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PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

Tuesday, December 1, 2009

7:30 p.m.

in

Second Floor Meeting Room, 344 Broadway
City Hall Annex -- McCusker Building
Cambridge, Massachusetts

- William Tibbs, Chair
- Pamela Winters, Vice Chair
- Thomas Anninger, Member
- Hugh Russell, Member
- H. Theodore Cohen, Member
- Patricia Singer, Member
- Ahmed Nur, Member

Beth Rubenstein,
Assistant City Manager
for Community Development

Community Development Staff:
Liza Paden
Les Barber
Roger Booth
Susan Glazer



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P R O C E E D I N G S

WILLIAM TIBBS: Welcome to the December 1st meeting of the Cambridge Planning Board. We have two items on the agenda today; a design review for 173 Pearl Street and a pre-application conference for at Alexandria Special Permit. But before we start to do any of that, we'll get our community development update from Beth.

BETH RUBENSTEIN: Thank you, Bill. Not too much to report.

We'll be meeting again on December 15th when we'll continue the Board's discussion of the Saint James Church car wash site. And you'll also be continuing your discussion of the Fanning citizen petition, that's the 15th.

And just a couple of other things that are going on in town that might be of interest to the Board and the public: Tomorrow night Stuart, Jeff and others are

1 going to be involved in a public meeting on
2 the recent work of the Healthy Playgrounds
3 Initiative Group. This is a group of
4 citizens and city councilors and staff
5 who've been meeting for a year or more to
6 discuss some of the new ideas in healthy
7 playgrounds, in the ways of designing open
8 space further to use this for mental and
9 physical development. And those of you who
10 have been to the Cambridge Common Playground
11 have seen some of those ideas in action.
12 They'll be doing a presentation of that
13 report tomorrow night.

14 And then for folks who are interested
15 in the stretch code, which I know a number of
16 folks on the Board are interested in, the
17 City Council is going to be holding a hearing
18 on the stretch code next week, Wednesday,
19 December 19th at five o'clock at City Hall.
20 And that's the new energy efficient building
21 code that communities have the option to

1 adopt and the city Council is going to be
2 considering adoption of that. And that's on
3 a six-month schedule. So if the City Council
4 adopts the stretch code before January 1st,
5 it would go into effect next July 1st. If
6 they adopt it before next July, it will go
7 into effect next January. If it's something
8 you want to hear more about, that would be an
9 opportunity to get a briefing from the staff.

10 And I think the Planning Board has also
11 heard about an upcoming Climate Emergency
12 Forum that's going to be held on Saturday,
13 December 12th. I believe that's nine to
14 three at City Hall. And that's, I think, by
15 application to the Mayor's office. So if
16 folks are interested in participation, we
17 welcome your participation. I would invite
18 you to check the city's website or call the
19 Mayor's office. And that's going to be a
20 discussion of the climate emergency and what
21 we can do about it beyond what we've already

1 started to do. So those are some of the
2 bigger things that are going on.

3 Actually, one other thing came to mind
4 if I may. I was just looking at the next
5 week, for folks who are interested in the T's
6 work on the Green Line extension in the
7 Lechmere Station area, the T will hold a
8 meeting in Somerville. We've asked them to
9 hold a meeting in Cambridge, and they've
10 agreed to do that. That's going to be
11 Wednesday, December 16th at six p.m. at East
12 Cambridge Multicultural Arts Center and
13 that's something that we all have a great
14 interest in. I know folks may be aware the T
15 is grappling not only with station design but
16 also with the issue of where to locate a
17 needed maintenance facility, and that's a
18 difficult issue and something that there's a
19 lot of interest in Cambridge and Somerville.
20 And I think that's it.

21 PAMELA WINTERS: Beth, can I ask a

1 questi on?

2 BETH RUBENSTEIN: Sure.

3 PAMELA WINTERS: Do they have all
4 the plans and everything that we had gone
5 through at North Poi nt? I thi nk Ken
6 Greenberg had presented all the plans for the
7 T i f I remember correctl y.

8 BETH RUBENSTEIN: That' s a good
9 questi on, Pam. What has happened is when the
10 project was in a more active phase, the
11 devel oper had entered into an agreement with
12 the MBTA to be the desi gner of the new T
13 stati on. I thi nk it' s fair to say that
14 project on the private side is now in an
15 i nactive phase. There has been a
16 di sagreement among the partners that has yet
17 to be resol ved. The T, as I thi nk folks
18 know, is under a court order to get the Green
19 Li ne extensi on by 2014 I thi nk. So the T has
20 taken responsi bi l i ty for stati on desi gn. It
21 is not the same desi gn that you all saw

1 some time ago which I think is -- if folks
2 have the time and energy to come out, it's
3 important to be...it's not the station it
4 was. And, again, a maintenance facility
5 issue has arisen. That was a new issue that
6 was not on the table. We were all thinking
7 about this some time ago. And we will also be
8 discussing at that meeting and representing
9 for the city what we think some of the
10 impacts of some of these proposed locations
11 for the maintenance facility would have for
12 the North Point development and on the City
13 of Cambridge.

14 PAMELA WINTERS: I thought the
15 original designs were terrific that you had.

16 BETH RUBENSTEIN: They were very
17 nice.

18 PAMELA WINTERS: Thank you.

19 THOMAS ANNINGER: Do we know who the
20 architect is?

21 BETH RUBENSTEIN: I'm not

1 remembering. Does anybody remember on the
2 staff? I don't think they have one. They
3 have some design, I don't know if there's an
4 architect of record. I'll try to get you
5 that for the next meeting.

6 WILLIAM TIBBS: Okay. Do we have
7 anybody from 173 here?

8 LIZA PADEN: Yes.

9 WILLIAM TIBBS: Okay. So we will
10 start the design review for 173 Pearl Street.

11 ATTORNEY JAMES RAFFERTY: Good
12 evening, members of the Board, Mr. Chairman.
13 For the record, James Rafferty on behalf of
14 the applicant Urban Spaces, LLC. Paul
15 Ogni beme who sitting behind me is the
16 principal. You may remember Mr. Ogni beme.
17 And Mr. Hirsch. I dug out the old Special
18 Permit, we were here four years ago this time
19 of year November 2005. We had the pleasure
20 of spending several months before the
21 Planning Board in a case involving the

1 conversion of the Blessed Sacrament Parish
2 complex to housing. Just a brief reminder
3 for those members that may not have
4 participated in that deliberation.
5 Essentially it was a four building complex; a
6 school, a church, a rectory and a convent.
7 The development that was permitted by the
8 Special Permit involved the conversion of the
9 school and the convent to 49 units of
10 housing. Excuse me, the school and the
11 church. The convent which was at the time
12 which was located on Erie Street has since
13 been demolished. We went through the
14 Historical Commission process for that. And
15 the former rectory on the corner of Pearl and
16 Erie Street was actually sold to a third
17 party and that was returned to a two-unit
18 housing development which was actually given
19 an award by the Historical Commission for the
20 level of attention and detail.

21 In the last four years there have been

1 Lots of activity around the development. We
2 left you and then headed off to the Superior
3 Court with our neighbors for a few months.
4 And I'm pleased to report that we arrived at
5 a settlement agreement in that dispute. The
6 essence of which was an agreement to reduce
7 the number of units at the project from 49 to
8 43, with 23 of those units in the school and
9 20 in the church. The school is completed.
10 Building permit was issued a few years after
11 we left you. Proceeded rather uneventfully
12 until the collapse of the real estate market
13 is about the time the school came online.
14 Notwithstanding the challenges, 17 of the 23
15 units have been sold. And the balance remain
16 available. The real challenge then was to
17 obtain the financing to build an additional
18 20 units with more than a half dozen unsold
19 and with construction financing for
20 condominium projects of that size, limited
21 options, but fortunately Mr. Ogni beme was

1 able to secure the financing and has begun,
2 it's been several months now under
3 construction in the church.

4 The church, you might recall in
5 addition to housing the 20 units, was -- the
6 basement of the church was converted into a
7 two-level parking garage. So, all of the
8 units have off street parking. It's probably
9 a few more parking spaces than there are
10 units, but I don't recall the number off the
11 top of my head. But that was an
12 inter-flooring of the basement of the church.
13 So it's a two-level parking garage. One of
14 the garage entrances is on Pearl Street, and
15 one of the garage entrances is on McTernan
16 Street.

17 Tonight the petitioner is back for some
18 modifications of the design. And they're
19 largely things that I think the Board may be
20 more accustomed to delegating to staff, but
21 there was a level of public interest in this

1 for a variety of reasons. So Mr. Ogni beme
2 has a brief presentation to walk you through
3 these handful of changes. And they come
4 about as a result really of two things, one
5 is that you'll hear from Mr. Ogni beme in the
6 development of the church or the conversion
7 of the church there had to be some inter
8 flooring. The church, as you can imagine had
9 its main floor in the sanctuary and the rest
10 of it was all volume. So as the floors got
11 laid in they had to get raised because of a
12 need to raise the second level of the garage
13 needed another 16 or 18 inches. So that had
14 the effect of pushing each floor up 18
15 inches. Most of the changes that that
16 triggered could be handled within the
17 interior of the building, but in a few cases,
18 particularly involving windows and door
19 openings, the relationship between the floor
20 and the window required a raising of the
21 windows and an adjustment of one or two

1 doors. We have all the details of that for
2 you tonight, and they involve some things as
3 mundane as planters and railings, but they're
4 all there. We'll lay it out for you and then
5 ask you if you would be willing to approve an
6 amendment. I'm not sure it requires an
7 amendment in the form of a vote, but they
8 seem to be the type of design modifications
9 that in -- I think the conclusion was that in
10 summary or the cumulative effect of all of
11 them was such that doing them in public
12 before the Board was probably advisable. We
13 did have the opportunity to meet recently
14 with Mr. Booth and with Mr. Sullivan of the
15 Historical Commission to review all these
16 changes. Their input was helpful and in some
17 cases the commentary was the changes actually
18 represent an improvement over what some of
19 the original elements were.

20 So, with that background I'd like to
21 introduce Mr. Ogni beme. He's going to pass

1 out, it appears most of you have that
2 handout, but we brought copies as well just
3 to walk you through those changes.

4 PAUL OGNI BEME: Good evening. What
5 we're passing out now is what you received
6 from Liza in your distribution last week.
7 Just to walk you quickly through the seven
8 changes that we wanted to bring to your
9 attention tonight, and again as Mr. Rafferty
10 mentioned, we have the opportunity right
11 before Thanksgiving to meet with various
12 members of the staff and to get their input
13 and we think that we left with an impression
14 that it was favorable.

15 So, the first item is windows on the
16 south facade of the building. There are two
17 changes in this section. The first happened
18 nearly three years ago before Phase 1
19 construction even began. And that is to
20 remove a Juliet balcony and a doorway to
21 accommodate one of the abutters' s privacy

1 concerns.

2 The second is that in October we
3 discovered that this change in floor height
4 that Mr. Rafferty was mentioning required
5 modifications in the sill height and head
6 height of these three windows. We needed to
7 shift them up approximately 18 inches,
8 although there's no change in the ultimate
9 finished product in the glass dimension.

10 The second item relates to the planters
11 on the east facade of the building where the
12 columns are. As approved, the planter wall
13 was 42 inches high. We'd like to change that
14 planter wall to a more residential looking
15 railing. So essentially remove a wall in
16 lieu of a 42-inch railing. And also because
17 of the floor height shift, the whole element
18 upward by about 18 inches.

19 The third item pertains to gradings on
20 that same facade, on the east facade. After
21 getting further along in the design process,

1 we felt that the grading work was rather
2 heavy and institutional looking, and that we
3 would propose removing that proposal in lieu
4 of the existing brickwork. So leaving the
5 existing brickwork the way it is, which
6 perhaps represents less of an alteration to
7 the building as well.

8 The fourth item is the fifth floor
9 windows. We encountered some structural and
10 field conditions. Again, in part because of
11 the shifting of the garage slab upward that
12 required these windows to be modified.

13 The fifth item is on the north facade
14 as we move to the McTernan Street side of the
15 building. When we removed the old front
16 entryway of the church to make way for a new
17 handicap accessible entryway and the interior
18 elements that were related to it, we
19 similarly discovered that these openings
20 needed to shift around a little bit. So the
21 configuration and pattern of windows and

1 doors is slightly different than approved.

2 Sixth item is on the third floor. The
3 windows, which are arched, were initially
4 approved as awning style windows. We felt
5 that a better and more sellable type of
6 window and more enjoyable would be to have a
7 casement style window as opposed to an awning
8 style window, to provide more air and
9 enjoyment to the residents.

10 And then lastly the seventh item is
11 going back to the east facade, again, related
12 to the shift in the garage slab, the front
13 entry door needed to go -- it needed to go
14 higher so therefore it needed to get pushed
15 back into the building a bit which mandated
16 more steps and landings needed to be put in,
17 and a new door style implemented.

18 So in summary those are the seven
19 changes. We tried to scrutinize the plans to
20 address all the concerns that we are aware of
21 that may be shifting between now and the

1 completion of construction.

2 WILLIAM TIBBS: Any questions from
3 the Board?

4 HUGH RUSSELL: I was wondering if
5 there were any plans that showed the proposed
6 building other than these vignettes.

7 PAUL OGNI BEME: The package that we
8 passed out was what we prepared. We can put
9 -- you know, go through those in more detail.

10 ATTORNEY JAMES RAFFERTY: Full
11 elevation?

12 HUGH RUSSELL: Right. Just to see
13 how the various -- if you have them or not.
14 It may not be necessary. I'm just curious.

15 PAUL OGNI BEME: Each of the
16 PowerPoint slides showed a full elevation
17 although it was small.

18 ATTORNEY JAMES RAFFERTY: We don't
19 have a hard copy with us. I know there's one
20 upstairs and one on the PowerPoint.

21 WILLIAM TIBBS: Tom. I'll come back

1 to you, Charles. I'm sorry, were you done?

2 HUGH RUSSELL: Yes.

3 THOMAS ANNINGER: My question is
4 this: We approved 49 units, you then settled
5 for 43 units. How does that fit in with the
6 Special Permit that we approved? Why do we
7 not have to see and possibly amend the
8 Special Permit to fit the settlement?

9 ATTORNEY JAMES RAFFERTY: The
10 position that ISD takes in a multi-family
11 Special Permit is you are permitted to have
12 up to a certain numbers of units. And if you
13 build less, you're just not going to the full
14 maximum. So, we were advised that it was the
15 type of settlement that didn't -- we very
16 much wanted to avoid having to reopen the
17 public process. So, the layouts remain, the
18 floor plans did change obviously, but the
19 exterior of the building and all the
20 features, the external features remain the
21 same. So the reduction in units was seen as

1 permissible as relief contained within the
2 Special Permit.

3 THOMAS ANNINGER: I mean, there's
4 someone who may argue that less is not always
5 better.

6 ATTORNEY JAMES RAFFERTY:
7 Understood. At the time the -- five years
8 ago, the filing of an appeal from the Special
9 Permit had an injunctive quality that is no
10 longer in effect thanks to a recent change in
11 Chapter 48. So 43 at the time seemed as
12 better than none. And none was going to be
13 the position for quite sometime if we had to
14 pursue the litigation to the full course. So
15 there was an accommodation made to get the
16 project going. And then it was reviewed by
17 the Law Department. You, the Planning Board,
18 were defendants in the action as was the
19 developer. You were represented by the City
20 Solicitor's office. They signed off on the
21 settlement agreement, the stipulation for

1 di smi ssal of the case and we were able to
2 obtai n the bui ldi ng permi ts based upon the
3 rel ief there. So i t was not an attempt not
4 to i ncl ude the Board, but i t took what I
5 woul d descri be as a rather ordi nary
6 traj ectory on matters i nvol vi ng appeal s.

7 THOMAS ANNINGER: If we can conti nue
8 a l i t t l e bi t, the di scussi on. I' m not
9 questi oni ng whether thi s parti cul ar
10 settl ement was better than nothi ng, I' m sure
11 i t was. But the i dea that we go through a
12 rather di ffi cul t process, nei ghborhood i nput,
13 our own -- a l ot of di scussi on about traffi c,
14 49 uni ts, the i nteni ty of i t, the pri vacy,
15 all those thi ngs we went through, and then
16 somehow the parti es come to some other
17 agreement and i t al most seems as i f the
18 effort we went through i s bei ng shunned to
19 the si de i n favor of somethi ng i n whi ch we
20 have no i nput at all. That seems l i ke a
21 strange pri nci ple to me. Where does that

1 stop? Can people then, after a Special
2 Permit, litigate and come up with their own
3 arrangements and that's the way they're going
4 to do it? Any settlement works so long as
5 it's less than before? What are the
6 boundaries of this? What if it had been 20
7 units?

8 ATTORNEY JAMES RAFFERTY: Well, if
9 that's more than a rhetorical question, I
10 would pass it along to the Law Department.
11 Frankly I don't think it's my role to advise
12 the Board as to what are the acceptable
13 parameters of settlements.

14 THOMAS ANNINGER: I don't know, I
15 would be interested to know if anybody else
16 finds these outside side settlements somewhat
17 troubling.

18 ATTORNEY JAMES RAFFERTY: Certainly
19 I can understand the feeling, and believe me
20 I can tell you that in this case it was done
21 reluctantly but it was done in an effort to

1 say that this litigation would have had the
2 effect of stopping -- and it did in fact. We
3 spent months trying to resolve it. I must
4 say we had a cooperative effort by the
5 neighbors who met with us regularly, and we
6 tried to isolate the issues and we negotiated
7 -- there are some other elements to it, but
8 it was seen as a way to get the project
9 going, and to also address some of the
10 issues. So yes, it is true that the project
11 then as constructed, has fewer units than as
12 permitted. And that number is actually six.
13 And I agree with you that there's probably
14 some point along that slope where one starts
15 to feel that what was the intended spirit of
16 the approval is now being lost. And that's
17 when I think your counsel frankly needs to
18 step in. They cooperated with us. But in
19 matters of litigation of this type the
20 petitioner takes the (inaudible) -- or the
21 law department was fully aware that they

1 would not necessarily be actively involved in
2 these kinds of notions.

3 WILLIAM TIBBS: Ted.

4 H. THEODORE COHEN: Well, I think
5 this indeed should be taken up with the City
6 Solicitor's office. As a municipal attorney,
7 certainly in the years past Special Permits
8 were settled and did not get back to the
9 original boards, but I believe there was a
10 case that came down, and I'm not sure when,
11 five or ten years ago, which indicated that
12 this was not good procedure that should be
13 followed and that the decisions, the right to
14 settle were to come back to the Board were a
15 Special Permit for a public hearing and a
16 determination, whether it was appropriate to
17 enter into the settlement which changed the
18 term of the Special Permit variance. Now
19 whether that case was before or after this
20 and whether City Solicitor's office concluded
21 that it did not apply in this case, is

1 something I don't know. But I think it is a
2 subject that ought to be broached with the
3 City Solicitor's office.

4 ATTORNEY JAMES RAFFERTY: I agree.
5 Although I do have specific participation in
6 cases particularly involving multi-family
7 Special Permits if for other reasons,
8 independent of a lawsuit, a developer chose
9 through a perceived change in the market or
10 encountered certain conditions to build one
11 or two fewer units than was permitted, I
12 think within the four corners of the Special
13 Permit which allowed for the conversion, if
14 you build one or two fewer, I think ISD does
15 their analysis and they determine whether or
16 not a return to the Board is necessary.
17 Certainly before the building permits were
18 issued in this case, that type of analysis
19 took place. The conclusion was that wasn't
20 necessary.

21 LES BARBER: Bill?

1 WILLIAM TIBBS: Yes.

2 LES BARBER: We typically would not,
3 when someone comes in for a building permit
4 or certification or sign-off, insist that
5 they build every unit that is authorized.
6 And if there is somewhat fewer units, we
7 would typically not bring that back to the
8 Board and we would sign off on it. If it
9 involved -- I mean, if the Board had
10 discussed the number of units and that was
11 the specific and important element of their
12 decision, we would have brought it back. If
13 that involved physical changes to the complex
14 that you had approved, we would have brought
15 it back. If the settlement had said you
16 couldn't build a building or you were going
17 to convert the, was it the rectory, the
18 little wooden building on the site to office,
19 we would have brought that back. And in
20 fact, the Court can't change the Special
21 Permit. That Special Permit still governs.

1 And if anything in the settlement is contrary
2 to the Special Permit, then the permit has to
3 be amended. So in terms of numbers of units,
4 we probably, we probably had been in the past
5 allowed fewer units constructed on the site
6 then was approved in a permit.

7 WILLIAM TIBBS: Well, it seems to me
8 it still is an issue we should get the city
9 attorney to address.

10 BETH RUBENSTEIN: And I'd be happy
11 to pass -- I think I understand what's being
12 said, and the question Tom asks, what are the
13 limits as what might be seen as a little bit
14 of flexibility. And I'll pass those concerns
15 back to the Law Department.

16 WILLIAM TIBBS: Pam, did you have --

17 PAMELA WINTERS: There were
18 neighbors that wanted fewer units and not the
19 market; is that correct?

20 ATTORNEY JAMES RAFFERTY: Yes. NABS
21 was the group. Neighbors Against Blessed

1 Sacramento.

2 MALE AUDIENCE MEMBER: Neighbors.

3 FEMALE AUDIENCE MEMBER: Neighbors
4 and abutters.

5 ATTORNEY JAMES RAFFERTY: That was a
6 misconception on my part.

7 WILLIAM TIBBS: That was expressed
8 at the hearing. I do feel a little
9 uncomfortable when we, you know, we have a --
10 we give a Special Permit and then by other
11 means people still can get around it. But if
12 the Law Department tells us that is indeed a
13 legal and appropriate way for the system to
14 work, then I guess that's the case.

15 BETH RUBENSTEIN: We'll try to give
16 them a flavor of the discussion. I think
17 this is a discussion of how much flexibility
18 is a reasonable amount without coming back to
19 the Board. So we'll try to faithfully
20 communicate your concerns and questions.

21 WILLIAM TIBBS: Charles, I'm sorry

1 did you want to address this particular
2 issue?

3 CHARLES STUDEN: This issue and
4 another.

5 Mr. Rafferty, the six-unit reduction
6 from Mr. Barber's comments I'm gathering it
7 didn't have a substantial impact on the
8 appearance of the project. Did it result in
9 the remaining units being larger? In other
10 words, how did that six-unit reduction get
11 reflected in the project that was reviewed by
12 the Board? I wasn't on the Board.

13 ATTORNEY JAMES RAFFERTY: Right.
14 Generally two ways. There was some area
15 devoted to common area on the lower level
16 that was going to be units. And I think
17 there are -- it's a function room or
18 community room and a few other items. And in
19 certain units the size increased which
20 allowed for an increase in the actual units
21 themselves.

1 CHARLES STUDEN: But it had no
2 material on the exterior?

3 ATTORNEY JAMES RAFFERTY: No change
4 at all to the exterior of the buildings.

5 I actually have another comment or a
6 couple questions actually. I found the
7 drawings in this packet a little bit hard to
8 understand and I took the time to go over and
9 look at the project carefully. And actually
10 I was pleased to see a couple of the changes.
11 In particular the fifth floor windows on the
12 north facade. I think that's a very big
13 improvement and I like it very much. I just
14 wondered is a similar change being proposed
15 on the south side as well?

16 PAUL OGNI BEME: Yes, the entire
17 fifth floor. That was representative.

18 CHARLES STUDEN: It was unclear from
19 the drawings. And I wondered -- that would
20 be a good change to make on that element as
21 well. And that's going to be made?

1 PAUL OGNI BEME: Yes.

2 CHARLES STUDEN: And the other thing
3 I think is a significant improvement, but I
4 don't fully understand it is the planters on
5 Pearl Street. I thought -- I look at some
6 construction that's in between the columns
7 now. I don't know if you've been on the site
8 recently, but there's -- it looks like there
9 are two walls. One is concrete block with
10 brick facing on it partially going up. And
11 then behind it is a much higher concrete
12 block wall. Is that wall going to be taken
13 down and replaced by the railings?

14 PAUL OGNI BEME: Yes. The original
15 proposal was to extend both the front and the
16 back wall. It was just work in process that
17 was stopped up to the same higher height, two
18 CMU blocks thick. Not wedding caked or
19 stepped back as it is currently. Continuing
20 all the way up, and then being faced with
21 brick all the way up. What we are now

1 proposi ng and requesti ng i s that i nstead we
2 essenti ally stop where the second wal l begi ns
3 and cut that second wal l back down more or
4 less to that el evati on and repl ace that
5 second higher wal l that i s hal f bui lt wi th
6 rai l i ng.

7 CHARLES STUDEN: That i s al so a
8 si gni fi cant i mprovement i n my vi ew. I l i ke
9 that very much because I di dn' t l i ke what I
10 saw wi th the concrete bl ock and the massi ng.

11 I di d have another comment and i t' s not
12 before the Board toni ght, but I noti ce that
13 some of the bri ckwork i n parti cul ar i n the
14 garage entry on Mcternan where some of the
15 wi ndows have been bl ocked up i s unfortun ate.
16 The mortar joi nts that match the existi ng, i t
17 just l ooks not very good. I don' t know i f
18 that' s any way that can be i mproved or not.

19 PAUL OGNI BEME: Yes, we feel the
20 same way. That was work that was done i n
21 Phase 1 that wasn' t wel l coordi nated l i ke the

1 work being done in Phase 2. There are other
2 masonry work on that same facade actually
3 that was well done. Both the grouting and
4 the brick were well matched. That particular
5 section you're talking about is a thorn in my
6 side as the developer and will be addressed.
7 We also made that promise to Charlie Sullivan
8 because it does have an adverse effect I
9 think on the appearance of the outside of the
10 building. We'll be correcting it.

11 CHARLES STUDEN: It does.

12 Thank you.

13 WILLIAM TIBBS: Hugh.

14 HUGH RUSSELL: Well, I guess my
15 question is directed to the staff who
16 apparently have seen both plans and
17 elevations of the building and we have seen
18 neither. And do you think that this is at
19 least as good, if not an improvement, over
20 what we approved?

21 ROGER BOOTH: Thank you for that

1 question because I did want to add some of
2 Charlie Sullivan's concerns into that. I
3 think generally speaking if they really
4 follow through on these things, Charlie and
5 Les, and I met with and felt that generally
6 things would be better, but certainly there's
7 still -- Charlie has very big concerns about
8 the masonry quality and he's going to be
9 monitoring that and feels that some of that
10 probably needs to be even taken out and
11 redone. So that's still a concern. But it
12 may be helpful to go through these one by one
13 since that's the way they did it.

14 The south facade windows, I think that
15 we all felt that the modifications made
16 sense. The Juliet balcony. Certainly there
17 were issues from the abutters about privacy.
18 It didn't seem like that balcony was really
19 adding that much. And I think the Board will
20 remember we heard a lot of concerns from
21 neighbors about privacy issues. And in terms

1 of the shifting of the window sill and so
2 forth, it didn't seem to be drastic.

3 The planters are still a very big
4 issue. They really have to spend a lot of
5 time with Charlie on that. Charlie was also
6 concerned about -- it's hard to see on any of
7 these drawings, but the original drawings
8 that he had seen are sort of like the ones in
9 the middle that say ISD permitted
10 construction documents where there's actually
11 a space between the base in the column and
12 the planters. And as it is built, there is
13 no space. And he felt very strongly that not
14 only were they too tall, but the base of the
15 columns needed to be clearly legible and
16 pulled away from that. So it says in their
17 last bullet here, developer will meet with
18 the CHC and review and advise the planter and
19 railing system.

20 And we thought that having some railing
21 on that rather than all masonry would lighten

1 it up, that made sense. Again, that needs
2 some follow through and we still need to see
3 drawings on it in more detail.

4 The third one, removing the grading. I
5 don't know if anyone remembers why there was
6 originally grading on there. But I think we
7 all felt that the proposed modification where
8 the grading would be taken off where you
9 would see the brick detail is much better.
10 It's cleaner, it's not as fussy. So we
11 thought that that would definitely be better
12 in terms of the treatment of the facade. And
13 once again fewer Juliet balconies is probably
14 in the right direction in terms of the
15 privacy issues that we've heard about it.

16 Fifth were windows. Charles was just
17 talking about that. We totally agree that
18 that was a definite improvement so that not
19 eating up into the ventilated line at the
20 top, and just a more graceful solution I
21 think on that fenestration.

1 So, I think that pretty much sums it
2 up. There's still a bit of work that we need
3 to do out in the field looking at the
4 details.

5 BETH RUBENSTEIN: The facade.

6 ROGER BOOTH: Oh, yes, I'm sorry.
7 The north facade. You can see the Planning
8 Board submission had a lot more lines on it
9 that didn't seem to be necessarily consistent
10 with the treatment of the building, which has
11 fairly large unbroken planes and very much
12 punch windows. So we actually felt that the
13 revision shows more of a feel of brick in the
14 background and more of a cleaner sort of
15 punched window treatment. Though there,
16 again, some of that brick is going to have to
17 be significantly reworked.

18 Oh, I'm sorry. And here's the third
19 for arched windows. We felt that having this
20 sort of fan look was an improvement on the
21 original on that detail.

1 Oh, the east facade entrance. That one
2 is kind of unfortunate. I don't know that
3 there's any way to fix that because of the
4 floor heights and so forth. Its doorway is
5 way up there. I mean, even in the original
6 church that was an awkward feature of the
7 building, having the door so high up, such an
8 imposing set of stairs. And now it's even
9 further up. But as near as we can tell,
10 there was no way to deal with that. The one
11 thing that Charlie had suggested was to
12 simplify the stair railings. You see in the
13 ISD construction documents, the stair rails
14 come down in the base of the columns. And
15 the idea I guess is to have a wider opening
16 at the base to facilitate flow up the stairs,
17 but it really looks awkward. So he asked
18 them to consider bringing the railings
19 straight on down instead of it going out in
20 front of the column base. And that's
21 something that I don't know if it details

1 that, but that was something else that needs
2 scrutiny.

3 Did I get everything that time? Yes.

4 WILLIAM TIBBS: Ahmed.

5 AHMED NUR: Like Roger said it
6 wasn't drastic, but I was going to ask what
7 was the reason in the south facade windows
8 sill was shifted up you said 18 inches?

9 PAUL OGNI BEME: Yes, so the floor
10 slab of the upper level garage, it turns out
11 because we were just putting in floors brand
12 new in essentially what was almost like a
13 cathedral space, an open volume of space,
14 when we were in the planning stage thought
15 that it would be at one height. In fact, it
16 turned out to get the proper code compliant
17 height in the garage itself, the floor needed
18 to be bumped up slightly. So it was really
19 just a missed mark of 18 inches on a very
20 large building.

21 WILLIAM TIBBS: Excuse me, 18 inches

1 is not slightly for a floor change.

2 PAUL OGNI BEME: No -- well, right.

3 It's --

4 WILLIAM TIBBS: I had a similar
5 question, just what was the reason why that
6 floor had to change?

7 PAUL OGNI BEME: Right. I didn't
8 mean to imply that it's not significant in
9 that it is quite significant which has a
10 domino effect throughout the building which
11 is what we're discussing tonight. I just
12 meant that 18 inches in the excavation and
13 construction process, it just happened that
14 way. And as a result, unfortunately it did
15 have this ripple effect. We were able to
16 deal with most of that internally. But in
17 this case, you know, the things that really
18 manifested themselves in the exterior I think
19 we've highlighted and brought to your
20 attention.

21 WILLIAM TIBBS: I think for me

1 you're going to have to explain how it
2 happened. I just don't -- I mean, I don't
3 have a lot of issues with these things, but
4 having 18 inch difference -- if you're saying
5 there's some construction issue that you
6 found that you couldn't work around or there
7 was some ledge there that you didn't
8 anticipate, but I mean, we -- I at least feel
9 that when people present plans to us, they
10 have researched the required construction and
11 that if you say something went up four inches
12 or six inches, but 18 inches which is
13 significant. So I at least would like to
14 hear what was the construction issue that
15 caused that to happen or was it just you just
16 didn't build it like you said you were going
17 to build it?

18 ATTORNEY JAMES RAFFERTY: Well, I
19 think Mr. Hirsch is probably the best source
20 on that. But in general it relates to
21 vertical clearances on the second floor of

1 the garage for handi capped vehi cl es and
2 spri nkl ers and pi pi ng that was not properly
3 accommodated for when the schematic desi gns
4 were prepared that i s part of the
5 presentati on at the Pl anni ng Board. That' s
6 my understandi ng. But I' ll let Mr. Hi rsch
7 address i t.

8 WILLIAM TIBBS: I understand, too.
9 We woul d be i n pretty rough shape i f peopl e
10 keep presenti ng pl ans to us i f they di dn' t
11 properly account for stuff l i ke that and have
12 to change i t later. But please tell me what
13 the probl em i s.

14 JEFF HIRSCH: Jeff Hi rsch for the
15 record.

16 One of the i ssues has to go -- one of
17 the i ssues has to go -- you can go up or
18 down. We' re l i mi ted by the hei ght of the
19 existi ng bui l di ng. We' re al so l i mi ted how
20 the structure works for the church. What
21 holds the church to the ground and the

1 columns that are there already have footings
2 and already have parts and pieces that hold
3 the entire structure up. There's also a
4 water table that comes right up to it, so
5 we're limited as to how far we can actually
6 go down without having to tear up everything
7 that holds the church up.

8 WILLIAM TIBBS: And why didn't you
9 know this at the schematic design?

10 JEFF HIRSCH: We didn't know this
11 because the church is over a hundred years
12 old. We don't have accurate records of how
13 it was built. The floor slab and the
14 structural elements that hold it up are
15 below, you know -- well, are below what was
16 currently existing. Without demoing to find
17 out exactly what is there, we don't really
18 have that kind of knowledge, and so there are
19 unforeseen conditions that are going to pop
20 up when we finally take out the existing slab
21 and say well, we're hoping it was a little

1 lower but it's not. How do we resolve the
2 issue of still getting the two levels of
3 parking in there, having the appropriate
4 clearance heights in there for handicap
5 vehicles and for all of the mechanical
6 structural systems that go in there. The end
7 result was that we have to raise the garage
8 approximately 18 inches to accommodate all of
9 this.

10 WILLIAM TIBBS: And, again, this is
11 a question to staff. Obviously you saw the
12 construction documents as part of the
13 permitting process, were you aware of this
14 change and did it seem reasonable to you or
15 has it moved from schematic to the ISD
16 approved?

17 ROGER BOOTH: No, that's not really
18 the level of detail that we would be looking
19 at. It's certainly true when you demo a
20 slab, you find out surprises. That's not
21 something we would be monitoring.

1 WILLIAM TIBBS: I agree with that.
2 I was asking you what the issue was. You're
3 saying you found existing conditions that
4 were different than you thought. And I guess
5 my next question is: Did you try, at least
6 in your construction of the slabs themselves,
7 to try to mitigate that as much as you could?

8 JEFF HIRSCH: We did. And in the
9 methodology, we tried to get the new slab as
10 low as possible, and of course maintain
11 minimum heights that are necessary. But
12 there's only so far down we can go before
13 we're actually into the water table. We have
14 hydrostatic pressure issues that are
15 difficult to resolve. We have structural
16 issues of how the whole thing holds together
17 and that led us to all right, the best
18 solution appears to be a small increase in
19 the height of the interior floor slabs.

20 PAUL OGNI BEME: And to add to that,
21 we're looking to maximize the ceiling heights

1 in the units. So this was something we
2 investigated that as much as we could. Not
3 realizing all the implications it would have
4 -- we knew there would be a ceiling height
5 issue in the unit. The more ceiling height
6 the more marketable. So this was something
7 we resisted, but found no other solution for.

8 WILLIAM TIBBS: Any other questions
9 or comments? Ahmed.

10 AHMED NUR: So I was just going to
11 say it seemed over here to page three over
12 here that you were able to do one foot, five,
13 17 inches, is that the 18 inches that we're
14 referring to?

15 JEFF HIRSCH: Yes, it is.

16 AHMED NUR: It's 17 inches? That's
17 all.

18 WILLIAM TIBBS: Regardless of how
19 these things are reviewed and regardless of
20 all that, I do find that that change does
21 make a significant difference. All these

1 things, we can talk about all of them, so, at
2 least for me it's -- I think we need to have
3 some kind of way of when we do a permit,
4 particularly when a lot of -- I think these
5 changes are significant enough that that
6 height, that ceiling change should have been
7 brought to somebody's attention and just had
8 to help to resolve it. You're doing that
9 now, but you didn't do that -- you're not
10 doing that at your own desire. But I
11 actually think that given what we went
12 through for that hearing, that that -- that's
13 a big enough difference that you would at
14 least try to review it with staff and bring
15 it to their attention and say hey, we've
16 discovered this problem. Can we work with
17 you and Charlie and folks like that? So
18 that's my feeling about this.

19 LES BARBER: To be fair, Bill, they
20 did identify that the floor height had
21 changed. But the assertion was that that had

1 no consequence in terms of the exterior of
2 the building.

3 WILLIAM TIBBS: But clearly that's
4 wrong.

5 LES BARBER: And we were having
6 different definitions of what the
7 consequences were on the exterior of the
8 building. We have to take some
9 responsibility for it.

10 WILLIAM TIBBS: Yes. I just wanted
11 to agree with Charles that I don't live far
12 from there and I did see those planters and
13 was scratching my head as to what in the
14 world was going on there. And so, I think
15 part of it is the fact that the base is --
16 there's the problem with how that planter is
17 at the base of the building. So I think that
18 really does need some real attention to make
19 sure that's just done right or else it could
20 muck up the whole front facade of that
21 building.

1 CHARLES STUDEN: Is the Pearl Street
2 entrance the principal entrance to the
3 church?

4 PAUL OGNI BEME: No, it's not. The
5 principal entrance is on McTernan Street.
6 That is very much a secondary entrance. It's
7 not handicap accessible. It's a corridor
8 entrance. But the foyer, the mail rooms, the
9 vestibule, the entrance of the building is on
10 the McTernan Street side.

11 WILLIAM TIBBS: Well, Beth, I'll
12 have to ask you as to what's the proper
13 procedure for this one since they are not
14 requesting a Minor Amendment.

15 BETH RUBENSTEIN: I would just say,
16 again, that we just say there were
17 disagreements with changes to the exterior.
18 That would have been a good time to come back
19 to the staff and the Board. They're here
20 now. These are changes for you to reapprove
21 or not approve. Needing an amendment to the

1 permi t, but we need your approval or request
2 for more work on the design changes that you
3 see.

4 WILLIAM TIBBS: Hugh.

5 HUGH RUSSELL: So I would move that
6 we approve the changes with reservations and
7 notes that Roger put forward in his
8 presentation as for the work, because I think
9 he summarized points that the Board had made.

10 WILLIAM TIBBS: Do we have a second?

11 CHARLES STUDEN: Second.

12 WILLIAM TIBBS: All those in favor.

13 (Show of hands.)

14 (Ti bbs, Wi nters, Si nger, Nur, Cohen,
15 Anni nger, Studen, Russel l.)

16 PAMELA WINTERS: Can I make one last
17 comment?

18 WILLIAM TIBBS: Certainl y.

19 PAMELA WINTERS: Roger' s comments
20 regardi ng Charl ie Sulli van' s -- that will be
21 i ncl uded al so?

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ATTORNEY JAMES RAFFERTY:

Mr. Chairman, it should be noted that as part of the demolition of the convent building on Erie Street, there is an on-going design review requirement for the whole complex by the Historical Commission. So they have jurisdiction on that. It's not simply a voluntary exercise on the part of the developer. It's a requirement associated with his demolition approval. So that will be ongoing along with the staff review.

WILLIAM TIBBS: Was that ongoing before we got to this point?

ATTORNEY JAMES RAFFERTY: It's existed for a number of years, yes, it has.

WILLIAM TIBBS: We're done. Thanks.

THOMAS ANNINGER: I guess I have --

WILLIAM TIBBS: I'm sorry.

THOMAS ANNINGER: Just a post-vote comment. You commented that was a reluctant approval. I wasn't reluctant to see these

1 changes. On the contrary I would like to
2 encourage you and others when you have
3 changes of this sort to come back to us
4 rather than not. And I don't want to have a
5 -- have you feel that somehow we are
6 problematic and therefore better not to come
7 to us in the first place. I don't think
8 that's the point here. I -- if I have any
9 reluctance, it's the uneasiness I have for
10 the litigation settlements that bypass the
11 process and undermine our credibility and
12 make it difficult for us to make -- reach
13 what our -- not easy decisions for us in the
14 first place. That's where I feel uneasy with
15 what has happened here. And I'm not quite
16 sure how to fix that, but to a certain extent
17 if we approve something after long and
18 difficult nights, I feel to a certain extent
19 undermined by what you then do in settling
20 what I guess you had to do for economic and
21 other perhaps political reasons. But it

1 makes for a -- it makes the whole process
2 more difficult for us as we face other
3 similar difficult neighborhood situations
4 that we have before us as we speak. What's
5 going to happen as soon as we approve it?
6 Does that mean the next time whatever we said
7 doesn't really count?

8 ATTORNEY JAMES RAFFERTY: I
9 understand.

10 WILLIAM TIBBS: I just want to say
11 for the record, since you brought it up, that
12 my reluctance is not necessarily for the type
13 of changes but just this process that we find
14 ourselves in. If for whatever reason you
15 felt more comfortable that say, hey, we have
16 some issues. Would I agree that some of the
17 changes are indeed for the better? But,
18 again, it's just -- I tend to be somewhat
19 process-oriented, and when we go through the
20 effort of reviewing plans and reviewing
21 elevations and stuff and you have a change,

1 and we expect you to just go through that
2 process. And I would have been far less
3 reluctant if I would feel if that's the way
4 it came before us.

5 ATTORNEY JAMES RAFFERTY: Well, I
6 would apologize if it was viewed as
7 problematic. I mean, for the Board. I mean
8 nothing could be more contrary to my view of
9 the process. And it's generally an
10 opportunity to have a -- I think admittedly
11 that this was handled less than elegantly,
12 and I think it's attributable to a range of
13 issues. And I will say, and the last word on
14 it in defense of the clients, they went to
15 ISD, these changes appeared in the building
16 permit set, so I think they believed that
17 when the building permit was issued with many
18 of these changes in place, that they had
19 satisfied the requirement. We know that is
20 not correct. And we have all learned, I know
21 on this side of the table, a valuable lesson

1 and we appreciate the time you've given us
2 and I can move forward from there.

3 WILLIAM TIBBS: Thank you.

4 CHARLES STUDEN: Bill, I'd like to
5 just make another comment on the settlement
6 agreement issues because while I agree with
7 Mr. Anninger generally in this specific case,
8 if I'm understanding it correctly, the
9 settlement agreement did not result in any
10 material change in the appearance of the
11 project; is that true?

12 ATTORNEY JAMES RAFFERTY: That's
13 true.

14 CHARLES STUDEN: And so in those
15 instances I don't think that it's important
16 for those things to come back to the Board.
17 If it does, I think it is, but that's my
18 particular position.

19 WILLIAM TIBBS: Well, since we
20 haven't seen the plans, and obviously the
21 plans we can only just guess at that, when

1 you say material change, I mean the floor
2 plans are things that are part of this thing.
3 But I think we can let the Law Department
4 just give their advice on that and we can
5 talk about that. I don't think it --

6 CHARLES STUDEN: We can, however, I
7 would hope and believe that the applicants
8 would not misrepresent something like that.
9 But I haven't been on the Board that long,
10 and perhaps your experience is that they do
11 and we wind up with less. I'm not saying
12 that you have. I'm responding.

13 ATTORNEY JAMES RAFFERTY: I'm
14 missing this one.

15 WILLIAM TIBBS: Believe me, I think
16 we can -- we can take that up as we discuss
17 it with the Law Department. I really would
18 like to move on to the next agenda item.
19 Thank you.

20 ATTORNEY JAMES RAFFERTY: Thank you.

21 WILLIAM TIBBS: We'll do a short

1 break. Ten minutes.

2 (A short recess was taken.)

3 * * * * *

4 WILLIAM TIBBS: All right. We'll
5 get started with the next item on the agenda
6 which is the pre-application conference for
7 the Alexandria Real Estate. And who is going
8 to start us off?

9 ATTORNEY JAMES RAFFERTY: You may
10 remember me from the prior case. The name is
11 Rafferty, I'm here on behalf of Alexandria
12 and pleased to be here for a pre-application
13 conference. And Ms. Paden is always so
14 efficient, she provided you with a copy of
15 what a pre-application conference is. And if
16 you read it, you expect there be coffee and
17 cookies passed around the room because this
18 really is seen, at least in it's theoretical
19 form, as a dialogue. In fact, there's work
20 to be done by the Board because it says at
21 1233.2 that the Planning Board shall

1 fami l i a r i z e t h e d e v e l o p e r w i t h t h e p r o c e s s
2 f o r o b t a i n i n g a S p e c i a l P e r m i t . W e w o u l d
3 a p p r e c i a t e i t i f y o u w o u l d d o t h a t f o r u s .
4 A n d i f y o u ' l l e x p l a i n t o h i m , t h i s m u s t h a v e
5 b e e n w r i t t e n a t t h e t i m e w h e n d e v e l o p e r s w e r e
6 a l l p r e s u m e d t o b e m a l e s -- y o u w i l l e x p l a i n
7 t o h i m t h e i s s u e s t h a t s h o u l d b e c o n s i d e r e d
8 i n p l a n n i n g t h e p r o j e c t .

9 W e k n o w i t ' s e v o l v e d a l i t t l e i n
10 c o n c e p t . B u t i t r e a l l y i s a n o p p o r t u n i t y f o r
11 u s t o r e a l l y c o m e a n d s h a r e w i t h y o u t h e
12 a p p r o a c h w e ' r e t a k i n g t o t h i s s i g n i f i c a n t
13 P U D . A s y o u k n o w , t h i s h a s b e e n t h e s u b j e c t
14 o f m u c h p u b l i c d i s c u s s i o n i n t h e c o n t e x t o f
15 r e z o n i n g , a n d n o w f o r t h e b e t t e r p a r t o f s i x
16 o r e i g h t m o n t h s t h e r e ' s b e e n a c t i v e p l a n n i n g
17 o n t h e p a r t o f A l e x a n d r i a t o b e g i n t o p u t i n
18 p l a c e t h e p i e c e s o f a P U D a p p l i c a t i o n . A t
19 t h e m o m e n t w e c o n t e m p l a t e f i l i n g s u c h a n
20 a p p l i c a t i o n w i t h i n t h e n e x t m o n t h .

21 T o n i g h t w e w a n t e d t o s h a r e t w o a s p e c t s

1 of how we're approaching the PUD. The first
2 will be shared with you by Joseph Maguire.
3 Mr. Maguire is a Senior VP with Alexandria.
4 And if you look at the PUD application
5 closely, there's a whole range of questions
6 that are asked about -- of the developer.
7 Where are you going with this? What's the
8 sequencing? Where are you going to get the
9 money? What are the economic models you're
10 relying upon? And we thought it would be
11 helpful for Mr. Maguire to share with you a
12 little of the thinking around that that we'll
13 be bringing out. And the second part is a
14 little bit of the design part. And that's
15 Mr. Manfredi kind of showing you the approach
16 he tends to take with the different elements
17 of the project. But keeping with the spirit
18 of the pre-application conference, we very
19 much see it as a dialogue. And dialogue
20 means not as much talking. And so this is
21 not one of those presentations, long winded

1 presentations that architects so like to give
2 at meetings like this. This is intended to
3 be far more interactive and more like
4 something a lawyer might do which is just,
5 you know, listen, listen respond, compromise,
6 come up with whatever makes sense.

7 We have a PUD that really has so many
8 unique aspects to it. I know the Board did
9 get a presentation a short while ago from the
10 staff about how that zoning ultimately got
11 sorted out, but there's a range of unique
12 aspects to this and we'll touch upon all of
13 those. But, we're going to be in an
14 uncharacteristic mode of not being advocates
15 or salesmen tonight because there's a whole
16 bunch of benefits and reasons why you should
17 be excited about that. But we'll put that
18 aside and recognize what we want to tell you
19 here's what we're thinking, here's where
20 we're going, and please raise your hand if
21 we're not going in the right direction or if

1 you like us to emphasize some other aspects.

2 So Mr. Maguire is here to talk to you.

3 JOSEPH MAGUIRE: Good evening.

4 Thank you for giving us the time tonight to
5 come before you, which Dave Manfredi is going
6 to be talking to you about extensively about
7 our planning principles that we're putting
8 forth and will put forth with the
9 neighborhood as well as the Planning Board.

10 I want to start that we did meet with the
11 East Cambridge Planning again and we will
12 continue with that process slightly ahead of
13 what we do with the Board here. I just
14 wanted to take the time to remind people for
15 the process that we've been on and the
16 process has been one where we've worked with,
17 again, neighborhood as well as the City
18 Council in effecting some zoning changes that
19 now have some embedded features within those
20 zoning changes. There are a number of
21 commitments that have been made, which

1 Alexandria Equity is prepared to continue to
2 honor as we have committed to that.

3 The first item is that I want to point
4 out here, and the reason why this particular
5 chart is up here, is that we have a phasing
6 plan that's sort of within the zoning that we
7 have to deal with. And the colors up
8 there -- and I know the writing is not
9 legible, but the colors are meaningful here
10 before you. The red is really the grant of
11 the Special Permit when that would occur.
12 The yellow colors that run through there are
13 actually building alternatives in terms of
14 locations of where we start and how the
15 commitments flow. So the first building, and
16 I'll say that we're actually designing a
17 building at this point, and that is 100
18 Binney Street. We think that, we believe
19 that that location, together with 75 Binney
20 Street is probably the two most likely
21 locations. And our proposal that will

1 comfort in the plan will be to have those two
2 locations being the first phase. It's
3 studied in the traffic information, studied
4 as the first phase as well. 100 Binney
5 Street, we actually are working with Elkus
6 Manfredi right now and we will be working
7 with the committee on that and we'll bring
8 that forth in parallel with the PUD Special
9 Permit application as we go forward.

10 So, 100 Binney Street, the first
11 building in this particular case, would
12 initiate a certain commitment. One is that
13 we would provide a million dollars to the
14 city for planning of the two parks which are
15 part of this development. It's a 2.2 acre
16 park in another smaller triangle park that's
17 up by the Land Boulevard. When the building
18 is completed for occupancy, we would be
19 providing all of the land along Roger Street
20 which is again about two acres of land for
21 public park. And we would also provide

1 another eight and a half million dollars to
2 actually build the park. Now in this case
3 the city would be the ones that would handle
4 that process of designing and building, that
5 park.

6 We also have a building that's part of
7 the commitment. It's called the Foundry
8 Building. It's at 101 Roger Street. That
9 would be given to the city for community uses
10 on no later than January of 2012 provided
11 that we've actually pulled a building permit.
12 So that also would be coming along with the
13 first building essentially is what would
14 happen. Beyond that there are other
15 commitments to housing.

16 We have 220 units of housing. The
17 orange you see up above you at various points
18 where the housing could come in depending on
19 what path along the street that you move
20 along. And further down the tree you'll see
21 some other green blocks, those are also

1 commitments that we made. That would be the
2 creation of the triangle park that comes
3 later in the process. And you see housing
4 has weaved its way in there. And we move our
5 way to the final buildings when we reach a
6 million square feet of building area, we
7 would be donating another \$6 million to the
8 city for a public open space trust fund.

9 So, I wanted to kind of lead you this
10 way. We've actually done many of these
11 trees, depending on which building would go
12 first. It gets complex. But the point here
13 is that we feel 100 Binney Street is the one
14 we're going to bring forth first and we'll
15 see that later.

16 WILLIAM TIBBS: Excuse me.

17 JOSEPH MAGUIRE: Yes.

18 WILLIAM TIBBS: Could you, I think I
19 understand that you have these paths that you
20 could go down. But could you explain the
21 little comment that says if this sequence is

1 selected, some assumptions need to be -- may
2 need revising? I just want to know what do
3 you mean when you say that.

4 JOSEPH MAGUIRE: Basically what that
5 means is depending on the market, and the
6 market's going to drive these buildings, we
7 can make no -- there's no qualms about that,
8 is that we have to have tenants for these
9 properties. We believe that the tenant will
10 be there over what we know over a period of
11 time. So that can differ, the paths as we
12 move through here. There could be different
13 starting points. But I will stress to you,
14 again, that we're starting where we think --
15 where we believe will be the first location
16 which is 100 Binney Street. And 75 Binney
17 Street may also be the second location that
18 will be within that phase in that four-week
19 study. Does that answer your question?

20 WILLIAM TIBBS: No. I just want to
21 know what those words mean. When you say as

1 to what kind of assumptions, I just want to
2 understand it because they stop. It stops
3 with that thing. It doesn't have a dotted
4 line that goes back to the other charts for
5 the other buildings. It just says if for
6 instance you decided to build 50 Binney
7 Street after 100 Binney Street, what does
8 that word mean? What do those words mean?
9 Does it mean, you know, are you going to
10 reconsider something? I just want to get a
11 better sense of -- I mean....

12 JOSEPH MAGUIRE: The chart maker
13 tells us it means you go to another chart
14 which we didn't give you all the charts.

15 WILLIAM TIBBS: Thank you.

16 ATTORNEY JAMES RAFFERTY: Good
17 question. I said what does that mean?

18 JOSEPH MAGUIRE: We've done six or
19 seven of these different charts. And the
20 permutations are multiple.

21 WILLIAM TIBBS: Okay, thanks.

1 JOSEPH MAGUIRE: So with that I'd
2 like to bring David Manfredi forth and he can
3 give that portion of our presentation.

4 DAVID MANFREDI: Good evening. I'm
5 not going to take you through, as Jim said,
6 all of the PUD application. I'm going to try
7 to give you the framework and as he said,
8 solicit your input into our process into that
9 framework.

10 In a very overall way the PUD
11 application, the design portion of it is
12 based on No. 1, planning principles.

13 No. 2, everything that affects public
14 realm. And I'm going to give you probably
15 the most sense of that.

16 And then No. 3, infrastructure. And
17 finally, architecture and building design
18 principles. But hierarchically we think
19 that's the right order. The opportunity here
20 is really to have enormous impact on public
21 realm. You know the site. Everything in red

1 are the developable parcels. There's
2 actually five building parcels and two open
3 space parcels. The open space parcels here
4 and here, and then the building parcels. And
5 the overall master plan as you have seen it
6 before. And of course the -- all the
7 designations here have to do now, you'll
8 notice by the way, the buildings have
9 received new addresses. And so when we're
10 referring to 50 and 100 Binney, those are our
11 addresses going forward. But the building
12 footprints, the overall massing of the
13 building buildings, this is all constant from
14 the last time that we saw you. And this
15 becomes our kind of -- our touchstone. We
16 always go back to this plan. All of our
17 planning documents are consistent with this
18 plan.

19 As you know, the heart of this is
20 really between First and Third. And the
21 opportunity here is to really remake a

1 significant portion of public realm to
2 transform what is today, frankly, in that
3 aerial photograph demonstrated it quite well,
4 a lot of surface parking. A lot of one-story
5 somewhat obsolete buildings, streetscape that
6 is not pedestrian friendly, that is really
7 dominated by the automobile and the truck.
8 And really taken at a long-term attitude by
9 how to transform this into a pedestrian
10 environment that over time takes on the
11 character of a truly mixed use development
12 with retail at the ground floor. Lots of
13 commitment to public open space. A lot of
14 permeability active edges. And our planning
15 principles are going to try to take on that
16 whole realm of responsibility, meaning to
17 plan that over a very long period of time.

18 You've seen this diagram before, and
19 it's important to us. It tries to mark all
20 of the most important pedestrian paths. The
21 north, south paths on Third and on First

1 diagonal path which is very important, that
2 runs through the beginning of a whole path of
3 a network of open space which is already --
4 the existing skating rink, which will be
5 continued through the center of our site at
6 the intersection of Binney and Third, and up
7 through connecting Kendall Square with the
8 neighborhood. And also equally important are
9 the east/west connections. And these have
10 been mostly ignored in the past. The
11 opportunity to make better connection to the
12 river. And as you're going to see, we're
13 taking on -- and we've talked with you about
14 this before, we're taking on the reinvention
15 of Binney Street. Again, the notion of the
16 pedestrian can have a much bigger position in
17 the public realm here.

18 Our design approach, the basis is East
19 Cambridge design guidelines, and we make lots
20 of references back, that's the basis for
21 everything we're doing here. The goals are

1 to provide flexibility over time. These --
2 as you know, this is a long-term plan, at
3 least the 20-year plan, and so we need to
4 anticipate change over time. The emphasis is
5 on quality public realm, diversity and
6 variety in architecture. The goal is really
7 to not create a project, to create a series
8 of buildings to improve infrastructure, and
9 when we're all done, not be able to find the
10 seams or the edges. That there truly will be
11 a diversity of architecture and the language
12 to inform that kind of attitude. And
13 specifically -- and this is what I'm going to
14 show you how we're approaching it. We want
15 to talk about streetscape types. We talk
16 about urban space types and street wall
17 types. And what I mean about that, we're
18 taking on those three subjects in a
19 hierarchical kind of way. Meaning that, and I
20 think you have all heard me say this before,
21 not all streets are created equal. That

1 there is a hierarchy of streets based on
2 where they are, what kind of traffic they
3 have to maintain. And that we need to look
4 at each one of those.

5 There are different kinds of open
6 space, and we will look at each of the
7 different types. And there are different
8 kinds of street walls. All of this goes,
9 again, to the diversity. That if we think
10 about buildings having different
11 orientations, different sole orientations,
12 the way they address streets, and the way
13 they address open space, our goal is to
14 ensure diversity.

15 And so first, and again, I'm not going
16 to try to describe in detail, but just to
17 give you our framework, we think -- or we
18 have identified three different streetscape
19 types. Obviously Binney Street which is the
20 heart of the precinct, at least from an
21 arterial kind of view, and all of the metrics

1 that go with it. We want to take advantage
2 of this opportunity to transform Binney.
3 Obviously it still has to maintain all of its
4 transportation obligations. But by
5 transformation I mean that we are planning to
6 remove the center median, add parallel
7 parking, make it bike friendly, make it
8 pedestrian friendly, provide wide sidewalks.
9 Plan for retail over time that can spill out
10 onto sidewalks, and really create an
11 important urban street.

12 The second kind of streets are the
13 neighborhood and local streets. And what we
14 mean by that are the north/south streets,
15 First, Second and Third. They are a
16 different metric, different number of lanes
17 of traffic, different sidewalk dimensions.
18 Different opportunities to create parallel
19 parking.

20 And then the third are the parked edged
21 streets, and those are here at Rogers and at

1 First. And, again, this is about the
2 relationship between the horizontal plane and
3 the vertical plane. How buildings address
4 open space. And I should have mentioned the
5 third which is right here, as Joe said, we're
6 looking at 100 Binney as the first building.
7 So we're looking at this condition quite
8 specifically right now. But how buildings
9 address open space either directly or across
10 the street, and again, how that informs
11 everything from the ground plane to the
12 architecture of the building.

13 And I'm just going to flick through the
14 different types, but obviously Binney Street
15 is a street that can have those very wide
16 sidewalks. That can have, over time, can
17 have continuous retail at its base. If the
18 buildings are designed to accommodate that
19 over time, and it won't happen in the first
20 generation of occupancy, but in limited
21 places. But the plan infrastructure and

1 public realm, that really encourages and
2 supports that over time.

3 The second is the neighborhood and
4 local streets which are of a finer scale, a
5 little less wide sidewalks. The opportunity
6 to do some sustainable kinds of things in
7 terms of renting gardens on those north/south
8 streets. And then the third type is the park
9 edges, the one that you're very familiar with
10 over at University Park. But where buildings
11 can really engage the horizontal plane and
12 engage those park edges and activate them.
13 Even with as at 35 Lansdowne, even with
14 corporate kinds of uses and until those
15 retail tenants arrive.

16 The second category, and I'm not going
17 to take you through all of these again, but
18 that there are different kinds of urban
19 spaces. And what we've identified are the
20 obvious big public parks. The 2.2 acre
21 public park north of Rogers as well the

1 triangle park. The two block passages which
2 take these very long blocks, make them
3 permeable. They are important passages, how
4 we treat them. They are obviously of a
5 different scale. They are not simply means
6 of circulation, they are also places to pause
7 if we design them appropriately.

8 And the third type are the edge
9 conditions and the connective spaces. And
10 there are a number of these kinds of
11 conditions around some of the -- where
12 commercial buildings meet residential
13 buildings. Where commercial buildings meet
14 historical buildings.

15 And then the fourth type are the
16 courtyards which are more private spaces.
17 They are amenity spaces for residential uses,
18 visually accessible from the street, but not
19 as immediately engaged by the pedestrian.
20 And what we will do is go through each of
21 these types, talk about the character of

1 them. Obviously the public parks are not
2 designed by us or our team or by Alexandria,
3 but we do engage them as we are -- about them
4 and as we are neighbors to them. The three
5 block passages and what they, and what kind
6 of character they have in activities, that
7 they might support those connective kinds of
8 spaces which are these kind of key conditions
9 that connect Binney Street to some of the
10 public park spaces. And then finally those
11 interior courtyards which again are a little
12 bit more private in nature but important for
13 their visual interest.

14 And then the third category, the street
15 wall types. And now I'm getting to
16 architecture. We want these buildings --
17 we're thinking about these buildings not as
18 objects, but as belonging to a context. And
19 so we're thinking about types of facades.
20 And type one is the south side here. And
21 it's characterized -- or category is created

1 one, because of its solar orientation, and
2 two, because of its connection to Binney.
3 Connection to a major artery. That these two
4 facades have something in common. And there
5 is -- we will propose to you a set of
6 guidelines around the design of those
7 facades. Similarly the north side of Binney,
8 different solar orientation, different
9 building footprints and different building
10 massing. These buildings have the
11 opportunity to be 140 feet tall. These
12 building can be no more than 78 feet tall.
13 What does that mean in terms of a base
14 building and top? How it accommodates retail
15 uses? How it turns the corners?

16 Type three are -- it's Third Street.
17 Third Street is the -- distinct because it is
18 a residential building with retail at the
19 base and there's a whole character to that.

20 And then finally type four are the park
21 edges. Again, obviously we're going to make

1 relationship between public realm, the
2 sidewalks that are park edges and the
3 vertical facades that are park edges. And
4 you're familiar with -- I think you're
5 familiar with many of these photographs. We
6 are, most of these are our buildings, we are.
7 The reason they're here is because they do
8 engage the sidewalk. It's taking buildings
9 of significant scale in a variety of
10 different uses in creating retail bases that
11 engage the sidewalk, that create identity.
12 So much of what -- one of the major criteria
13 here for us is to create an environment that
14 will be pedestrian friendly over time. This
15 isn't going to happen with one building.
16 It's not going to happen with one retail
17 tenant. We think it happens with a strategy
18 that starts with planning. It goes to
19 leasing. But the building itself, kind of
20 one tenant at a time. The infrastructure has
21 to support it, the sidewalks have to support

1 it, and the building architecture has to
2 support it.

3 And just to give you one example, and
4 I'm not going to go through all the notes on
5 this, of those four street wall types, this
6 is type two which is the north side of Binney
7 which is those buildings that are limited to
8 78 feet. We'll talk about a definition of
9 base that can support retail over time.
10 We'll talk about the integration of penthouse
11 into the building. Obviously these are
12 primarily life science buildings. A mix of
13 office and life science. We are going to
14 propose specific strategies on how to deal
15 with penthouse and how it relates in
16 architecture.

17 And then obviously there will be a lot
18 of conversation with transportation. VHB is
19 our transportation consultant, Susan
20 Sloane-Rossi ter is here. We're not going to
21 go through this tonight, but again all of

1 this is about kind of changing the hierarchy.
2 Making the pedestrian much more important and
3 taking advantage of all of the possible
4 connections, the different types of
5 transportation for the bicycle to shuttles,
6 future urban Green Line extension. This is
7 an existing view, a very conceptual vision of
8 what it might be when it is all done. Don't
9 take any of this architecture seriously.
10 It's simply to demonstrate at that time
11 opportunity here is enormous. And it is --
12 the opportunity we think is grounded in
13 public realm, infrastructure and the
14 strategies that will get us the diversity,
15 that will get us to a very real place. Not a
16 project that has edges, but a piece of the
17 city that can very much is -- becomes part of
18 the fabric. Thank you.

19 ATTORNEY JAMES RAFFERTY: That
20 essentially is our approach. I notice that
21 the last sentence in this pre-application

1 conference, I'm not sure whether this is
2 intended to encourage discussion or stifle
3 it, but it says any statement made by any of
4 the Planning Board or developer shall not be
5 legally binding. That could open up a whole
6 range of topics how we feel about each other.
7 But I think what we're hoping it does is
8 allows us a little bit from you about our
9 approach. This one last piece of this PUD
10 that I think does really set it apart, we are
11 really attempting in this process to succeed
12 with ground floor uses in a way that we're
13 struggling to find examples of where it's
14 worked effectively so we decided to broaden
15 our outlook on this. I'm just going to share
16 with you -- we brought in a consultant, kind
17 of a fresh sight of eyes. They're an outfit
18 that I've had some experience with on another
19 project. They're out of Ohio. Big Red
20 Rooster. They have been here. They go all
21 over the country. They showed us a project

1 they did in Lynchburg, Tennessee where the
2 Jack Daniels people thought they needed to
3 think outside the box to see how Lynchburg
4 could be seen differently. We've got great
5 designers and great planners. We want to
6 make sure we get it from the beginning what
7 do we do. They've got some creative ideas.
8 They're part of our merchandising plan,
9 because --we provided that to you. And
10 Catherine Donaher has great insight on this.
11 We are looking to create something. We know
12 it's not going to be Harvard Square or
13 Newbury Street, but the potential and the
14 challenge for us is can we really, at the
15 outset, plan and create buildings and create
16 a matrix so that when we go to find these
17 tenants, that we simply don't put up a paper
18 sign in the window, "Space available" and
19 call this number. That we really go out
20 there and try to define -- and David tells us
21 about professors in West Philadelphia. And

1 down in New Haven with Yale and how you -- if
2 you work at it. Alexandria is committed that
3 we're going to have a team -- in addition to
4 everything else, what we're doing is really
5 commi t. So they've been around. They've
6 been observing the local populous. And the
7 idiosyncrasies and what the Google types, and
8 Google employees and Microsoft employees and
9 the commuters and the people walking along
10 Third Street. Why isn't there places where I
11 can just stop and get a cup of coffee? Why
12 there isn't the public arts? Why aren't
13 there benches here? And that's also a piece
14 of it. And we hope you'll find that helpful
15 as well, because it's really -- it's not an
16 aside of what we're doing, it really has
17 become pretty much a focal point of trying to
18 make these ground floors something special.
19 We're here to get some feedback hopefully.

20 WILLIAM TIBBS: Thank you.

21 Comments? Charles.

1 CHARLES STUDEN: Thank you very
2 much. I found this presentation to be
3 interesting and actually quite consistent
4 with some of the earlier conversations we've
5 had with you as part of this whole approval
6 process. I liked the page in your
7 presentation having to do with design
8 approach, but I was wondering if perhaps
9 there shouldn't be an additional item added
10 to that that I think is terribly important.
11 And that has to do with the issue of
12 sustainability. Because I think not only,
13 not only in the term of designs of buildings,
14 but also the site planning that's going to
15 take place here and the character of the
16 spaces that you're talking about. So I would
17 like to suggest that maybe that be included
18 here. And I can't remember what commitment,
19 if any, you made to lead certain --

20 JOSEPH MAGUIRE: Minimum of lead
21 silver.

1 CHARLES STUDEN: I think it's good
2 to articulate it. We have a climate change
3 conference coming up a couple Saturdays from
4 here, we're all concerned with the issues of
5 sustainability. That's one suggestion I'd
6 like to make.

7 ATTORNEY JAMES RAFFERTY: We also
8 have very specific new, nowhere else in the
9 city, are requirements around rooftop
10 mechanical equipment. Acoustically, visually
11 and all that. And that's a big part of what
12 we'll be presenting. It's in the zoning and
13 it's a requirement which is a part of our
14 presentation.

15 CHARLES STUDEN: Good.

16 WILLIAM TIBBS: Hugh.

17 HUGH RUSSELL: So, as I understand
18 what you're saying, what you presented
19 tonight is in a sense an outline of the
20 issues that will be addressed in greater
21 detail in the PUD? And also you've already

1 agreed to the zoning process about the
2 approximate size, where the uses are, what
3 the lands being used for, and now it's about
4 how do you create the pedestrian environment?
5 How do you -- essentially that's the crucial
6 issue you're facing. How do you translate
7 what you're doing? I remember in University
8 Park there were very detailed design
9 guidelines. I think those were actually
10 adopted.

11 ROGER BOOTH: They were. There was
12 an agreement for design review that was
13 adopted. It had similar kinds of outlines
14 for how things were going to go together.

15 HUGH RUSSELL: That predated our
16 current ordinance, right?

17 ROGER BOOTH: Yes.

18 HUGH RUSSELL: And so David Clem's
19 project there weren't very detailed design
20 guidelines. It's hard for me to say that
21 they have -- that project has suffered from

1 the lack of design guidelines, but because of
2 -- I think there's been a review process.
3 But here I'd like to see those guidelines
4 written out. It may be that David will be
5 the architect for all of the buildings. It
6 may be that 20 years from now somebody else
7 will be designing the buildings. Someone
8 else will be reviewing them. There will be a
9 whole new cast of characters in this room.
10 The room will probably still be here. So we
11 need to try to set out as best we can now
12 what it is -- what that language is going to
13 be.

14 WILLIAM TIBBS: Comments? Ahmed.

15 AHMED NUR: Well, I just wanted to
16 make a comment. David's -- I think it's a
17 really great idea. I like the idea of
18 connecting through the buildings, through
19 these little parks for families and so on and
20 so forth. I have kids and we love that
21 skating rink right around there. So I think

1 that would be wonderful. And the big
2 sidewalks, so on and so forth. But I really
3 don't know, sidewalks normally belong to the
4 city so I would probably like Roger to
5 comment on as far as other things that belong
6 to the city of, you know, coordination -- how
7 realistic it is to make the design jive with
8 the building and, you know, so on and so
9 forth. Just my own. . . .

10 ROGER BOOTH: Well, again, I think
11 the University Park example is probably
12 instructed in that design guidelines there.
13 It had similar hierarchy of the busier
14 streets down to the smaller streets, and had
15 suggestions for how landscaping was being
16 handled and so forth. I do believe we've
17 made a lot of progress since then in terms of
18 having had so much experience with Traffic
19 coming and trying to figure out ways to deal
20 with bicycles creatively on the streets and
21 so forth. I think we've learned a lot.

1 There are similarities in terms of ownership.
2 Most of the sidewalks on University Park are
3 public. Most of them are private property.
4 I don't know how that's going to shake out
5 here, but that's something we're going to
6 look at in a lot of detail in the process.
7 And we've started looking at that, but that's
8 a ways to go. That will be coming along as
9 we look at each building similarly to the way
10 we've done other PUD's. So you'll see the
11 public spaces, along with the private
12 designs. The and then of course the park
13 itself will have a whole process involving
14 the neighborhood, and that will also then
15 have to have a connection between the park
16 itself, the streets and then the buildings.
17 So the guidelines give some handle of that,
18 but there doesn't have to be a process for
19 each part of it.

20 AHMED NUR: And the other question
21 that I had is you mentioned to having maybe

1 over several cycles. And we expect the same
2 thing will happen with this development as
3 well. It may take some cycles for us to
4 actually get all the buildings up.

5 AHMED NUR: And last comment, I
6 think that that area is really close to
7 Beacon Hill in a way just coming across and I
8 really like the architectural s of the old
9 buildings and sidewalk as opposed to this
10 curtain wall steel buildings that are, you
11 know, somewhat an obstruction to the view of
12 that old culture that we have. So, in my
13 opinion I would probably like to see some old
14 stone work.

15 Thank you.

16 WILLIAM TIBBS: Yes.

17 H. THEODORE COHEN: I just have a
18 quick question. The through block connectors
19 that seem to go through 100 Binney and 50
20 Binney, how are those to work? Are they
21 separated there?

1 DAVID MANFREDI: Yes, that's ground
2 playing and they are separate building
3 footprints.

4 WILLIAM TIBBS: Go ahead.

5 PATRICIA SINGER: I think the only
6 comment that I wanted to make is I'm really
7 hearing loud and clear that this is a staged
8 project and that it's going to take many
9 years. And that may be mindful of the fact
10 that over the course of many years markets
11 and conditions and so forth will change. And
12 so, I don't want to hear in five years that
13 we saw these schematics and this doesn't look
14 like the schematic. I mean, if I'm
15 privileged enough to still be here in five
16 years I guess. Because I've heard that type
17 of comment several times.

18 WILLIAM TIBBS: Particularly in our
19 current market conditions.

20 HUGH RUSSELL: University Park,
21 there was one parcel that changed at least

1 three times. And is that a bad thing? I'm
2 not --

3 WILLIAM TIBBS: No.

4 HUGH RUSSELL: Here I think
5 Alexandria is telling us they're in a
6 particular business. It's a business that
7 has got tremendous amount of space already in
8 the city. There's demands that seem to be --
9 have some elements, consistency, and so that
10 rather than deciding oh, we've got to do 75
11 Binney and there's no life science tenant, so
12 we'll go ahead and do something else totally
13 different, I don't think that's what we'll be
14 hearing. If for some reason people stop
15 doing life science in Cambridge, then that
16 might be a change. But it's somewhat, you
17 know, each project has its own life and it's
18 given very much part of the development hand
19 that's behind it.

20 THOMAS ANNINGER: You've talked a
21 lot about making this pedestrian friendly,

1 and I think that's a value we all place a lot
2 of emphasis on in Cambridge. The buildings,
3 particularly 100 Binney Street which is right
4 next to the skating rink is going to be ten
5 stories, what, 140 feet high? That may not
6 be high for New York standards or even
7 downtown Boston standards, but it is high for
8 Beacon Hill. It is high for Cambridge in
9 that area. I guess I would like the design
10 guidelines to somehow perhaps address how we
11 integrate mesh attend 140 foot building with
12 a pedestrian friendly attitude. Have you
13 given some thought on how best that can be
14 achieved?

15 DAVID MANFREDI: Well, yes. A lot
16 of thought. A lot of conversation. I'm not
17 sure I have the solution. We've had a lot of
18 conversations recently among this team.
19 Modern buildings have not met the ground in
20 an urban way particularly well anywhere. Not
21 -- and I don't want to make a totally broad

1 statement about all, about all buildings, but
2 because there's some good, there's some good
3 examples. But, typically modern buildings
4 come down to the ground. They don't really
5 address the sidewalk. And I think that the
6 obligation here, and what we're really
7 striving to do is to acknowledge these
8 want-to-be modern buildings, they house
9 tenants of modern technology. They want to
10 be modern in their sustainability. They want
11 to be modern in all of their infrastructure.
12 But you've got to accommodate retail tenants
13 on the ground floor, if not now, later. It's
14 much more than putting a sign on the
15 building. It's about allowing those
16 individual tenants to have identity. And to
17 make the scale at the ground floor, two
18 floors personal human scale. And I think
19 that's how you take a 140 foot building or,
20 in fact, the example -- we had a meeting a
21 week ago, and the example I used is probably

1 gonna shock you. But if you've seen the New
2 York Times building, now that it is fully
3 occupied, that's, I'm guessing 60 stories,
4 maybe it's taller than that. But on Seventh
5 Avenue now there's a deli in one corner and I
6 think it's the coffee shop on the other
7 corner. They've allowed those tenants to
8 really take over the ground floors. To do
9 their own signage, to spill out. And I think
10 that building engages the sidewalk in a very
11 nice way, and it's a very good building.
12 There's not a lot of good examples of that,
13 but I think that's what we're trying to take
14 on here. And you're right, 140 feet is a
15 tall building in this neighborhood. But I
16 think what really matters in terms of making
17 a combination to pedestrian is how we
18 treat -- I don't know if it's the first 120
19 feet or the first 40 feet, but it's the base
20 of the building and how it engages the
21 sidewalk.

1 THOMAS ANNINGER: Well, there's the
2 base. There's also top of the building, the
3 heights of the building which we will see
4 from afar. And so we'll -- we're also going
5 to have to deal with what to do with the
6 rooftop mechanicals, of course, which will go
7 beyond 140 I guess.

8 DAVID MANFREDI: Yes.

9 THOMAS ANNINGER: And so we're
10 dealing with a whole top to bottom issue.

11 DAVID MANFREDI: And in the example
12 you pointed out is a very good one. 100
13 Binney you will get a very long perspective
14 because you'll get it across the park and you
15 will see that facade in all of its height.

16 THOMAS ANNINGER: Thank you.

17 WILLIAM TIBBS: Yes.

18 H. THEODORE COHEN: Could I, I'd
19 just like to throw out a different
20 perspective to the two sitting on either side
21 of me. I don't think a 140 foot building is

1 particularl y pedestri an unfri endl y and
2 currentl y pedestri an unfri endl y. I thi nk we
3 can use l ots of tall er bui l di ngs and mi x of
4 tall er and l ower bui l di ngs, and the zoni ng
5 all ows for i t. I thi nk you' re correct that
6 you have to deal wi th the bases and how they
7 rel ate to the ground and to the peopl e. And
8 I al so thi nk when we' re talki ng about desi gn
9 gui del i nes, that I don' t thi nk that thi s i s
10 Beacon Hi ll . I thi nk i t' s Kendall Square
11 that' s been, you know, a prett y weak area for
12 a l ong ti me. And I thi nk you need to
13 parti cul arl y have i n mi nd, you know, that i t
14 needs to be hol d to Boston. I thi nk the
15 archi tecture i s i mportant, and I woul d hope
16 that as thi ngs evol ve over ti me and over the
17 20, 30 year peri od that we' re talki ng about,
18 there wi ll be a mi x of archi tecturel styl es.
19 That i t' s not frozen and, you know, i n 2010.
20 And I j ust thi nk that we shoul dn' t be
21 deci di ng ri ght now what ever thi ng i s goi ng

1 to look like, but that it needs to creep over
2 time and develop over time.

3 DAVID MANFREDI: And I think you
4 make a very good point. You didn't ask me a
5 question, but you do make a good point. The
6 goal here is not to prescribe style. The
7 goal here is to create guidelines that guide
8 metrics proportion, devices that create scale
9 at street and deal with tops of buildings,
10 but not the prescribed style.

11 FEMALE AUDIENCE MEMBER: Just want
12 to say that the Eastern Cambridge design
13 guidelines continue to be in effect in this
14 area despite the -- I mean, even after the
15 rezoning. And they do speak to heights of
16 buildings adjacent to parks. And so some of
17 that is dealt with through those design
18 guidelines. And as David pointed out, those
19 will be the starting point for this group as
20 well and they will be working that set as
21 they go forward. And somebody touched a

1 little bit of a raw nerve and I probably
2 shoul dn' t react.

3 ATTORNEY JAMES RAFFERTY: It's not
4 legal ly bi ndi ng.

5 THOMAS ANNINGER: Ted just painted
6 me into a somewhat retro corner which I am
7 not pleased to be put into. That's not what
8 I said. I'm not saying that this is a
9 bui ldi ng that is inconsi stent wi th the
10 pedestri an l i fe. I'm just saying that
11 somehow 140 feet plus mechanical rooftops are
12 going to have to be done sensi ti vel y i n order
13 to make i t work i n a pedestri an envi ronment.
14 How you do that is the questi on. I'm not
15 saying i t's bad or good, but i t's taller than
16 the rest and we're going to have to deal wi th
17 i t. That's all.

18 WILLIAM TIBBS: Go ahead, Hugh.

19 HUGH RUSSELL: I reluctantly join
20 thi s parti cul ar poi nt, but I thi nk i t's
21 real ly what you do i n the fi rst floor and the

1 second floor and the third floor and the
2 fourth floor --

3 WILLIAM TIBBS: I think so.

4 HUGH RUSSELL: -- that really
5 affects the pedestrian. Once the building
6 gets above your super-orbital ridge, it can
7 be 10 stories or 20. Now, the taller the
8 building is, the more difficult it is for air
9 to get around it. And so tall buildings tend
10 to induce winds at the ground level and
11 that's just a fact of physics.

12 And I have two other comments. One
13 comment is that it seems that it would be
14 useful in your design guidelines to reiterate
15 the Eastern Cambridge guidelines and apply
16 them so that there's a one stop go-to place
17 in the design guidelines of this project for
18 the unwary architect who comes from Miami or
19 Chicago or wherever. And not that -- well, I
20 guess Miami we've had some trouble with. But
21 the other folks, I'm thinking of the

1 archi tect from Genzyme sayi ng, you know, it
2 was leadi ng us rather than the boss leadi ng
3 hi m i n some sense. He knew more than we di d
4 about a lot of thi s stuff.

5 The thi rd poi nt i s there' s a confl i ct
6 i n your di agram. There' s a heavy pedestri an
7 li ne between the skati ng ri nk and the sort of
8 retail core of your project. And one of the
9 promi nent features along that li ne i s the
10 loadi ng dock for 100 Bi nney Street. And i f
11 i t gets done the way i t' s shown i n thi s ti ny
12 li ttle di agram, I' ll be di sappoi nted. And I
13 real ly don' t know what the answer i s, but
14 havi ng, you know, 70 or 80 feet of
15 essenti al ly dead space along that cri ti cal
16 poi nt i s unfortun ate. You know, where el se
17 do you put i t i n that bui ldi ng? Wel l, I
18 don' t know -- I thi nk maybe that' s the lea st
19 i mportant, but i t' s sti ll a confl i ct. Is
20 there some other thi nki ng? I mean, I
21 remember the proposal for the Super

1 Stop-N-Shop on Memorial Drive, and
2 essentially they had a drive-through loading
3 dock so there was a door at each end. And it
4 looks like there's a parking garage entrance.

5 DAVID MANFREDI: Correct, to the
6 west.

7 HUGH RUSSELL: To the west. And I'm
8 just wondering, and I would ask that as you
9 think about this building and as you think
10 about the design guidelines for loading that,
11 you give thought to this particular problem,
12 which is one of the more difficult ones.

13 DAVID MANFREDI: Yes.

14 HUGH RUSSELL: And it's clear you
15 thought about it --

16 DAVID MANFREDI: We have.

17 HUGH RUSSELL: -- as you look at all
18 the other buildings. But it's a point that
19 needs to be addressed in the PUD.

20 WILLIAM TIBBS: Can we go to the --
21 your last slide, the perspectives -- the

1 rendering I guess.

2 I think getting -- one thing that this
3 conversation is clear to me is that we don't
4 have enough conversations amongst ourselves
5 about what is good planning, what's good
6 design, what works and what doesn't work. We
7 tend to react to projects that are put before
8 us. But I actually like the discourse where
9 people can express themselves. And if
10 there's differences, we can begin to talk
11 about that.

12 Going back to this issue of feeling
13 pedestrian, I actually have both feelings. I
14 feel wholeheartedly that it is the first few
15 levels that really makes it. I think of
16 places with very tall buildings. What
17 immediately comes to mind is a place I really
18 like a lot is the Upper West Side of New York
19 City, very high buildings. But certain parts
20 of it, particularly along Broadway, it has a
21 very vibrant pedestrian feel to it. And it's

1 because of the activity, it gets back to what
2 Mr. Rafferty was saying in his last comment,
3 The Big Blue Rooster.

4 ATTORNEY JAMES RAFFERTY: Red
5 Rooster.

6 WILLIAM TIBBS: Changing the color
7 already. And from my perspective, I've been
8 on the Planning Board a long time, and we
9 ever -- we've really gone through a lot of
10 these. And what makes or breaks the
11 pedestrian feel is the retail, and not just
12 retail but the people feel. And so the thing
13 that I think what we're -- you know, I think
14 the guidelines, they're really there to make
15 a sense of place. And so I think that the
16 more we can, yes, think about the buildings
17 and the physical and the edges and stuff like
18 that -- but it's really, it really is about
19 people and the kind of activities that we
20 want to encourage. And I think that I'd like
21 to see more people based stuff even on your

1 street edges. And the other piece that I
2 think it's very important is to really, as
3 you make your demarcations between what types
4 of streets and what types of edges, the use
5 makes a difference. I think one of the --
6 for me one of the -- I live not too far from
7 University Park and go through there a lot,
8 and there's certain things -- and I watched
9 it literally come up out of the ground. And
10 there are certain things about it that are
11 okay, and there's certain things about it
12 that I just don't like. It's not as
13 pedestrian feeling comfortable. It's pretty
14 -- if you go on the side streets, it's
15 actually, you know, have unpedestrian. And
16 it looks nice. I know it's dear to your
17 heart, but just from -- but from that -- just
18 from that walking, you know, on a Sunday
19 morning, you walk through the park, there's
20 just not a lot of activity there. So I think
21 that, you know, doing things which encourages

1 activity is important. And I think the use
2 is important, because the way those buildings
3 -- there isn't a definite difference between
4 the way the residential buildings kind of
5 arrive at the street and interact with the
6 street as the other research buildings there.
7 So there's a uniformity there which kind of
8 cuts through that. So I think that's really
9 just an important piece I think.

10 But getting back to this issue of what,
11 you know, what's happening on the lower
12 levels is very important. But I wanted to
13 see this thing because this thing is very
14 important. I had the privilege and was
15 excited to have my first trip to Paris this
16 summer, and what a pedestrian city that is.
17 And one of the comments is a lot of street
18 activity with a lot of neighborhood-based
19 stuff. And even in the more commercial parts
20 of the city it has places where it's just --
21 and it's different in different places, but

1 it also has the most interesting vistas. And
2 even if you're -- and, Hugh, this is where I
3 kind of blend the two of what you both said
4 -- you and Tom -- even when you're on the
5 street and you're feeling, experiencing
6 what's on those lower levels, particularly on
7 this site, you're going to get vistas and
8 buildings that are on the outside of it. And
9 so that does play in kind of how you feel and
10 how comfortable you feel on just being on the
11 street. So I think if we can -- I'm just
12 really interested in this Big Red Rooster
13 kind of approach. And how does it -- I want
14 to say how do you work out of the guidelines
15 which you can't. I mean obviously. And
16 there's no way you can say what you can do so
17 or 15 years from now -- go ahead, yes.

18 ROGER BOOTH: Perhaps I might be
19 allowed a little -- we have learned a lot
20 about retail. I mean retail is very tough.
21 And this Board will remember we had a seminar

1 just talking about retail. Our economic
2 development staff spends a lot of time going
3 around trying to work with retailers. It's
4 not something you can just snap your fingers
5 and it happens. That we know. But there's
6 so many layers to making it happen, and I'm
7 glad you have the Rooster people, and David's
8 been doing talks about it. But one of the
9 things we've learned if there's not a
10 commitment to make it work, it just won't.

11 WILLIAM TIBBS: Yes.

12 ROGER BOOTH: You've got to have a
13 proper way of servicing the retail. And we
14 are all trying to get curb side service. Sue
15 is very concerned about this having on street
16 parking. We tried really hard in the East
17 Cambridge riverfront, there are so many
18 failures there to get the retail to work
19 today. For example, River Court had a nice
20 cafe on the ground floor and it had a little
21 convenience store. They died because there

1 was no on street parking. You could not
2 stop, go in and get a bagel. So trying to
3 work out those -- the public spaces next to
4 the retail is so critical. Another thing we
5 had hoped to have, and I don't know, we
6 haven't talk about this with Alexandria, is
7 to have real restaurants. It's one thing to
8 have a cafe where you can ship in the
9 pre-made baked goods and all that. If you're
10 going to have a restaurant, you really need
11 to have ventilation. And we didn't push on
12 that for some of the buildings. And we ended
13 up with empty space. I don't know if you all
14 are thinking of restaurants, but we need to
15 look and make sure there's adequate
16 ventilation and service and taking care of
17 the garbage and all things like that that
18 don't really work well ex-post-factor. They
19 really have to be upfront.

20 And then in University Park we
21 consciously didn't want to put too much

1 retail in there because we were worried about
2 competi ti on wi th Central Square and Mass.
3 Ave. I think that's still part of the right
4 deci sion, but it means if you don't have a
5 cri ti cal mass it's hard to get the next
6 peo ple to come in. The building that Hugh
7 men ti oned started out as a market, and that
8 was going to have ci ne mas and I think 50,000
9 square feet of retail. If that had happened,
10 it might have been a very di fferent rip pling
11 through the whole project, but that didn't
12 happen. Here I don't think we're looking at
13 numbers that are that big, but we're trying
14 to make sure that what actual ly goes in there
15 works and I think that's really the key.

16 WILLIAM TIBBS: Well, for me I think
17 parti cu lar ly in this plan, I mean, your
18 resi den ti al areas and your resi den ti al uses
19 are very small but defi ned. And so that's
20 what I was say ing. I expected to see as you
21 were talk ing about an edge, some thing that's

1 a residential edge or an office edge as
2 opposed to just a building with a physical
3 edge. So that's really my point, to keep
4 that in mind. So how do you transition
5 within your project? Is it just a darker
6 orange area attached to a yellow area or does
7 it mean something in terms of the design
8 guidelines. And also that -- and
9 particularly as you get into the bigger park,
10 which even though the city may be designing,
11 I think one of the things we heard very, very
12 loud and clear that this, you know, this is a
13 transitional area into the residential
14 neighborhood. So as you begin to look at all
15 of this, just don't say very focussed into
16 this -- into your territory so to speak as
17 you're looking at all these design
18 guidelines. North Point had an advantage of
19 being a whole part of the city, and that was
20 kind of interesting to me because it wasn't
21 just the buildings and it wasn't just a park,

1 it was, we were looking at how do you create
2 a part of the city. And I think if you just
3 look at the scale of your vision here, we're
4 doing that, too. If we just focus on just
5 this kind of vision and didn't keep track of
6 the fact that just a few blocks over from
7 there there's some really nice residential
8 areas. But I don't know how do that. But I
9 just keep a broader context as you're
10 beginning to think about what's important and
11 how you make those decisions. That would be
12 interesting. Yes.

13 PATRICIA SINGER: Well, while we
14 have Roger on the hot seat, one of the things
15 that I fear looking at this plan is that
16 triangle park is going to become a traffic
17 island. And I'm going back in my memory to
18 childhood in Europe and the park that I
19 played in as a small child was sitting in the
20 middle of really a major transportation road
21 in Vienna. And what made it playable for me

1 as a child was a wrought iron fence. It
2 wasn't separated off from the road by any
3 bushes or walls or anything, but just a
4 wrought iron fence, you know, with some big
5 trees. And it made it feel like a protected
6 area. And so I'm -- I just want to make sure
7 that in a city with a lot of green space,
8 that we don't move a potential gem like that.

9 WILLIAM TIBBS: Pam.

10 PAMELA WINTERS: I just have a
11 couple of minor questions. I noticed that
12 Michael Van Valkenburgh is responsible for
13 doing the landscaping. And I was wondering
14 whether or not he's also responsible for
15 doing the street trees? And do you plan to
16 have street trees?

17 JOSEPH MAGUIRE: Yes, there are
18 plans. Chris Matthews is here from Michael
19 Van Valkenburgh and there are extensive
20 plans. We've completed a survey which is --
21 which we're working with the arborist now.

1 They have that existing survey certified as
2 part of this process. So we do plan on
3 extensive amounts of tree plantings there.
4 Rain gardens, other types of features.

5 PAMELA WINTERS: Great. I think
6 that's an important detail.

7 And also my ears kind of perked up when
8 I heard millions of dollars going to a public
9 open space trust. Did I hear that correctly?
10 Can you elaborate on that more?

11 ATTORNEY JAMES RAFFERTY: Once would
12 he get to a million dollars -- excuse me.
13 Contained within the zoning that was adopted
14 by the City Council is a payment somewhat
15 consistent with the way the city collects the
16 incentive zoning fees for affordable housing.
17 This is dedicated to open space. So once the
18 project exceeds a --

19 JOSEPH MAGUIRE: A million square
20 feet.

21 ATTORNEY JAMES RAFFERTY: A million

1 square feet. Then every square foot after
2 that there's a \$12 charge. There's sur tax
3 that goes to a fund the city has for the
4 acquisition of open space.

5 PAMELA WINTERS: Oh, okay. And
6 you're assuming then that that will
7 accumulate to how much again? Because I
8 heard a number.

9 JOSEPH MAGUIRE: Six million
10 dollars.

11 ATTORNEY JAMES RAFFERTY: Six
12 million dollars if the project gets build out
13 as the zoning contemplates.

14 BETH RUBENSTEIN: And that's in
15 addition to the nine and a half that the city
16 is getting for the design and the
17 construction of the land.

18 PAMELA WINTERS: Now, I didn't even
19 know that the city had an open space trust.
20 I know that was the recommendation from the
21 Green Ribbon Committee many years ago.

1 BETH RUBENSTEIN: It's really an
2 open space acquisition fund.

3 PAMELA WINTERS: Okay. That's
4 different then -- okay. Thank you.

5 WILLIAM TIBBS: So, any other
6 comments or are we -- yes, Ted and then Tom.

7 H. THEODORE COHEN: I know this is
8 probably not in your plans and it's really
9 following up on what Roger said, you know,
10 was that Binney Street, that whole area, what
11 you're showing on your last plan and what it
12 needs to be ultimately is a destination with,
13 you know, large, you know, stores that will
14 bring people to it. Because you're going to
15 have many people who are working there all
16 day and they're going to go away. We need to
17 bring people in day and night. Plus we're
18 building a lot housing right there. And
19 someone was saying on the weekend, 303 Third
20 if you go through on a Friday evening and
21 there's nothing happening, is there anything

1 in the base plans, a supermarket or a large
2 grocery store? Because there's nothing
3 nearby. They know the one over at University
4 Park and the one at City Hall Plaza, it's a
5 long way.

6 BETH RUBENSTEIN: Moderate size.
7 This isn't the kind of neighborhood that we
8 want a 60 or 80,000 square foot store, but
9 something along the order of 20, 25,000. We
10 long felt it would be terrific, and we tried
11 to talk to people. We picked up the phone,
12 and there are other developers, not folks
13 here tonight, who also have parcels in the
14 eastern part of the city who have tried and
15 not been successful. It's a little bit of a
16 question of what are the right number of
17 residential units or individuals that trips
18 you over of that becoming viable. But I
19 think the short answer would be that that
20 would be a good thing.

21 HUGH RUSSELL: Unless it tends to be

1 use that needs significant parking because
2 you can't support a store like that off,
3 solely off the walk-in trade at the density
4 that we have.

5 ATTORNEY JAMES RAFFERTY: I would
6 say this in support of that though. We're
7 very mindful that we think a food retailer,
8 and part of it we've been doing is we've
9 actually identified existing uses in
10 Cambridge and have had specific conversations
11 about how would you like to come here? And
12 there are some locations even available now
13 in the existing Alexandria buildings that
14 might help set the tone. And you'll hear
15 here more about that in our presentation. A
16 few of them you would recognize, but it would
17 be wise not to name them. But if we get that
18 type of thing, to provide a, you know, 5,000
19 square foot -- we've talked to beer and wine
20 people, you know, sandwich people, small
21 convenience, not simply a 7/11 but something

1 a little more organic. Something more geared
2 towards the residential population. And the
3 view is that the Red Rooster has been looking
4 at it. The foot traffic along Third Street
5 suggests that is probably with the commuter
6 walking down in the morning and walking back,
7 we see that as one of our key places to have
8 coffee shops, food. So we're, we hope to
9 have some news on that in the not so distant
10 future.

11 BETH RUBENSTEIN: Actually not to
12 advertise any particular vendor, I know the
13 Board's aware we've been waiting sometime to
14 see something happen in the Novartis
15 building, the fairly new building. You may
16 be aware that a very nice liquor store,
17 really a wine store, has opened up there that
18 has some food and it's, I think, something we
19 heard from the neighborhood they're
20 interested to see it closer to East
21 Cambridge. There's an example that has taken

1 time, and something quite nice that comes in
2 and has been done quite well.

3 ATTORNEY JAMES RAFFERTY: At the
4 Watermark building here, like Mr. Manfredi
5 I'll talk about my other clients. We've been
6 able to get a liquor license for EV00, the
7 popular restaurant on the Somerville line.
8 And they also have a pasta, pizza restaurant
9 called Czar on Mass. Ave. and Arlington. And
10 on the ground floor here at Watermark they're
11 going to be opening in the spring a EV00
12 Sarah. A pretty good sized restaurant,
13 casual on the Czar side. A little more
14 formal on the EV00 side with a bar. But kind
15 of addressing the notion of nighttime
16 activity. And there is an application
17 pending for a restaurant on the 303 Third
18 Street building.

19 Another client of mine that we're
20 waiting to appear at the License Commission,
21 but again creating a nighttime use, a weekend

1 use. It's an area where the licensing
2 commission understands the need -- they're
3 supportive of the concept of additional
4 liquor licenses for restaurant style
5 licenses. We should see more of that in the
6 near term.

7 WILLIAM TIBBS: Did you have a
8 comment?

9 THOMAS ANNINGER: Well, I had one.
10 We've talked from time about the median strip
11 and I wasn't quite sure where that stood when
12 we got to the end of the zoning process,
13 negotiations and your agreement and so on.
14 But I see that it is gone from a good section
15 of Binney Street all the way up to Fifth
16 Street. Is that a forgone conclusion? Is
17 that a decision? Where is that?

18 BETH RUBENSTEIN: Why don't I start
19 and say if you need to jump in, feel free. A
20 lot of discussion that we're having about the
21 public realm obviously involves the city. So

1 we are all beginning to talk together about
2 how we make all these desirable things work.
3 The right with the sidewalk. The right
4 bicycle accommodation. Bus stops that were
5 bus shoulders. Street trees. On street
6 parking. You heard Roger mention, I guess I
7 would say there aren't any forgone
8 conclusions. We are together taking a very
9 close look at Binney from First to Third, and
10 there's a lot detail to be worked out there.
11 But actually this has been a very helpful
12 reminder for me and for all of us for sort of
13 what we're trying to accomplish at the ground
14 floor and all the way up and sort of
15 horizontally, too. So that's -- I would
16 describe it as a work in progress.

17 Sue, I don't know if you want to add
18 anything to that.

19 SUSAN CLIPPINGER: Just a little bit
20 more specificity about the median in
21 particular that you asked about. I think we

1 don't see the median between Third Street and
2 Land -- not between Land Boulevard. Between
3 First Street and Third Street as having a
4 critical operational functional need. And
5 there is -- that may be space that can be
6 better used to -- are some of the other goals
7 of the project which is different than the
8 way we treat the median from Third Street
9 west where it actually separates access and
10 helps to protect the neighborhood from trips
11 that might choose to use residential streets
12 to cut through the streets in Kendall Square
13 to get to the businesses. In this case there
14 are no streets being cut off because there's
15 access on First, Second and Third. So the
16 median here is space available for, I hope
17 hired better uses as opposed to the role that
18 plays in the --

19 THOMAS ANNINGER: An interesting
20 answer and I sort of knew we've had this
21 discussion at least in fragments of it

1 before, and I know you've told us before that
2 the median strip plays an important role on
3 the western side. What I think may happen is
4 that we may have a warm part of Binney Street
5 and a cold part of Binney Street. The median
6 strip almost being a symptom of that or
7 perhaps a cause of that. I'm not quite sure
8 what comes first. Where the median street --
9 where the plan now is to eliminate the median
10 would be the warm part, pedestrian part. And
11 then you walk a little bit and all of a
12 sudden there's a median and then it's not so
13 pedestrian friendly anymore. Maybe it needs
14 to be that way for other reasons, but I'm not
15 quite sure having it that dramatic a
16 difference drawn by what is that, Fifth
17 Street?

18 AUDIENCE MEMBER: Third street.

19 THOMAS ANNINGER: Is that Third to
20 the left? I can't see it. Why, I'm not sure
21 it's a desirable outcome.

1 SUSAN CLIPPINGER: Well, I guess
2 part of the question are you looking for
3 warm? Are you looking for cold? I think
4 we're, this effort is focussed on the section
5 from First to Third, and the goal is to make
6 it the best possible space. And there's five
7 new buildings being proposed, and there's
8 just been a very long conversation about the
9 base of buildings in terms of its
10 relationship to the public realm and the
11 pedestrian friendliness of this space that's
12 being created. And I don't think that, you
13 know, this is hot because of just the
14 infrastructure or just the private building.
15 They really have to be working hand in hand
16 to create the environment that's envisioned
17 here. And as you go west, Third Street,
18 first of all, we don't have any opportunity
19 to change things there. Secondly, Third is
20 nothing on the edge of Binney Street of much
21 substance through very large section of that

1 road. We do not have buildings that are
2 opening onto Binney. You don't have
3 buildings engaged in Binney Street. You do
4 not have the kind of activity that we're
5 talking about here with the exception of, you
6 know, the northern section there. And even
7 Archstone's housing building is not very
8 street oriented along there. So Binney
9 Street as it relates to the buildings and the
10 development activities behind the sidewalk,
11 along there is a very, very different street.

12 WILLIAM TIBBS: I think that to me
13 it also, it emphasizes -- and this might be
14 more of an issue than we might be requesting
15 the staff as opposed to this particular
16 developer, but as you look at that, if you
17 look at exactly that plan, we have engaged
18 ourselves in so much planning in pieces
19 around all of this, that this is an excellent
20 opportunity for us to see all of it together.
21 And even as you're looking at -- I found

1 actually that diagonal path that you drew
2 really interesting, because you actually went
3 from an ice rink through another development
4 through yours. And I think beginning to see
5 that kind of interplay for the whole area is
6 something that's so helpful. So some of that
7 may go way outside your jurisdiction. But I
8 think this is big enough now that this is
9 something that's really waiting on a lot of
10 this stuff together which we've been working
11 on for years and year and years. If we're in
12 a position to see a little bit more, if the
13 staff can help us see this in a whole is a
14 particular way which doesn't have just
15 colored buildings, but maybe have some kind
16 of way of seeing the whole East Cambridge and
17 this evolving. And how has -- the reality
18 been to the vision, of the city-wide zoning
19 we did many, many years ago. And a lot has
20 happened since then. So it's good time now
21 to catch up on -- yes.

1 ROGER BOOTH: I didn't get to
2 respond to Tricia yet, but I haven't
3 forgotten it yet. The little triangular park
4 was 1978 East Cambridge plans. We haven't
5 forgot about that. We care a lot about that.

6 ATTORNEY JAMES RAFFERTY:
7 Mr. Chairman, just a comment, talk about
8 things happen around. We said this is a
9 suburban office park which is unusual in
10 itself a project that's part of what's around
11 it. The corner of Third and Binney which
12 last corner, owned and controlled by the
13 Cambridge Redevelopment Authority. It would
14 be nice some day to know how they would be
15 looking at the use of the corner in the
16 context. I mean, it's one of our key
17 corners. That is just one opportunities
18 around the perimeter here to make it part of
19 the overall vision of the neighborhood here.

20 WILLIAM TIBBS: Good.

21 Do we feel we've kind of conversed

1 enough? Thank you very much.

2 We do have one more bit of business.
3 So if folks can clear out quietly. And given
4 these -- Li za, given that the BZA cases are
5 so short, I thought we would go into them as
6 opposed to taking a break.

7 LIZA PADEN: So as we --

8 WILLIAM TIBBS: If you can take your
9 conversations outside. We're still in a
10 meeting.

11 LIZA PADEN: The Board of Zoning
12 Appeals telecommunications antenna cases that
13 came back to the Board, it's 288 Norfolk
14 Street. And Adam Brailard who is the
15 representative for the applicant is here to
16 update the Board on the proposal for that
17 building. If you're familiar with it, it's
18 the brick building that's across the street
19 from the Department of Public Works, and the
20 Planning Board had comments about the
21 installation, that the existing installation

1 was lacking. And Adam's been able to get
2 some information on proposed changes for the
3 existing installation.

4 ATTORNEY ADAM BRAILLARD: Thank you,
5 Ms. Paden. Members of the Board, for the
6 record, I'm Adam Brailard. I'm with Prince,
7 Lobel. We're located at 100 Cambridge Street
8 in Boston, Massachusetts. We're here for the
9 applicant Clearwire who is also Clearwire
10 Wireless an affiliate of Sprint Nextel.

11 Just to give this Board a little bit of
12 background. I'm here in connection with a
13 Special Permit in front of the Board of
14 Zoning Appeals to install and operate or more
15 accurately to modify and operate an existing
16 wireless communications facility on the
17 rooftop at 288 Norfolk Street where there
18 currently exists I think three, actually four
19 wireless -- separate wireless installations.
20 The proposal is to install -- simply to
21 install two, one-foot dish antennas. And

1 what that does is it allows for the Sprint in
2 Clearwire network to become what they call or
3 what you see in radio 4G. What that is it's
4 WiI-Max technology. What that is is high
5 speed internet for wireless devices. The
6 difference between that and WiI-FII is that
7 WiI-FII is not as secure, it's not as high
8 speed. WiI-FII is another name for the
9 hotspots that you go to sometimes at the
10 Starbucks. What WiI-Max is it's a broad --
11 it's not a hotspot. It works with your
12 wireless device. It's very secure. It's
13 high speed. It requires a lot of bandwidth
14 or it has a lot of bandwidth. So what we
15 require as part of the installation is
16 two-part installation of the -- one is the
17 installation of WiI-Max antennas which have
18 been there, which were there, which were
19 installed during the first phase of the
20 Sprint installation a while -- a long time
21 ago. The second phase is the back hall

1 antennas with the Vh antenna, dish antennas,
2 the one-foot dish antennas in this particular
3 case. The reason for those is it optimizes
4 the bandwidth of the Clearwire network. To
5 put it in laymen's terms, which I always ask
6 the engineers to help me with, is that one
7 back hall antenna or dish antenna is
8 basically equivalent to 200 T1 lines. So
9 what this is able to do is optimize the
10 installation by -- instead of installing 400
11 T1 lines, it's two, 100 one-foot dish
12 antennas. That's really a need. I don't
13 know if this Board needs to go into that.

14 WILLIAM TIBBS: We're just concerns
15 with what the installation is and how it
16 looks.

17 ATTORNEY ADAM BRAILLARD: I'm kind
18 of in the practice of that or trying to do
19 that with talking with the Board of Zoning
20 Appeals. So that's just a little background.
21 When you hear the 4G commercials for Sprint,

1 issues that this Board had, some of the
2 issues that the Board of Zoning Appeals had
3 and what we're in the process of doing to
4 remedy those issues.

5 One of the concerns this Board had in
6 its October 22nd memo was that the back hall
7 antennas be finished in a color to match the
8 building. That's what we're proposing to do.
9 I don't believe that in the current photo
10 sims it shows it painted to match. It will
11 be painted to match. The plans show painted
12 to match. I'm not sure why the photo sims
13 don't show it painted to match. But --

14 WILLIAM TIBBS: Just for clarity,
15 do you own the existing stuff?

16 ATTORNEY ADAM BRAILLARD: Yes. The
17 quick answer is yes. Sprint Nextel owns the
18 existing.

19 WILLIAM TIBBS: And when you say
20 existing, it will be painted to match, you're
21 referring to the existing and the dish

1 antenna? And can the dish antenna be
2 painted?

3 ATTORNEY ADAM BRAILLARD: Yes. I am
4 referring to both. What I wanted to do was
5 break up this Board's concern. And maybe I
6 shouldn't and just ask the Board what their
7 concerns are. But what I thought I might do
8 is break the Board's concerns up into two
9 parts. Your concerns with respect to the
10 proposal to the new antennas, and then your
11 concerns with respect to the old
12 installation. I think this Board's really
13 concerned with the existing installations.
14 What this Board called chaotic installation
15 with some of the antennas. And I can get
16 into that now if you like. What I can say is
17 for the proposed antennas is that we're going
18 to be painting those to match the existing
19 background of the penthouse where they're
20 proposing to be installed on.

21 The other concern this Board had was we

1 don't break the plane or exceed the height of
2 the penthouse. We're not planning to do
3 that. In fact, we revised the plans to
4 reduce the mounting hardware for the back
5 half dish antenna.

6 One of the other concerns this Board
7 had with the proposal was to try to minimize
8 the extent of installing the antenna offset
9 from the facade itself. The unfortunate
10 design is that these need to be what they
11 call pipe mounted. A pipe that needs to be
12 mounted or lagged to the existing facade and
13 then the dish be installed on that. That
14 allows for the radial mechanisms to be
15 installed in back of the dish. So there
16 needs to be some space between the dish and
17 the facade. That's why you have some
18 distance between the two. It just can't be
19 lagged bolted to the front, and it has to
20 have some distance and it has to have some
21 swivel for that. It can match the mounting

1 hardware to match. We're going to show that
2 on our sims and we'll have a set of revised
3 plans to show a reduced profile of the modern
4 design.

5 Now, getting into the existing
6 installation where this Board has really had
7 some concerns, and frankly, I did, too, when
8 I realized what had been done. There's two
9 installations on that building that are
10 currently under the Sprint Nextel ownership,
11 and therefore a Clearwire concern since
12 Clearwire is an affiliate of Sprint Nextel.
13 The first installation was approved by
14 Special Permit back in 2000, and I think this
15 Board had some comments on that installation
16 back then as well. And those would be panel
17 antennas, that a facade mounted on the --
18 kind of off the building. They don't exceed
19 the height of the building, but they're
20 facade mounted on the windows along the
21 building. One of the issues the Board had

1 with those is the color. I'm not sure if the
2 color faded over time. I don't think so
3 because usually the colors -- I haven't seen
4 that they do. They just didn't get the color
5 right.

6 The other concern that this Board had
7 was that they called the Hampshire Street
8 facade installation as chaotic. And what I
9 wanted to get a better understanding from the
10 Board and the City as to what exactly all
11 that meant. So I met with Liza and I met
12 with Les and we couldn't have went over what
13 the concerns were as far as the plans. I
14 think some of the concerns were that there
15 was some wiring that seemed to add to the
16 chaos that didn't seem in place. The
17 antennas seemed to be offset from the facade
18 further than they needed to be. There was
19 some sort of a tilt that didn't seem right.
20 And they weren't sure if they were actually
21 installed in front of any windows. So with

1 that information I went back to the clients
2 and we did a number of site visits to
3 determine what we could do. What the issues
4 were, what the compliance problems were. And
5 I've got some -- I would like to report to
6 the Board what the applicant is proposing to
7 do. And actually I just got a phone call
8 this evening from one of the construction
9 managers that had been out on the site again
10 today. So we have an up-to-date information
11 which is going to start immediately. With
12 respect to the new design we'll be painting
13 to match the installation as much as feasible
14 and then in terms of the mounting hardware.

15 With respect to the old design, the
16 applicant is going to repaint the -- all of
17 the antennas. We'll call them the Nextel ID
18 antennas, the 2000 installations approved by
19 the Board in 2000. Those are facade mounted
20 on the building itself. I make that
21 distinction because there are some flew pipes

1 and faux chimneys on the building, and there
2 are some other antennas on the penthouses on
3 the building. I think there's 12 of them.
4 All of them are going to be painted to match
5 the color and the texture. And one of the
6 things I want to get from this Board is
7 sometimes there's a discrepancy in terms of
8 whether the Boards want them painted colored,
9 the maroon of the brick or the maroon and the
10 kinds of the grout lines. So that's one the
11 questions I had. The applicant is willing to
12 install the grout lines.

13 WILLIAM TIBBS: No grout lines.

14 ATTORNEY ADAM BRAILLARD: That's
15 good to know. I have seen some really good
16 grout lines lately.

17 LIZA PADEN: Walk away.

18 ATTORNEY ADAM BRAILLARD: Okay.

19 The second issue which the applicant is
20 going to address is any of the loose wiring.
21 So they're going to go around and secure any

1 of the loose wiring that's sticking out and
2 reduce that profile of all those antennas.
3 All the tones that belong to Nextel and
4 Sprint.

5 Now Sprint's installation -- Nextel's
6 installation is I think 12 panel antennas
7 mounted on the facade of the building.
8 Sprint's installation are two flush mounted
9 -- sorry. Two flew pipes on the building
10 that -- faux flew pipes and two antennas
11 flush mounted on the penthouse. Those are
12 fine except for one of the antennas for some
13 reason wasn't painted. So that antenna is
14 going to be painted to match the color of the
15 penthouse which I think is slightly two
16 different colors so they're going to match it
17 identical. Just so this Board knows after
18 researching all these issues and getting to
19 the bottom of it, come to find out that the
20 landlord is also concerned with a lot of
21 these issues. So the applicant's been

1 working with the landlord and we've actually
2 come up with some other -- remediation
3 measures that this Board may be interested in
4 as well.

5 Another, remedy that the applicant is
6 going to take is to paint all the existing
7 Sprint and Nextel cables that may not be
8 painted on the facade. There's some cable
9 trays that either the painting has faded or
10 just was never painted, and we're going to be
11 painting those as well. And I think one of
12 the final issues that the Board's going to
13 take, and this is more landlord driven is
14 that there's -- in the back of the building
15 there's a -- there's a number of coaxial
16 cable running from a cable tray into, into
17 the building. And that's -- you can see the
18 coaxial cable. What I found out today is
19 that Sprint's going to be able to cover that
20 and paint that to match the color of the
21 building. So it's going to be cleaned up

1 substantially. We weren't exactly sure if
2 that was part of the chaos that the Board was
3 referring to, but we thought it was. And so
4 Sprint's going to take the measures to reduce
5 that. The other thing that I didn't talk
6 about with respect to the Nextel antennas in
7 the up tilt, and what we're able to do and
8 we've got confirmation from the radio
9 frequency folks, is flush -- is reduce that
10 up tilt, make it -- make all those antennas
11 straight. It's going to reduce the profile
12 of those antennas and bring them close to the
13 building. And that's it. That's what we've
14 got so far.

15 WILLIAM TIBBS: Pam.

16 PAMELA WINTERS: This is just my own
17 personal edification. How far out does the
18 signal go -- when you said the super WII-FII,
19 how far outdoes that extend? I'm just
20 curious.

21 ATTORNEY ADAM BRAILLARD: It's

1 equivalent to, but a little bit less than a
2 typical cell phone installation or a
3 bandwidth. Anywhere from -- it really
4 depends on topography, buildings, traffic, in
5 terms of who's on the network. From anywhere
6 from two miles to a quarter mile or less.

7 PAMELA WINTERS: And since you don't
8 represent At&T, does that mean that my
9 i-phone won't work? Or will it work?

10 ATTORNEY ADAM BRAILLARD: I don't
11 think this antenna is going to help your
12 i-phone.

13 PAMELA WINTERS: Okay, thank you.

14 WILLIAM TIBBS: Okay. Not yet
15 anyway. They're working on it I'm sure.

16 Any comments? I guess my comment is I
17 one, as far as understanding what the chaos
18 is, I think you were talking to the right
19 people to get an understanding of that. And
20 two, the fact that you're willing to go not
21 only and make the changes to the existing

1 locati on but al so I thi nk you shoul d be
2 commended for that.

3 PAMELA WINTERS: Yes.

4 WILLIAM TIBBS: And I assume the
5 photo si ms when you present i t to the BZA,
6 you' ll show how that stuff fi ts i nto --

7 ATTORNEY ADAM BRAI LLARD: That' s
8 right. The BZA requi res these days i s you
9 provi de any suppl emental documents to them by
10 fi ve o' cl ock on the Monday before thei r
11 heari ng. We haven' t done that. We haven' t
12 -- I haven' t recei ved the revi sed photos as
13 of yet. The meeti ng we have for Thursday
14 eveni ng wi ll most li kely be conti nued unti l
15 hopeful ly some time i n December, but probabl y
16 i n January. But what I' ll do i s once I get
17 those photo si ms, I' ll suppl y the Pl anni ng
18 Department and staff wi th the revi sed photo
19 si ms and pl ans. And so that i f hel ps wi th
20 the -- any memo or recommendati on.

21 LIZA PADEN: Yes.

1 THOMAS ANNINGER: It's a little hard
2 without really having in front of us pictures
3 of exactly what it is you were talking about
4 to grasp whether this solves the problem.
5 But everything you said sounds positive, and
6 I agree with Bill that you're going in the
7 right direction and I commend you for that.
8 The only question I would have, and maybe
9 it's an easy one, do you intend to make these
10 changes as a commitment, as part of the whole
11 project that you're asking for a permit on?
12 In other words, you're asking for a permit on
13 X, but you're talking also about fixing Y.
14 How do the fixes of Y fit in the permit for
15 X?

16 ATTORNEY ADAM BRAILLARD: I raise
17 the same question to the Board of Zoning
18 Appeals. It's really not part of
19 application. The application is really to
20 just install these two dish antennas. But
21 the response was well, we gave you

1 essentially the approvals, two other
2 approvals of the installations. The approval
3 -- the Nextel installation in 2000 and the
4 Sprint installation I think in '02 or '06,
5 and they found to be hard pressed to grant
6 any additional installations on this client
7 -- applicant which is Sprint Nextel Clearwire
8 until they felt that there was substantial
9 steps to fix any concerns with the existing
10 installations. One of the -- I think this
11 Board made the recommendation that there be a
12 condition that the, that the Special Permit,
13 that the current installations comply with
14 the decisions, and with the footnote of which
15 the applicant agrees with as well. And I
16 actually tried to get the Board of Zoning
17 Appeals to put that as part of the condition
18 that we could work with. In fact, the
19 services folks, Ranjit and Sean O'Grady made
20 sure that the applicants did that. But they
21 wanted to see what you folks had to say.

1 THOMAS ANNINGER: I would like to
2 suggest that we support what we've heard. In
3 other words, we support granting of the new
4 proposal on the condition that all of the
5 commitments that you've made to the existing
6 be part and parcel of our understanding of
7 what they're going to do going forward.

8 LIZA PADEN: Yes.

9 THOMAS ANNINGER: Somehow that has
10 to be an integrated decision.

11 WILLIAM TIBBS: Do we all agree with
12 that? Good. All right.

13 ATTORNEY ADAM BRAILLARD: Great,
14 thanks very much.

15 LIZA PADEN: So, for the hearing for
16 the Board of Zoning Appeal hearing on
17 December 3rd there's three cases, and I
18 didn't have any questions about or comments
19 to draw your attention to. Did anybody want
20 to look at anything?

21 WILLIAM TIBBS: Can I see plans of

1 bay -- only kidding.

2 PATRICIA SINGER: 625 Mass. Ave. is
3 that the installation that was on 11/10?

4 LIZA PADEN: Yes, the TD Bank sign.
5 Mr. Rafferty who was here earlier this
6 evening, he was in communication with the
7 bank and that they are proposing to reduce by
8 one the number of signs at that location. So
9 I said well, okay. But I didn't plan to
10 amend the comments from the Planning Board.

11 WILLIAM TIBBS: Good.

12 H. THEODORE COHEN: Liza, do you
13 know what the BZA did with regard to Harvard
14 and the house and Ash Street?

15 LIZA PADEN: They haven't done
16 anything yet. Right. They haven't done
17 anything. Yes, they were hearing it. No,
18 they haven't done anything. Usually when the
19 Planning Board has expressed an interest in a
20 case and I get the decision, I will send you
21 an e-mail, BZA case whatever. If you made a

1 comment on something --

2 H. THEODORE COHEN: Thanks.

3 WILLIAM TIBBS: We are adjourned.

4 (At 10:25 p.m., the

5 meeting adjourned.)

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1 C E R T I F I C A T E

2 COMMONWEALTH OF MASSACHUSETTS
3 BRISTOL, SS.

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

7 I am not related to any of the parties
8 in this matter by blood or marriage and that
9 I am in no way interested in the outcome of
10 this matter.

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 14th day of December 2009.

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19 Notary Public
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