles, so you couldn't be confident that if this were to be the arrangement that you would have good access to Zipcar vehicles for most people in the City.

HUGH RUSSELL: If you look, for example, at the Business A District on

Comfort Avenue, which is six or eight blocks of Concord Avenue, if you mentally drive down that -- I actually physically drive down it frequently -- there are very few buildings along there that would seem to have a place where you would put a Zipcar, there's the converted gas station, the interior design place that has a few parking places, and way down at the far end, there's another converted gas station, but, you know, are you going to give up -- I don't think they have two spaces or something. It's just not reasonable. And that district when you look at the map is actually covering a huge number of residential streets where there may -- now let's look at the other map and see, well, is there actual a car in one of those because maybe I've actually disproven my argument by looking.

PAMELA WINTERS: The design store, I go by this frequently also, and it rarely has

people parked in there. I know that. Is that where one of the parking spaces is?

HUGH RUSSELL: Apparently there's one at the corner of Huron Avenue and Concord Avenue.

THOMAS ANNINGER: There's a what?

HUGH RUSSELL: There's a dot of three to four cars at that corner.

THOMAS ANNINGER: That's a tough corner.

HUGH RUSSELL: I don't know what facility.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): There's a gas station there.

HUGH RUSSELL: Probably a gas station.

THOMAS ANNINGER: If you were cherry picking in that area the ideal spots, you would look at the parking lot for the office building right next to St. Peter's Church across from the dentists, if you know that

area. You would go to the Armenian Church, you would go to what I still call Lesley Ellis, but is now the Radcliff Institute, they have parking which is always half empty. It would be ideal for a Zipcar there that would be in a residential area, but yet not a driveway. What I think that comment would lead you to is to try to find some way to cherry pick the best spots for it, but I don't know how you can write an ordinance that would get you to that point and evenhanded and across the board ordinance that would do what I'm doing, which is saying, you know, it's really good here, it's really good here, it's really good there, and then how do you convince these owners, like the Armenian Church that that's a good idea?

But that's the problem, I think and so you come up with this, well, do it in all the residential areas and you lead to driveways, which, I think, leaves some

people, perhaps including myself, a little uncomfortable.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): The distinction Hugh was making on C3 is interesting because that's in West Cambridge, I'm looking at the coverage of the Zipcar map because there's Mount Auburn Hospital actually has Zipcars and that's in the C3 District, so that's actually why they're getting coverage actually in the area. It's not showing coverage because we didn't include 3C Districts, so it may be interesting --

THOMAS ANNINGER: And across the street is the Lowell School. A music school which has a parking lot. Ideal, I think.

LES BARBER (DIRECTOR OF ZONING): You could certainly require a minimum number of parking spaces on the lot. It doesn't have to be --

WILLIAM TIBBS, CHAIRMAN: Right.

THOMAS ANNINGER: I think that --

LES BARBER (DIRECTOR OF ZONING): A parking lot a minimum of five to ten cars whatever.

THOMAS ANNINGER: That might be a path that might --

LES BARBER (DIRECTOR OF ZONING): Parking garages for apartments and large lots and so on.

WILLIAM TIBBS, CHAIRMAN: Couldn't you also just have some kind of permitting process, one that actually -- where Zipcar has to say they have a demand, they have a site, they have a willing person and they would just show and they would just come and say, you know, give, you know, very much like a special permit process where -- or a permit process where at the BZA or something where people, you know, neighbors can come in and make their case, we kinda weigh -- you have to look at the distribution -- the concern I

have about this opening up is we might get clusters in areas that are more driven by the economics, and I'm sure you are saying that the Zipcar won't do that, but I have a hard time trusting the commercial motives of the market because if another competitor comes in, in my mind at least, I could be totally off, but in my mind and I'm sure in a lot of neighbors' minds, too, that another competitor might put a car right beside the Zipcars because they want people to be in their network and not the Zipcar network so that we almost have a kinda of a proliferation of stuff, but there's not an issue right now.

But I just feel very uncomfortable without some kind of limits. One limit I was thinking about was how do you limit what can happen on a site, and even how do you limit what is actually seen on the site? I mean, there are some driveways that could be very

appropriate and there are some that just aren't. And then there are some residential buildings where particularly ones that we permit where they actually do have parking which either in basements or off-site parking that could be kind of switched over, but the idea of anybody with a valid driveway, and I have seen many, many driveways that we look at we're wonder how did that ever happen, things in front yards and stuff like that and, you know, I can see Zipcars just being plopped in there. I think it needs a patrol of some sort.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I think the suggestion that perhaps it could be limited to residential parking facilities that had a certain minimum number of parking spaces is interesting. I think that given the quantity of -- I mean, I think all of us here hope that car sharing is a growing

industry and I think it's a system that would depend on getting special permits for individual parking spaces could grow into a very huge case load because things happen and people say, okay, you used to rent to me, but now, I don't want to rent to you anymore and then the car sharing company has to go out and look for something else. So, even existing spaces can move around. And since we're already at 200, I think it would be much more preferable to have a system that was as-of-right, but had built-in limitations as, for example, what Les is suggesting another way to look at it or maybe in combination is to address the concern of being too close to somebody's bedroom window, they said there could be some dimensional standards like there is now for new parking spaces being created. You have to be a certain distance from walls with windows.

So that's another thing we could

look at.

PAMELA WINTERS: Susanne, I have a question. Is it more difficult for Zipcar to find parking spaces in say churches -- even in residential areas, like in churches or gas stations, or, you know, large malls or whatever than it is in private parking spaces, driveways?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: You may want to direct the question to Dan Curtin, but I would say, in general, it's easier and to get something that's in a commercial-type facility or a larger facility and I think that's evidenced by where the vehicles are parked. There are a few that are parked in residential driveways, and that's really something that happens when the distance or availability of the parking facility of the other type is too far away from where members are because members arrive

all the time, and once you start seeing a critical mass of members that are in a certain area, then that's a good time to put a vehicle there. But I would say, in general, most of the spaces are not in residential driveways.

PAMELA WINTERS: Okay. And right now, if you owned a residential driveway, you cannot rent that out to another party, is that correct?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): No, you cannot. Obviously, we've heard that apparently is going on, but it's not permitted for a property owner to rent their space to other people for principal use parking. So whether it's done by an individual homeowner or the car sharing -- or a -- you are renting it to your neighbor or to a car share company, it's the same nonlegal activity.

PAMELA WINTERS: And it's required to have one parking space per unit in the City?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: Not for -- obviously, there are many, many buildings that don't have any parking, for example, the 12-unit building I live in has no parking, so -- but if you create a new --

PAMELA WINTERS: A new facility.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: Yeah.

THOMAS ANNINGER: Is there time to draft something along the lines of what seems to be evolving from the conversation, which is a combination perhaps of dimensional requirements, setbacks for these spaces and minimum number of space requirements for a parking lot? I don't know what the right number is, seven, 10, 15. It would be

interesting to know what people think.

But I think it would be helpful if you and Les and those of you who have given a lot of thought to this and have seen how these objections are starting to have some traction, I think we need to respect them because I think all of us are a little uncomfortable with some of the things that have been said. Can we come up with a redraft that we could talk about and look at?

WILLIAM TIBBS, CHAIRMAN: Is this similar to the last problem where --

BETH RUBENSTEIN: It's a little bit similar to the last problem.

THOMAS ANNINGER: It's similar to the last one. Exactly. That's why I asked about timing.

BETH RUBENSTEIN: It's a little similar in the sense that I think --

WILLIAM TIBBS, CHAIRMAN: But we can ask for a draft of some language which we

could recommend to be incorporated.

BETH RUBENSTEIN: We could. I mean, there's a petition before the Council. So you could send your recommendations and you could send language and then when it's before them, they could choice to substitute your language or not.

WILLIAM TIBBS, CHAIRMAN: Or ask you to redraft it.

BETH RUBENSTEIN: Exactly.

WILLIAM TIBBS, CHAIRMAN: Yes, I'm sorry. Go ahead, Ted.

H. THEODORE COHEN: Well, first I have a question: Can students become members of Zipcar and actually rent them? Well, students have a very difficult time, young people have a very difficult time renting cars.

WILLIAM TIBBS, CHAIRMAN: I just know -- most universities have them for their students.

BILL CURTIN (ZIPCAR): It's 21 and over, if they're over 21.

H. THEODORE COHEN: Well, if I could just jump in here, I have been very conflicted by what we've been -- the whole concept, I mean, I really think, you know, the vehicle sharing is a great idea, but that the notion of it being in a residential neighborhood and somebody just having it in their driveway and the impact on the owner, I don't really care about, but the idea that all their neighbors have people coming if it's rented for the hour for ten people coming and going. I understand that most of the people will be within a quarter of mile and so they're from the neighborhood and they could park on street in front of your house.

But it just seems we're allowing something dramatically different from what is otherwise occurring in the City.

And I also have concerns that why

should we allow it just for vehicle sharing and not allow everybody who might have excess space in their driveway to rent it out for whatever reason? I mean, somebody who doesn't have a car, if they rent it to somebody else who has two cars, so we take a car off the street.

So, I find it difficult to draw the distinction in the residential neighborhood.

On the other hand, I mean, I think the concept of we could allow it in a residential neighborhood if it was in a parking lot of a substantial size, so that my concerns about the coming and going is already diminished because people are coming and going, anyway, and people who live nearby know they're near a larger parking lot where cars are coming and going, and while it doesn't eliminate my certain about public at large being able to do it, I could stomach that, I think, for the benefit of the vehicle

sharing and promoting it.

So I, too, feel more comfortable with the idea of there being either, you know, a dimensional requirement of some sort, or a number of parking spots of some sort to make it feel like it's not really changing the total nature of residential neighborhoods.

PAMELA WINTERS: I agree.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: May I make one comment just about the difference between renting to a car share company and to renting to anybody?

When you rent to a car share company, you will create a positive effect in terms of two things: One is vehicles in the City and vehicle miles traveled.

When you rent -- if you permit people, in general, to rent out their driveways to somebody who owns a car, it's

likely and it's probably quite likely, that you will have the opposite effect and see people who are trying to rent on Craig's List the kind of people they rent to are people who live in the suburbs who would like to drive to Cambridge, and so that you add -- you have a net gain of vehicles in the City and you have a net gain in vehicle miles traveled.

So, I think there's a very big difference in that sense between the two.

PATRICIA SINGER: May I speak to that for a second because you're touching on the boundary of something that continues to concern me.

When I went on the internet to look up what is a 2.5-ton truck, the first vehicle that came up is a six-wheel military vehicle. They're big. They are really big trucks.

Now, then I said, "Wait a minute, this can't be what they're talking about." I

went to GM and Ford and all of that, and I think that they are much more reasonably sized vehicles, but if we're talking about residential neighborhoods for residential use, we should be talking about residential cars, period, end of discussion.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: So I did the same -- we should compare notes. I did the same thing this afternoon actually, and I started looking at large SUVs, so Chevy, Suburbans the Sequoias, the large SUVs that many people in Cambridge own and park in their residential driveways and they weigh -- most of them weigh well over 6,000 pounds and the Suburban weighs 7200 pounds, so that's 3.35 tons.

And so I tried to find the ones that were two and a half and a Ford Escape hybrid, which a small SUV, is exactly two and a half tons. So it would be something like that and

smaller. So I think 2 and a half ton is quite consistent with the type of residential vehicle you'll see.

WILLIAM TIBBS, CHAIRMAN: That was just a comment. I didn't have the exact numbers when we were talking about it last time, but I do know that two tons is kinda of a car because I just remember I was in the Navy and I remember the battleships could shoot a two-ton shell and that was like the size of a car. It wasn't a big truck. It was a -- but, anyway -- I agree that's still on the big size.

I mean, the thing I noticed about most Zipcars that I see, they tend to be smaller cars. Even though they do have little vans and stuff like that.

PATRICIA SINGER: If you were making an environmental argument, we're not trying to encourage the use of a larger vehicles.

WILLIAM TIBBS, CHAIRMAN: Steve.

STEVEN WINTER: I would like to make a couple points, and I think we need to come to some consensus, and I think we've got it. I think we need to come to it.

Anecdotally on my street there's a daycare center next door. It's single proprietary ship daycare center, and it's been there for a while. I would never in my dreams ask the person to not do it, it's her income, it's what she does, it's how she makes her money, but it's a business and I gotta tell you something, it gets in the way. We have to be really careful about how we put commercial activities into the residential areas.

My tolerance is pretty high, you know, but there are times when I really don't like it there. And I'm worried that we're getting closer -- that we're going to get there with this commercial activity it in driveways. I'm worried about that. I don't

believe that it's a shared residential responsibility that we all have to share that responsibility, particularly, if one person is getting paid for it, that bothers me, too.

And I think that Ted's point about if you can let a car share rent a space, but not a private owner, I think it was less about that actually happening, but more about would it be a defensible decision for this Planning Board or for the City Council to say is it defensible to say car share, can rent, private owner can't rent. How soon will that be in court? I don't know.

I think that's another thing we're not dealing with and I'm not sure we can or we should, but that is Zipcar's in town and we use Zipcar, and we like the Zipcar, it's a great provider. We really like the Zipcar. But what if other providers emerge and how do we deal with that? Is the City prepared in the sense of an ordinance to protect

themselves from this deluge of car share providers? I really don't know.

But I think it's something that we need to consider and be careful about.

What I would like to do -- Tom, you mentioned something, you said, you know, seems like there are issues that concern us. I wonder if we can just inventory those now to get a handle on it about what are the issues that concern us about this -- you know, I will start from my point. It's commercial activity on a residential street. That concerns me.

PAMELA WINTERS: Right.

STEVEN WINTER: Do we have any others?

HUGH RUSSELL: I'll put a concern on the other side of the ledger, which is if we want -- I'm concerned that if -- even a quarter of a mile is a long way to walk to a car, and if we -- if we think this is good

thing, I'm concerned that we will legislate it out of existence or make it -- reduce the market so that -- I want to --

PATRICIA SINGER: Hugh, you have such a remarkable memory. I went home and I tried to find the maps that we had of East Cambridge. I think it was associated with Alexandria's project and we had circles that were five-minute walk, and then a ten-minute walk and then a 15-minute walk, and it was how far we were from the two subway stops. Does anybody else remember that because it feels to me like this map -- I'm going to use a little bit of a loaded word, it's misleading because if we expect people to walk, for the sake of argument, 15 minutes to a subway stop, an average person can walk almost a mile in 15 minutes. This doesn't make it in my terms if we're saying then we're being reversed prejudiced against people that we're asking to take public

transportation, you have to walk further to take the public transportation then to take this. And I feel very conflicted about this because I would love to find a way inside of myself to say, here is the magic solution. This is going to let me vote "yes" on this and I'm not there, I can't find it.

HUGH RUSSELL: I guess I have another question. Is it possible to make an ordinance as-of-right, but require an administrative checkoff that certain requirements are being met? I think that's done in the design review ordinance for smaller buildings.

LES BARBER (DIRECTOR OF ZONING): If there's no judgment involved in the checkoff, if it's something that's measurable, you just check it off and that's fine.

HUGH RUSSELL: Because I think that -- I think I am thinking that in some ways it is judgment that you want to apply,

but if a person came in and I guess would apply to the building department for a permit to use a parking space for this purpose, that's how we would regulate this?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): I don't know. That would be -- would you need a permit?

BETH RUBENSTEIN: I don't think you were contemplating a permit.

WILLIAM TIBBS, CHAIRMAN: We're asking the question now. We're not talking about what you're contemplating. We're asking what we can do. Would doing -- would having a permit --

LES BARBER (DIRECTOR OF ZONING): We're establishing a use that would require a certificate of occupancy to identify it as a permitted use where it was proposed to go.

HUGH RUSSELL: Right. And usually when you try to get a certificate of

occupancy, there's a card that has 20 boxes for various City departments to check off their approval of it, and it can be rather difficult at times.

PAMELA WINTERS: Do you mean for private driveway, Hugh, or are you talking about large parking lots or...?

HUGH RUSSELL: Well, I'm thinking that might be a way of sorting between those kinds of things. It might be this department or traffic and parking who would actually go out to review the application and look at it and see that certain standards were met.

And that -- I don't know how you would write that up, but rather than putting a special permit on it...

WILLIAM TIBBS, CHAIRMAN: It would be a little easier to...

HUGH RUSSELL: That's just -- that's independent of a process question rather than a substance question.

WILLIAM TIBBS, CHAIRMAN: I mean, I think in terms of -- if it were allowed and we have many residential developments that have come before us, if they had come before us and it were allowed and they said, "Oh, by the way, you know, we can have X number of cars because of zoning or we're going to ask -- but we would like to have some number of those being Zipcars, that's actually going to help our, you know, the parking in our development as well as letting other people use it, I can see us saying that's a great idea.

So, for me, if you're talking about the objection, it's the -- it really is that car in the parking -- in the driveway that I object to.

PAMELA WINTERS: I agree. I agree.

WILLIAM TIBBS, CHAIRMAN: So, I think having a number limit in the lot, I think you hit it perfectly when you said that

if you have a lot that has six cars in it or, you know, there's enough coming and going there, it's lot, and people come and go, if you have a driveway that's a very different kind of way of people interfacing with the car and how they do it.

So, I like the idea, Hugh, of having some series of parameters by which a person comes in and they get the equivalent of they need a permit or an occupancy permit to use the space in that way, and you just have a series of parameters and say, this is okay and then if it is, it's all right.

But we need to determine what those parameters are to have some mechanism by which we could determine and say -- you know, we don't have to do it ourselves, but -- or we can say what we think makes sense, but that's where I am.

Ahmed, do you want to say something?

AHMED NUR: I just had something

that just crossed my mind, a very quick question and maybe you can answer it.

Is there a law that prevents you now to rent an apartment that has a driveway and if so, could you put your car right into your parking lot and maybe it rent it out that way? Is there anything of that sort? I'm just curious.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: Would you repeat that? I'm not sure I followed.

AHMED NUR: I'm sorry. Is it possible, is there a law that prevents you from renting an apartment in Cambridge that has a driveway, house, for lack of better words, you know, not an apartment, that has a driveway and a landlord will guarantee you a space to park on the premises and then you can put your Zipcar there and rent it out?

BETH RUBENSTEIN: Like rent it to

Zipcar?

AHMED NUR: Right. I'm just curious.

BETH RUBENSTEIN: That's not allowed, no.

AHMED NUR: That is allowed or that's not allowed?

BETH RUBENSTEIN: That's not allowed, no.

AHMED NUR: That's not allowed.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): That's why we're here with this proposal.

AHMED NUR: I understand that.

WILLIAM TIBBS, CHAIRMAN: Because Zipcar is a commercial entity --

BETH RUBENSTEIN: And you're not allowed to rent it.

AHMED NUR: Right, right, right. Okay.

PATRICIA SINGER: I think I have one

other issue that I'm struggling with and maybe the rest of the Board can help me. I would feel much more comfortable stretching on this if it were not for -- what I term a privileged class of people, people who are paying a membership fee, if it were available to all of the public without discrimination of a fee. I'm not sure why, but that does bother me that it's a select class of people, people who are able to pay the membership fee, people who are, you know, somehow opting into this system and not available to everybody equally.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING:
Maybe I can quick make a comment on that. One of the advantages that it's often -- the advantages of car sharing is that the entry -- the point of entry economically is very, very low compared to acquiring a vehicle.

It's enormously expensive to own and operate a vehicle compared to paying the membership fee and the per hour rate when you choose to drive which you can limit based on how your finances are at a given time. I know that membership fees have gone down and they're down to what now?

BILL CURTIN (ZIPCAR): It's \$25 to sign up and \$50 annually under a standard program.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): So, it's really -- the bar is extremely low.

PATRICIA SINGER: I understand that and that also came out very much in the Portland report that it was for the benefit of low-income people.

I did actually call the City of Portland it find out whether or not they had published a second report that they referred to, but nobody called me back and I think

that might have answered if they, in fact, had undertaken that study, it might answer some of the questions that we're asking now.

I suspect that nobody called me back because either they don't where the study is or they haven't done it yet.

WILLIAM TIBBS, CHAIRMAN: I just -- I must admit I thought of that. I wasn't sure it bothered me, but I definitely thought about it and I was thinking about it not necessarily from the economics of whether or not you could have an entry point that was cheaper than owning a car -- I have no conclusion -- but is there an entry point then for somebody who would just never contemplate owning a car using it, and, again, it's a fairness issue there coming, I guess. The T, for instance, is open to, you know, we all have to pay, but everybody can use it and it's a leveler, and Zipcar, I guess if I think about it, it has a leveling

effect, but I was thinking about the same issue, but I hadn't come to any conclusion as to ye or nay on that one. But I must admit your comments what we say a person who needs to take public transportation how far they can walk to get to there and are we doing something that's for the convenience of folks, and it's -- it's -- and I understand -- and I'm very conflicted about it, I understand that it's not just the convenience of folks, it really does, it's a very effective tool to reduce the amount of cars and the use of cars so that -- but it's just -- I mean, we just -- I think, in my mind, as a Planning Board, as we're doing zoning regulations, we just have to be careful to do that in a fairly fair way as far as the public is concerned.

BETH RUBENSTEIN: Can I make a suggestion? Pam, go ahead.

PAMELA WINTERS: I just wanted to

make note of the Porter Square Neighbors Association letter. They certainly have reservations about this as well as the Mid-Cambridge Neighborhood Association, and living near Porter Square, I agree with their reservations, and I guess as Donald Trump says, "It's not personal, it's just business." And for me it's not personal, but it's my street, my neighborhood and my city, and I feel pretty strongly about this, so...

But I do think, Ted, your suggestion was pretty good to search out other lots and churches or gas stations or businesses in residential areas. I wouldn't have a problem with parking being used in those areas at all.

WILLIAM TIBBS, CHAIRMAN: You're going to make a comment?

BETH RUBENSTEIN: The Board may be ready to make a recommendation or not. The one thing I did hear that might be potential

follow-up would be the recommendation that we draft something briefly that talks about allowing it in residential areas where there's a minimum number and then the other thing, I think Susanne had mentioned, enumerating some dimensional standards and I think what we're hearing there is the main one is distance from an adjacent neighbors' windows on the issue of noise. That's not a lot of drafting. We could take a quick stab at that and bring it back.

I mean, I think you all have to decide what you want to recommend as a group, but we can bring that back if that would be helpful, those two things.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): I'm not sure how much it's come up in Hugh's note, the C3 District as another option. I don't know if you were seriously recommending that or not.

HUGH RUSSELL: Yeah, I would

recommend that the C3 District be one where you could do this without restriction.

THOMAS ANNINGER: As the most dense of the residential districts?

HUGH RUSSELL: It's basically institutional district that is in the chart called "residential district," but it only occurs now in institutionals.

WILLIAM TIBBS, CHAIRMAN: What is the timing on this one? The Ordinance Committee has met on this?

BETH RUBENSTEIN: The deadline for action is August 5, so if the Council wants to act on it, they have to act on it. It's the summer meeting, so we should get them something in the next couple of meetings. We should get them something in June.

WILLIAM TIBBS, CHAIRMAN: Yeah, it would be nice to get them something in June so they can go on it.

BETH RUBENSTEIN: You can also make

those two recommendations without drafting language and just say, you know, I think we could reflect fairly that there was reservations or concerns about parking, modified in people's driveways, et cetera, couple of suggestions to move it in a slightly direction would be the minimum number of spaces and dimensional standards, that would be a perfectly credible recommendation but your call.

THOMAS ANNINGER: Do we have an idea what that minimum might be?

BETH RUBENSTEIN: Dimensionally?

THOMAS ANNINGER: Yes.

BETH RUBENSTEIN: Well, let's talk about it.

THOMAS ANNINGER: Let's talk about it just for a second.

WILLIAM TIBBS, CHAIRMAN: And numbers, too.

PAMELA WINTERS: And numbers, too,

right.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): One possibility is to use the dimensions that currently exist for creating a parking space, a conforming parking space.

WILLIAM TIBBS, CHAIRMAN: So that nonconforming ones wouldn't necessarily automatically get it.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): Right. So, I have that somewhere and maybe Les knows on top --

LES BARBER (DIRECTOR OF ZONING): Well, the general requirement is 10 feet from the wall having a window. There are exceptions for preexisting one -- two- and three-family structures because recognizing that in neighborhoods, you have very narrow side yards where you put residential parking, but if you establish the general rule of 10

feet from the window, a wall with a window, that's a fairly --

BETH RUBENSTEIN: Is that side to side? Is that up and down?

LES BARBER (DIRECTOR OF ZONING): Side to side.

BETH RUBENSTEIN: Side to side.

THOMAS ANNINGER: You wouldn't go from a lot line, you would do it from a wall and a window?

LES BARBER (DIRECTOR OF ZONING): Well, yeah, the ordinance reads 10 feet from a wall with a window. It's been interpreted to mean even if the wall is on someone else's property.

BETH RUBENSTEIN: Are we measuring from the car to the wall with the window?

LES BARBER (DIRECTOR OF ZONING): From the parking space dimension.

BETH RUBENSTEIN: The edge of the parking space?

LES BARBER (DIRECTOR OF ZONING):

Yes.

WILLIAM TIBBS, CHAIRMAN: And obviously the -- if this says what the size of a parking space is.

LES BARBER (DIRECTOR OF ZONING):

Eight and a half by --

WILLIAM TIBBS, CHAIRMAN: See, I would be very comfortable with -- if we're only talking about dimensions, I'd be comfortable with that.

LES BARBER (DIRECTOR OF ZONING): It would rule out most things in the standard residential.

BETH RUBENSTEIN: When you think about the standard driveway and then distance from the house, I would give a guess that most of them don't have 10 feet.

STEVEN WINTER: Less, eight and a half by --

LES BARBER (DIRECTOR OF ZONING):

18, I think. And 16 for compact space.

THOMAS ANNINGER: What about this other question?

WILLIAM TIBBS, CHAIRMAN: Numbers?

THOMAS ANNINGER: Number of spaces in the -- minimum spaces in the parking.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I think as Beth said we heard five, six.

BETH RUBENSTEIN: At five you are getting to be for Cambridge a presence. Five parking spaces.

THOMAS ANNINGER: I think five is pretty good.

HUGH RUSSELL: Should we limit -- in a five-space lot, should we limit the number of Zipcars?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I think we already had --

THOMAS ANNINGER: The ten percent.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: Ten percent. You can only have one.

BETH RUBENSTEIN: We're rounding up from .5 to the full one.

WILLIAM TIBBS, CHAIRMAN: Yeah.

HUGH RUSSELL: Another issue that I -- I am concerned about is where the space is located on the lots, and I'm concerned that if the space is not visible from the public way, it represents -- it's in the backyard of an apartment building, say, is that a problem? People are walking -- maybe if it's -- if there's already a lot of that size, it's not so much an issue.

WILLIAM TIBBS, CHAIRMAN: Because they have to get to it anyway.

HUGH RUSSELL: Yeah. But for security, security of the patrons, I mean, obviously Zipcar's going to be thinking about that when they rent spaces, the security for

their patrons, but...

THOMAS ANNINGER: I would have agreed with you, Hugh, if we were still under the first draft where it could've been in driveways and so on that we might have wanted to make it visible from the street, but now that we're talking about a minimum of five spaces, some of which may well find themselves in the back of a small apartment building, I think we would be making it too restrictive if we try to create a visibility from the street requirement.

HUGH RUSSELL: Okay.

WILLIAM TIBBS, CHAIRMAN: I think I'd agree with you.

PATRICIA SINGER: I'm visualizing --

STEVEN WINTER: There's a self selection, too, I think Zipcar customers aren't going to go somewhere where they're not comfortable after dark, they're not going to go.

PATRICIA SINGER: I have a question about how we're defining a parking lot. Would five tandem spaces be defined as a parking lot?

HUGH RUSSELL: If you say they're conforming spaces, then, no.

PATRICIA SINGER: So tandem would knock it out of the definition that we're using right now.

THOMAS ANNINGER: Of course the Zipcar has to be independent of the others, otherwise it wouldn't work.

PATRICIA SINGER: Right.

THOMAS ANNINGER: You couldn't have a tandem zip.

BETH RUBENSTEIN: If you say conforming --

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): Five conforming spaces as your --

THOMAS ANNINGER: Right. I wonder if --

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I guess if I can just suggest that the five -- I would suggest the five spaces not be required to be conforming, but that the car sharing space be required to be conforming. It shouldn't be -- if the car share space meets the 10 feet from a window and five feet from the property lines, it shouldn't matter if three other spaces that are there today and are used don't meet, so it should be the space itself.

HUGH RUSSEL: That's logical.

PAMELA WINTERS: That's a good point, that's fine.

THOMAS ANNINGER: I think by conforming we didn't mean that each one of the spaces had to be 10 feet, I thought conforming meant something else.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: A

conforming lot. So I just wanted to say --

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): Maybe non-tandem is sort've the --

WILLIAM TIBBS, CHAIRMAN: I've seen some very creative jamming of cars on lots to be in very not conforming ways, so I think I was -- yeah, I wasn't -- yeah.

BETH RUBENSTEIN: Let us think about that.

WILLIAM TIBBS, CHAIRMAN: We want to make sure it's a reasonable lot.

HUGH RUSSELL: Imagine the guy on River Street.

PATRICIA SINGER: That's exactly what I was thinking of when I was starting to talk about the tandem spaces.

THOMAS ANNINGER: I wonder if it might be appropriate as we're firming up something fairly specific now to ask the gentleman who represent Zipcar to give us his

sort've comments on what we've been talking about so far.

BETH RUBENSTEIN: He can also take the fifth, right?

THOMAS ANNINGER: To give it a market test to see if this gas any chance of working at least from your perspective. I'm concerned about Hugh said, which is we may restrict this to the point where it just won't work, that's not the idea.

BILL CURTIN (ZIPCAR): I really appreciate the opportunity.

WILLIAM TIBBS, CHAIRMAN: Even though I would say it would have to work better than what you're doing now which is not having no regulations. But go ahead.

BILL CURTIN (ZIPCAR): I think there's a couple of things to keep in mind. The operation of our vehicles in residential areas, I can understand the concern right there, but I think we need to put it in

perspective. The average number of reservations on a car in Cambridge is one and a half to two reservations a day. There aren't 10 or 12, 15 people going in and out at all hours. After 11:00 at night is literally the slowest time for us, there's no activity. You will find activity in some of the commercial areas, but in the residential areas, it goes quiet.

In Cambridge alone last year, I estimated real quick today there was about 100,000 reservations on cars in Cambridge alone, and I don't remember ever getting an complaint about odd hours or noise or disturbing the peace.

So, again, as I said earlier, I think we have to look at the history and see even though this has been basically unbridled and we have been working on the mercy of the market out there, that it hasn't gone crazy. That it actually has taken a lots of cars off

the road, and I think if we strict this to residential areas, it's going to be that much tougher to get a car in there to get those cars off the street. So those areas that are underserved right now will continue to be underserved if we're required to find a minimum size parking lot.

My experience has been those are all great ideas about churches and schools and everything else like that. But practically speaking, those people are not interested in renting one or two spots. It's not quite as easy as it sounds.

WILLIAM TIBBS, CHAIRMAN: I'm going to push back on you a little because we don't have any situations where we have cars in -- we have limited ones, but you just said earlier of these dots on here, just a very few of those are in residential spaces, so the history you have really doesn't address the concerns we are concerned with.

BILL CURTIN (ZIPCAR): Well, that's the history I'm talking about is that the density of cars, of shared cars in a residential area where the population density is not the same as it's in a regular commercial area or apartment buildings, that's what we need to take care, 40, 50 people at a time. There's been some doom's day scenarios here about a shared car in every driveway. A shared car in every driveway will empty the streets. I can empty the streets with a shared car in every driveway. That's how powerful this produce is. 40 to 50 people can share this product.

So, again, in a residential area we're not talking about five or six in a, block we're talking about one here, two here, one other there, just within a reasonable walking distance to get to the cars that's what I think you're going to see.

PATRICIA SINGER: I don't think

we're so far away on this one than we're even from the wind turbine, I think we have to crawl, walk and then run.

WILLIAM TIBBS, CHAIRMAN: Yes, I agree. I agree. Ted, do you want to say something?

H. THEODORE COHEN: It was the same comment that I think we have nothing now. All of us have very grave concerns about the residential area, and I think, you know, certainly my recommendation will be -- I think we'll come to something reasonable and recommend it to City Council and see what they do with it, if it gets adopted, and if over time you find other vehicle sharing companies find it's not working, then we'll have some history of use in a residential neighborhood to work from and to make changes and modify.

But I would be very hesitant to jump all the way right now to it may not be a car

in every driveway, but if you got -- if you are very successful, then you will need more and more cars and more and more drivers and I'm just not prepared to go there right now.

BILL CURTIN (ZIPCAR): Thank you.

BETH RUBENSTEIN: Bill, did you want to see something or are you ready for us to forward it to the Council?

WILLIAM TIBBS, CHAIRMAN: You weren't here, but based on our last conversation we had at the Board, there was some concern about the language that was forwarded and then all the Board members didn't necessary agree specifically with the language, so I think I would like to make sure that --

BETH RUBENSTEIN: On which thing?

WILLIAM TIBBS, CHAIRMAN: This was Lesley and I mean -- it's just the fact that I think we determined at that meeting that whenever possible you should at least see the

language that we're doing. Not necessarily for the special permit stuff, but particularly when you are interpreting us particularly for zoning related things, usually they're much more shorter and I think everybody can just comment on it.

BETH RUBENSTEIN: You want us to bring back a draft letter to the Council?

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): Not to prolong things, maybe Les can help, is there a logic conflict where -- and maybe it's and/or thing, if you are allowing one car in a single spot --

WILLIAM TIBBS, CHAIRMAN: What do you mean "a single spot"?

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): A driveway if it's 10 feet from the building.

WILLIAM TIBBS, CHAIRMAN: No, no. We're saying minimally it needs to be five cars before it's considered at all.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): So it's and.

WILLIAM TIBBS, CHAIRMAN: Yeah.

THOMAS ANNINGER: Except in C3.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): All right.

LES BARBER (DIRECTOR OF ZONING):
The second question is, do we want those to be hard and fast and not waivable by the special permit provision?

THOMAS ANNINGER: That's an interesting one. You mean coming to us?

LES BARBER (DIRECTOR OF ZONING):
There is a whole special permit provision which waives the ten percent or whatever, and you can have as many as you want if you come to the Board and ask for a special permit.

HUGH RUSSELL: Yeah, I think because you can imagine all kinds of circumstances particularly the five number.

WILLIAM TIBBS, CHAIRMAN: Basically, you are saying that they could come to us and make a case?

LES BARBER (DIRECTOR OF ZONING):
Yes.

WILLIAM TIBBS, CHAIRMAN: I'm always in favor of that.

THOMAS ANNINGER: We could spend the whole night talking about a space.

WILLIAM TIBBS, CHAIRMAN: Yes, Ahmed.

AHMED NUR: One concern that I have about the ten-foot rule to the window is, for example, if there was cleaning involved in the car, vacuuming, for example, next to a window 10 feet is between me in the podium to a window that might be --

WILLIAM TIBBS, CHAIRMAN: You think that's too short.

AHMED NUR: Yeah, too short, too close to a window to vacuum a car unless

they're using a very low noise making vacuum.

WILLIAM TIBBS, CHAIRMAN: What was that?

BETH RUBENSTEIN: If you make it more than 10 feet, you are nullifying.

THOMAS ANNINGER: That's too tightly. In Weston maybe we could do that.

PATRICIA SINGER: So maybe the question is: As a matter of general business practice when are the vehicles serviced, are they generally serviced during the daylight hours or in the evening?

BILL CURTIN (ZIPCAR): Yes.

PAMELA WINTERS: Do you have any idea how the Council is leaning towards this or --

WILLIAM TIBBS, CHAIRMAN: You love that question, don't you?

BETH RUBENSTEIN: I'm not sure. I'm trying to remember.

LES BARBER (DIRECTOR OF ZONING):

They had very similar concerns expressed.

I don't know if they came to any conclusion.

BETH RUBENSTEIN: They didn't state anything.

SUSAN GLAZER: They had discussion among themselves about it. They has a lot of testimony, but there was very little back and forth and discussion.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING: I think it's fair to say they're not leaning quite yet. They had questions. They're going to have another Ordinance Committee meeting, it hasn't been scheduled yet, but they've indicated on Monday night they were going to have one, and they've asked me for various pieces of information that I will be forwarding to them.

THOMAS ANNINGER: Let me make a suggestion. When is the Ordinance Committee

meeting?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):
It's not scheduled yet.

THOMAS ANNINGER: Not scheduled yet.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):
There was one already on the 19th of May, I think.

STUART DASH (DIRECTOR OF COMMUNITY PLANNING): The 1st.

BETH RUBENSTEIN: I would say -- I'm sorry, Tom, go ahead.

THOMAS ANNINGER: Well, just the thought that I'm trying to find a way to have it both ways in terms of seeing something again so that we can come together over what is written and sent to the Council and, yet, perhaps having some chance to at least have them hear what our preliminary thinking is even though we haven't sent them a letter on

it yet, it might be helpful for them to know what our thinking is if that helps.

BETH RUBENSTEIN: We can do that verbally at the Ordinance Committee meeting. We're going to need to talk about this on the 16th because that's the -- if we go any later, we won't be able to get anything --

WILLIAM TIBBS, CHAIRMAN: That's no problem. That's no problem for me either.

PAMELA WINTERS: Thank you.

WILLIAM TIBBS, CHAIRMAN: So, are you okay? So I guess we can now do to BZA cases.

H. THEODORE COHEN: The question I asked Liza by an email.

LIZA PADEN: I didn't get an answer back.

H. THEODORE COHEN: But -- I raised the question whether the whole Zipcar issue needed to deal with the commercial parking permission and the ordinance because there's

commercial parking ordinance which requires a permit for parking, commercial parking in spaces that are not tied to the use of the building.

WILLIAM TIBBS, CHAIRMAN: Oh.

H. THEODORE COHEN: So, I just wanted to raise it as an issue that somebody ought to look at whether this falls into an exception from that or whether an exception needs to be --

LES BARBER (DIRECTOR OF ZONING): Traffic and Parking has been actively involved in formulating these regulations and they have never raised that issue so I suspect it doesn't fall within the scope of the commercial parking.

WILLIAM TIBBS, CHAIRMAN: Or as written, its intent was not to, so I guess that's the -- just having a clarity on that is probably good.

STUART DASH (DIRECTOR OF COMMUNITY

PLANNING): We can check again.

BOARD OF ZONING APPEAL CASES

LIZA PADEN: Quincy Square, Quincy Street.

PAMELA WINTERS: 9795?

LIZA PADEN: Yeah.

HUGH RUSSELL: It's worded pretty vaguely here as to whether it's --

PAMELA WINTERS: Being the architect, sir, I'm going have you take a look first.

LIZA PADEN: So on the Case No. 9795, which is the 32 Quincy Street for Harvard University, they're not meeting the minimum distance between buildings on a lot. Like many of the properties at Harvard University, the parcel has more than one building, and in this particular case, I believe it has four buildings on the lot and so because the Carpenter Center is right up

against the museum, they don't have the distance between the two when you use the formula. They're in the residence C3, and so the formula that -- they're altering and enlarging a nonconforming structure. And they also want to modify the maximum width they're allowed on their curb cut.

THOMAS ANNINGER: On which street, Quincy Street?

LIZA PADEN: Yes. No the curb cut? The curb cut that they're looking for is the existing curb cut that's on --

THOMAS ANNINGER: What's that street in the back there?

HUGH RUSSELL: Broadway.

LIZA PADEN: Broadway. So right now it's 25 feet and they want to expand it to 38 feet so they'll do all the work off of Broadway and not on the two side streets.

THOMAS ANNINGER: That would be forever or just during construction?

LIZA PADEN: No, forever. All the service is coming in on Broadway.

HUGH RUSSELL: This is a pretty significant building and there are significant issues and I, frankly, think there should be a presentation to us of these issues so that we can comment. I think we should ask the Zoning Board to postpone the decision until we have an opportunity to look at this.

THOMAS ANNINGER: This is the Renzo Piano.

HUGH RUSSELL: Right. I think we had a general presentation.

WILLIAM TIBBS, CHAIRMAN: Yeah, we did.

HUGH RUSSELL: But I'm a little -- the drawings are a little strange there and it appears that there's like this three- or four-story high wall of metal with no windows facing Prescott Street. That might well be

conforming, this might be the handle you can actually address issues like this.

PAMELA WINTERS: Uh-huh.

STEVEN WINTER: Hugh, what would be the intended outcome of a presentation?

HUGH RUSSELL: So we have facts so we would make a recommendation to the Zoning Board.

STEVEN WINTER: Okay.

HUGH RUSSELL: Because we really don't have before us -- we have a set of drawings before us, but I think --

STEVEN WINTER: I'm happy to concur, I don't know how we do that. Mr. Chair, do we ask the staff to do that?

WILLIAM TIBBS, CHAIRMAN: Yeah. You don't have any problem with you that, do you?

LIZA PADEN: Nope.

THOMAS ANNINGER: Are they going to have to come to us for a permit?

LIZA PADEN: Not that I'm aware of.

They don't list it in the Board of Zoning Appeal case and I don't see them anything in the application that brings them to the Planning Board.

THOMAS ANNINGER: Because of its size, because it's setback from --

LIZA PADEN: It doesn't trip any of the --

THOMAS ANNINGER: It doesn't trip Article 19?

LES BARBER (DIRECTOR OF ZONING): No. They're constructing so a lot of the building that gets exempted from the threshold.

WILLIAM TIBBS, CHAIRMAN: So the existing building is taken out there.

LES BARBER (DIRECTOR OF ZONING): Yeah.

THOMAS ANNINGER: I understand what Hugh is saying and he's right. Just on the other -- what I heard that bothered me more

than what Hugh was talking about was the 38 feet seems like a large curb cut to me, but looking at this drawing here, it doesn't seem so bad when you see the scale of it compared to the length of the block.

HUGH RUSSELL: They're actually closing two curb cuts now and it will be one.

THOMAS ANNINGER: It may not be so bad. I guess the other side of the ledger is I would hate to get in the way of this Renzo Piano building.

WILLIAM TIBBS, CHAIRMAN: But I don't think us talking about things like that is getting in the way. It's just -- and we do have -- one of our roles is to give advice to the BZA so that -- I don't think this is unreasonable and it's a very, very large project.

PAMELA WINTERS: A large building.

WILLIAM TIBBS, CHAIRMAN: Again, I don't think it's getting in the way. It's

just one of the processes we can do. It's not our intention it stop it.

PATRICIA SINGER: Speaking specifically to the --

THOMAS ANNINGER: I guess the point is it's really hard to assess without a presentation just what is going on.

WILLIAM TIBBS, CHAIRMAN: Exactly.

THOMAS ANNINGER: I think that's the real point. I don't think we can give them a good answer. That I understand.

PATRICIA SINGER: Speaking specifically to the curb cut, this is already a pretty funky corner. I don't pretend to be attracted to --

THOMAS ANNINGER: It's right in the middle of a block. I know what you're thinking, and I agree with that, it's a terrible corner. Is not the corner --

PATRICIA SINGER: Good, okay. I still think I would like traffic's opinion on

this.

WILLIAM TIBBS, CHAIRMAN: Yep.

THOMAS ANNINGER: That's a good point.

WILLIAM TIBBS, CHAIRMAN: 9800, I have a hard time with this, 84 River Street and 54 Williams. In my mind Williams is here.

LIZA PADEN: Yeah. Williams goes through.

WILLIAM TIBBS, CHAIRMAN: It goes across 146.

LIZA PADEN: It's like Pleasant Street does that thing, too.

WILLIAM TIBBS, CHAIRMAN: And it's converting a rooming house to a five-dwelling units, do you know how approximately rooms it was?

And I guess my real question is: Are they converting rooms to tiny little apartments, or are they actually taking a

bigger space and making it not quite tiny apartments?

If it was ten rooms and they were making five apartments, then I was thinking they could make that work. But if it was only five rooms and they were making five apartments then I'd be concerned. It's the same issue we had way back when they were doing those rehab houses. Remember they wanted to convert those to the apartments that we were really concerned about? They were just very, very teeny little things.

LIZA PADEN: Right. So the existing conditions on the site, it's currently at 6,420 square feet and they're not changing the amount of square footage, they're going from 11 rooms to five apartments. I will say they're small units, they're not large units, but...

WILLIAM TIBBS, CHAIRMAN: They're unduly small. If you said they were six

rooms and went to five apartments, I'd be concerned. 11 rooms, they're small, but that's all I wanted to know. I'll let the BZA deal with that.

LIZA PADEN: Okay.

WILLIAM TIBBS, CHAIRMAN: We're done. We're adjourned.

(Whereupon, the Planning Board proceedings were adjourned at 10:30 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
NORFOLK, ss.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of June 2009.

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

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