

1
2 PLANNING BOARD FOR THE CITY OF CAMBRIDGE

3 GENERAL HEARING

4 Tuesday, May 18, 2010

5 7:00 p.m.

6 in

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

9
10 Hugh Russell, Chair
William Tibbs, Member
Pamela Winters, Member
11 H. Theodore Cohen, Member
Ahmed Nur, Member
12 Patricia Singer, Member

13 Beth Rubenstein, Assistant City Manager
14 for Community Development

Community Development Staff:

15 Liza Paden
16 Les Barber
Roger Booth
17 Susan Glazer
Stuart Dash
18 Iram Farooq

19 **REPORTERS, INC.**

CAPTURING THE OFFICIAL RECORD

20 617.786.7783/617.639.0396

21 www.reportersinc.com

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

CASE

PAGE

Update by Beth Rubenstein 88

Board of Zoning Appeal Cases 17

Comprehensive permit for L.B.J.
Apartments at 150 Erie Street
Cambridge Housing Authority 3

PUBLIC HEARINGS

City Council Petition to amend the
Zoning Ordinance 38

GENERAL BUSINESS

1. PB#243 81

2. PB#247, 22 Water Street 83

3. PB#66, CambridgeSide Galleria 85

4. Other -- None

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

P R O C E E D I N G S

HUGH RUSSELL: This is the meeting of the appeal cases.

LIZA PADEN: Three cases under the BZA. The first, Cambridge Housing Authority. And that application is for the L.B.J. apartments on Erie Street, and the architect and staff from Housing Authority is here to give you a brief overview of it. The comprehensive permit process requires the Planning Board to review the applications and then pass comments to the Board of Zoning Appeal.

MARGARET DONNELLY MORAN: Good evening. We're happy to be in front of you with our second large project in the last couple of months.

HUGH RUSSELL: Could you give your name?

MARGARET DONNELLY MORAN: Certainly. My name is Margaret Donnelly Moran, and I

1 work with the Housing Authority and the
2 planning development at the Housing
3 Authority. And I have Steve Tice with me
4 from Tice Architects.

5 So we're here about Lyndon Johnson
6 Apartments. The Housing Authority was
7 successful in getting a second \$10 million
8 stimulus grant from the federal government as
9 part of the competitive funding round. That
10 has been the seed money to enable us to do a
11 very comprehensive modernization of Johnson
12 Apartments which is 178-unit elderly disabled
13 project in Cambridgeport.

14 We have gone through really an
15 exhaustive review of zoning analysis, and
16 initially we were triggered by about two
17 inches of additional installation on the
18 outside of the building, and it was a grey
19 area that when we were talking to the folks
20 at Inspectional Services, they thought it was
21 enough of a grey area to come as a

1 comprehensive permit. While we were doing
2 that, we were doing a really thorough
3 analysis of our parking needs and overall
4 needs on the site and determine that it would
5 be beneficial to the project and how we
6 operate it to have a reduction in the number
7 of parking spaces on-site. So those are the
8 two areas that we're really focussed on.
9 What I'd like to do is allow our architect to
10 go through kind of an overview of the project
11 as well.

12 STEVE TICE: Thank you, Margaret.

13 I'm Steve Tice, I'm the principal of
14 Tice Design Associates in Newton. We've
15 actually been engaged with the Cambridge
16 Housing Authority for a number of years to
17 look at the alternatives of L.B.J.
18 Apartments. Again, I won't take a lot of
19 your time, if you have questions, we can
20 certainly dig as deeply into this very
21 complicated project as you like. But I think

1 it's just fair to say that the -- probably
2 the main driving force initially at least
3 behind this project was a desire on the part
4 of the Housing Authority to create additional
5 one-bedroom units in a building that has
6 right now 75 percent of the apartments are
7 studio-style apartments. They've had a
8 problem over the years with these apartments
9 being desirable, the waiting list shrinking,
10 yadda, yadda, yadda. So they actually took
11 the efficiency apartment space, did some what
12 we call mini one-bedroom conversions of
13 Burnes Apartments to gain a reaction to what,
14 you know, whether a small one-bedroom
15 apartment would improve the marketability of
16 these senior units and it was extremely
17 successful. So here we've been working very
18 closely with the residents of the building,
19 and we are taking about half of the studio
20 apartments and converting those to what we
21 call mini one-bedrooms.

1 In the process of doing that we're
2 eliminating the balconies because we need to
3 capture that space to, you know, make the
4 interior space a viable one-bedroom unit. So
5 that was sort of improving the marketability,
6 making the building more competitive into the
7 next millennium, I think was the original
8 sort of incentive of this. And then sort of
9 overlaid over all of that is this huge issue
10 of sustainability and energy conservation.
11 These buildings were originally designed with
12 very minimum insulation, electric heat, very
13 poor windows. The utility cost to operate
14 these buildings are significant. The impetus
15 behind the HUD award is really based on
16 energy conservation. So we are -- at the
17 same time we are moving into a centrally air
18 conditioned building, because right now the
19 building is not air conditioned. It's
20 electrically heated. Residents that want air
21 conditioning have to essentially install a

1 window unit. So we're converting all of
2 that, getting rid of the electronic heat,
3 going into high-efficiency hydronic heat,
4 doing central air conditioning with the same
5 system. And while we're doing all of that,
6 we have to reduce the overall consumption of
7 the building from 50 percent from its current
8 state.

9 So to do that we have a whole plethora
10 of sort of state-of-the-art sustainable
11 technology. We're doing a thermal side wall.
12 The entire roof of the building is being
13 covered with a photovoltaic array. So we're
14 doing photovoltaic panels. We're doing solar
15 side wall. We're doing co-generation. We're
16 doing extremely high-efficiency, as I said,
17 gas heating and sort of on and on and on.
18 It's, I think from our point of view,
19 certainly one of the more exciting projects
20 that we've ever been involved in.

21 In the process of this, obviously we're

1 replacing all of the windows. And the window
2 wall system with new super high-efficiency
3 high-insulation window systems. And we're
4 cladding the entire exterior of the building
5 with a two-inch thermal skin which gets
6 applied to the existing concrete facade which
7 will wrap the entire building in a
8 high-efficiency thermal envelope.

9 It is that thermal skin that is causing
10 us to encroach to the existing setbacks. We
11 went back and looked at the original zoning
12 relief. We believe that we're still within
13 the setbacks that were granted back in 1971,
14 but the opinion of the City was to be safe,
15 let's come and tell you what we're doing and
16 make sure we're on solid ground. And I
17 understand that this issue with adding
18 thermal envelopes to the building is also
19 part of the stretch zoning, so it's obviously
20 something we'll all be seeing a great deal of
21 in the future.

1 And the other issue as Margaret touched
2 on is a very minor reduction in the allowed
3 parking. In 1971 the building was permitted
4 for 45 spaces, roughly 25 percent of the 180
5 units. Not unlike very comparable senior
6 facilities as the building has aged, the
7 average age level of the building has gone
8 up, the demand for parking has gone down.
9 And in addition to that, believe it or not
10 because we do have disabled families living
11 in the building, there is a demand for
12 bicycles. So we are providing bike storage
13 where we do not have it now, under the
14 building. Parking bays and converting those
15 to bicycle spaces to meet what the tenants
16 have stated is a high preference among some
17 of the younger residents of the building.

18 So going down to I think 38 spaces
19 altogether. We're also doing some additional
20 recycling areas which are taking additional
21 parking spaces, but they've done -- Cambridge

1 Housing Authority has done a lot of, you
2 know, sort of internal reviews and feels that
3 38 is more than adequate to accommodate the
4 existing population of the building.

5 So that really in a nutshell is what
6 it's all about. The total project is
7 budgeted just around \$24 million. As I said
8 sort of the major objectives here is sort of
9 a win/win for everybody involved. Because
10 the tenants will get a significantly enhanced
11 environment both in terms of the
12 improvements. We're doing all the kitchens
13 and baths over again. All the interior
14 finishes will be redone. New high-efficiency
15 lighting. All of those things. As I said,
16 we're providing a much higher number of
17 one-bedroom units that exist in the building
18 now. We will be providing central air
19 conditioning, and at the same time reducing
20 the energy and utility consumption of the
21 building by an extraordinary amount. So I

1 guess from our point of view it's just a very
2 exciting project.

3 HUGH RUSSELL: Okay. Do you have a
4 plan showing the layout of the bedrooms?

5 STEVE TICE: Yes. We're also
6 renovating the site making substantial
7 improvements to the site that I can present
8 if you like.

9 Basically these are some axons of the
10 existing units, and we're really taking the
11 square footage which is currently a
12 studio-style apartment and, as I said, in
13 about half the cases we are leaving them as
14 studios, which means they're essentially one
15 continuous room internally. And in that case
16 we are leaving the balcony. We are
17 reconfiguring it slightly. If you're
18 familiar with the sort of original sort of
19 Ben Thompson design, there's a diagonal
20 sliding door that currently sort of cuts
21 across the facade this way. Neither of the

1 leaves of the sliding door will allow a
2 person in a wheelchair to access the balcony.
3 So we're squaring that off. We're putting in
4 a swing door that has a 32-inch clearance to
5 allow disabled person to access the balcony.
6 The balconies are just slightly reduced as a
7 result of that, but the living area on the
8 inside is slightly increased. In the case
9 where we're converting that to a mini one,
10 we're putting essentially demising the
11 petition with a door. The space that's
12 currently the balcony gets captured. We're
13 taking the window wall straight across the
14 facade and creating the small bedroom space.
15 So, again, these are just various axons of
16 how we're doing that. The new window wall
17 system and the new thermal envelope. We're
18 doing a two bite vertical fan coil.

19 HUGH RUSSELL: Okay. I think that's
20 enough.

21 STEVE TICE: I can go on forever

1 about this.

2 HUGH RUSSELL: Are there other
3 questions?

4 PAMELA WINTERS: I have a quick
5 question. Do the windows open?

6 STEVE TICE: Oh, yes.

7 PAMELA WINTERS: They do?

8 STEVE TICE: Yes.

9 PAMELA WINTERS: Because when you
10 said it was all air conditioned, I didn't
11 know whether the windows were going to be
12 able to be opened.

13 STEVE TICE: No. Right now the
14 building has single hung aluminum windows.
15 And it's been our experience that they're
16 very difficult for frail seniors to operate.
17 And certainly to maintain that window style
18 in a new thermally efficient window is even
19 worse. So, yes, we are doing operable
20 windows, but they will be crank windows,
21 swing casement type which will have special

1 hardware with people with disabilities as
2 opposed to sort of the lift-up windows.

3 PAMELA WINTERS: And so if you have
4 central air conditioning going in the
5 summertime, then what happens if the air
6 conditioning is going and people decide to
7 open up their windows to -- do you have an
8 automatic shut off?

9 STEVE TICE: There will be a
10 thermostat in every unit, and if a person
11 prefers to have fresh air, then they turn the
12 thermostat.

13 PAMELA WINTERS: And then the AC
14 goes off?

15 STEVE TICE: Yes.

16 PAMELA WINTERS: Great, thank you.

17 HUGH RUSSELL: Bill.

18 WILLIAM TIBBS: You may have
19 mentioned this before I came in, but what
20 happens with the occupants during renovation?

21 STEVE TICE: Well, let's just say

1 they're staying in the building. There's a
2 very elaborate and complicated relocation
3 policy that's been worked out. The residents
4 are negotiating that with the Cambridge
5 Housing Authority. Again, they can -- the
6 housing authority can talk about that in much
7 more detail if you like, but some
8 residents --

9 WILLIAM TIBBS: I just want to know
10 generally.

11 STEVE TICE: Residents that want to
12 opt out of the building because of the
13 inconvenience of a protracted construction,
14 are being given the option to being located
15 to other properties and then potentially come
16 back to L.B.J. when it's done. Those
17 residents that want to stay in the building,
18 we're going to be renovating in vertical
19 stacks, vacating vertical groups of units,
20 and people will be rotated into hotel units
21 while their stack is being done and then

1 moved back into their apartments when they're
2 done. It's elaborate and complicated. It's
3 taken a long time to negotiate.

4 HUGH RUSSELL: Other questions?

5 H. THEODORE COHEN: I just have a
6 question for staff. If we had adopted or if
7 we had the Green Zoning in effect at this
8 point in time, would the issue about the new
9 wall be an issue at all?

10 STUART DASH: No.

11 HUGH RUSSELL: Okay. I'd like to
12 send a favorable recommendation to the Zoning
13 Board.

14 (All agreed.)

15 HUGH RUSSELL: Great. Sounds
16 terrific.

17 STEVE TICE: That's it?

18 HUGH RUSSELL: That's it.

19 STEVE TICE: Thanks for your time.

20 LIZA PADEN: Thanks.

21 The next case I wanted to bring your

1 attention to is 9937, which is 11-15 Avon
2 Street. And Mr. Asaph is here who is the
3 proponent for this. And he wanted to be able
4 to answer any questions to you. As he said
5 to me, it sounds like a lot but it's not.
6 You want to come up, Guy?

7 HUGH RUSSELL: As I understand it,
8 you're basically tearing off a bunch of ugly
9 additions in the back and building a gorgeous
10 set of additions on the side. They're much
11 more in scale with the building and doing all
12 this in FAR.

13 GUY ASAPH: That's it in a nutshell.
14 It sounds like a lot of side, back FAR height
15 but it's really pretty minor.

16 HUGH RUSSELL: To me it's minor.
17 It's an enormous improvement in the
18 appearance of the building.

19 GUY ASAPH: Okay. If I could, I
20 mean, I don't want to take any extra time. I
21 love where this is headed already and I don't

1 want to have anything change with that. But
2 the largest non-conformity in the side yard
3 setback. The height, it's one foot from the
4 side. That all comes down. Certainly the
5 original plan was demolish a lot and add
6 more. And then we had to sit down with
7 Charlie Sullivan when we started. He likes
8 the whole concept. He'd like to see the
9 original house restored. Doesn't care about
10 the rest. What he does care about, and he'll
11 be writing a letter of support for this that
12 is proposed because we've been through it,
13 the front porch and the bay are in the front
14 yard setback. The body of the house is not,
15 but they are. And the height of the building
16 is two feet higher. And you can't tell that
17 from any of these pictures, but in the
18 elevations you see in these mansards, this is
19 what you're seeing in the picture, but
20 actually the height is considerably higher
21 even though it's not visible. That's where

1 the non-conformity of the height comes from.
2 To make this an as-of-right project, we can
3 just cut that peak off two feet. We can take
4 the roof off the porch because then it's a
5 deck and it's not on the side. The bay is
6 what's interesting because it has a
7 foundation, and Inspectional Services has
8 made a ruling that it can't be a bay if it
9 has a foundation. So, we can take that
10 foundation out and cantilever it and we would
11 be as of right. Of course, these are the
12 three elements that the original historical
13 house that Charlie doesn't want to lose.

14 HUGH RUSSELL: Right.

15 GUY ASAPH: So, that's it. However,
16 when you're in for a penny in for a pound,
17 why not keep asking? The other things that
18 we're asking for, where we build new bays,
19 here, here and here, we're asking for setback
20 relief because we would like to put the
21 foundation underneath those bays to keep it

1 consistent with the two original ones.
2 That's technically a setback violation
3 because it's not a bay if it has a
4 foundation. And the last request was for
5 some additional FAR.

6 And if you look at the very last page
7 of the handout, the existing building is
8 approximately 5,100 square feet or 5,140.
9 What we're proposing is 5,140. It's no
10 larger than what's there. But what's allowed
11 is 100 square feet less. So, we're asking
12 for the 100 square feet, and I've called out
13 in red, the 100 square feet is essentially
14 the roof on this porch over this entry and
15 the roof over the entry to the back
16 buildings, and there's some clear two-story
17 space inside. So we thought as long as we're
18 there, why not ask?

19 So thank you, and if you have any
20 questions at all.

21 PAMELA WINTERS: What is the mansard

1 roof going to be constructed of? Is it going
2 to be just regular tile or slate or --

3 GUY ASAPH: I'm not sure. They
4 replaced the roof about two years ago, and
5 it's actually one of the things that's any
6 good. I mean, the house has been used as a
7 dormitory for 30 years. There's nothing to
8 save inside it. But that part of the roof is
9 good. Certainly the roof is the most
10 important element in the whole thing.

11 PAMELA WINTERS: Right.

12 GUY ASAPH: I can tell you having
13 recently done a slate roof down the street, I
14 won't be doing slate here.

15 PAMELA WINTERS: It's expensive.

16 GUY ASAPH: It will all be
17 consistent and we're looking into different
18 options.

19 PAMELA WINTERS: Okay. I'm just
20 curious, was the roof originally slate? I
21 used to live in the top floor of a mansard

1 roof that was slate and I'm just curious, do
2 you know if it was originally?

3 GUY ASAPH: I don't know. There's
4 very little on the house at Historical. One
5 page with not many comments.

6 PAMELA WINTERS: Great. Thank you.

7 HUGH RUSSELL: Any other questions?

8 WILLIAM TIBBS: I just want to say
9 it's very common for the side surface of the
10 mansard to be slate historically.

11 PAMELA WINTERS: Yes.

12 HUGH RUSSELL: Does anyone feel like
13 we need to comment on this?

14 WILLIAM TIBBS: I would comment
15 favorably if anything.

16 PAMELA WINTERS: Definitely.

17 HUGH RUSSELL: All agreed that we
18 comment favorably?

19 GUY ASAPH: Thank you very much.

20 LIZA PADEN: And if we could
21 proceed, I know it's after 7:20. If we can

1 finish off the Board of Zoning Appeal cases,
2 I have a representative from Clearwireless.
3 I think I'm getting the name of this right.
4 And this is to add -- this is the
5 installations that they are replacing and
6 they're adding the round dishes to the
7 installations. The first one is at 238 Main
8 Street. 238 Main Street is in the Kendall
9 Square area.

10 HUGH RUSSELL: Where GBH started,
11 right?

12 LIZA PADEN: Maybe. Yes, I will
13 assume you are correct. So this will involve
14 three new, what's called the WI-Max panel
15 antennas, two of the backhall dishes which
16 are the round ones and one radio cabinet to
17 what's already existing on the rooftop.

18 HUGH RUSSELL: So this establishes a
19 new principle which is if you put an enormous
20 gorgeous clock tower on the building, nobody
21 will notice the antennas as long as you don't

1 put them on the clock tower.

2 WILLIAM TIBBS: I want to commend
3 Clearwire with their proposal which does
4 that, put clock tower in. I think it also
5 establishes a new principle that if you have
6 a hard time distinguishing between the
7 existing and proposed, then it's a good
8 thing.

9 LIZA PADEN: So does that mean you
10 have no comments on this one?

11 WILLIAM TIBBS: I don't, no.

12 LIZA PADEN: Okay. Do you want to
13 talk?

14 ATTORNEY BRIAN GROSSMAN: I have a
15 feeling having been to the BZA recently, I
16 should get feedback on one question on one
17 backhall antenna from this Board.

18 LIZA PADEN: Okay.

19 ATTORNEY BRIAN GROSSMAN: Just for
20 the record, I'm Brian Grossman from Prince,
21 Lobel. I think this Board has become

1 familiar with Ann Grant from my office. She
2 unfortunately had a conflict with
3 questioning.

4 One question in my mind when I looked
5 at the photograph simulations, and I think
6 it's going to come up at the BZA, and I've
7 already talked to our radio frequency
8 engineers department about the one change.
9 If you look at photo location 1, which is the
10 back side of the building, you'll see the
11 backhall antenna on what is actually the
12 existing equipment shelter. It is
13 side-mounted. It is painted to match, and we
14 think it is located appropriately. One
15 question we had is a question of preference.
16 It could, based on feedback from the radio
17 frequency engineers I received today, be
18 moved to black screen wall. We paint it
19 black. It would look in terms of overall
20 impact (inaudible) with the panel antennas.
21 The one thing we might get rid of is that

1 shadow that's shown in the photographic
2 simulation. And so if this Board thought
3 that was an improvement, we would certainly
4 be happy to take a recommendation that
5 directs us to make that change, something we
6 can do quickly, easily and get new photo sims
7 and plans to Liza for her to look at them and
8 before the -- that's something we can make a
9 change before we met with the BZA next week.

10 HUGH RUSSELL: I think it's an
11 improvement.

12 H. THEODORE COHEN: I think so, yes.

13 ATTORNEY BRIAN GROSSMAN: Sometimes
14 it's just that fresh pair of eyes that looks
15 at it and says why did we do that? And I
16 think that's also going to be consistent with
17 some of the discussions that we've had with
18 the BZA as well.

19 PATRICIA SINGER: The only change
20 that I see then is that you see it from the
21 side even though it's black into black as

1 opposed to seeing it from the back. Did I
2 interpret that correctly?

3 ATTORNEY BRIAN GROSSMAN: No, it
4 would still be instead of on photo location 1
5 here?

6 PATRICIA SINGER: Yes.

7 ATTORNEY BRIAN GROSSMAN: It would
8 move to that opposite -- so you have the four
9 panel antennas there. It would move over
10 here.

11 PATRICIA SINGER: All right.

12 ATTORNEY BRIAN GROSSMAN: You would
13 still have that same head-on view for most
14 areas. And I think it would actually -- I
15 think it would be an improvement.

16 PATRICIA SINGER: Okay. Thank you.

17 WILLIAM TIBBS: This is the only one
18 I could see a difference between and because
19 of what's on the back side, the shadow didn't
20 bother me. But I definitely think that's an
21 improvement. And you don't have to -- we

1 don't have to see it again.

2 ATTORNEY BRIAN GROSSMAN: That would
3 be great.

4 LIZA PADEN: The next one is 1100
5 Mass. Avenue which is sometimes called the Au
6 Bon Pain building. It's across from Bowl and
7 Board site, the white building. And these
8 antennas are all going on the mechanical
9 penthouse at the rooftop.

10 ATTORNEY BRIAN GROSSMAN: I do have
11 additional copies of these as well.

12 LIZA PADEN: This is a similar
13 situation where the three antennas are being
14 added, two wireless backhaul dishes and one
15 supporting equipment cabinets being added to
16 what's currently at the rooftop.

17 HUGH RUSSELL: The antennas seem to
18 be standing off quite a ways from the
19 building. Why is that?

20 ATTORNEY BRIAN GROSSMAN: I noticed
21 that as well. One of the -- certainly one of

1 the things that we could do, again, as part
2 of a recommendation, is look at bringing them
3 -- using a lower profile mount. I think
4 that's something certainly we can do. It was
5 something that I had noticed as well in
6 reviewing it for this evening. There is a
7 different mount that we've been working to
8 develop. Again, it's been somewhat recent in
9 discussions with both feedback from the BZA
10 and some of the other permitting authorities
11 I've been working with in other communities.
12 And I think we -- that's certainly something
13 as, again, if the Board in its
14 recommendations that we'd like to see that
15 here as close as possible, certainly a change
16 that we can make the antenna locations
17 wouldn't change, but we can bring it in a
18 little closer and do a little bit better job.

19 WILLIAM TIBBS: Unfortunately it
20 didn't pass the first test for me. The
21 proposed mood seems to move what is an

1 installation that's currently tolerable to
2 one that's looking a little junky to me, and
3 messy. So I don't know what you can do about
4 it, but it's just all -- it's adding stuff up
5 there that really begins to move it now into
6 a new territory. That's just my reaction.

7 HUGH RUSSELL: Is it possible to
8 mount the antennas on the purple volume on
9 top of the building rather than on top of the
10 penthouse?

11 ATTORNEY BRIAN GROSSMAN: If I'm
12 looking at for the location B on this? The
13 kind of top structure?

14 HUGH RUSSELL: Yes.

15 PAMELA WINTERS: Yes.

16 ATTORNEY BRIAN GROSSMAN: It might
17 be. I don't know for sure, so maybe it's
18 something that would require landlord
19 permission. It's not part of the leased area
20 that we already have. But if that sort of
21 separated the elements a bit, I think that's

1 something we could look into. I wonder if --
2 and at least one location I certainly see we
3 can do it. If one of the issues might be
4 trying to -- even if they're on that wall
5 separate them? I think what Mr. Tibbs might
6 have been -- certainly Mr. Tibbs can tell me,
7 if there was a specific spot he was looking
8 at generally. But, you know, on photo
9 location B the two that are kind of grouped
10 together on that far right there where
11 they're distributed in terms of size of
12 antenna. Would move to the other corner and
13 get them further apart. Are you talking
14 about kind of the grouping? Is that part of
15 the concern or is that part of what's
16 generating that concern?

17 WILLIAM TIBBS: I think Hugh hit it.
18 They're mounted so far off the building it
19 just adds to -- even if it was flush to the
20 building and it would be closer to flush, it
21 would be a lot more palatable to me. It's

1 the hanging stuff that really -- it really
2 draws your attention to it big time.

3 ATTORNEY BRIAN GROSSMAN: Certainly
4 as a recommendation, but certainly could
5 address that.

6 WILLIAM TIBBS: So, I would at best
7 have no comment and let the BZA deal with it.

8 AHMED NUR: My comment is that there
9 is no place for these antennas to hide on
10 this building. The facade is extremely very
11 clear, and continues and just in the mid of
12 Harvard Square having three antennas on these
13 walls that are not recessed is just
14 unfortunately is a concern.

15 HUGH RUSSELL: That's why I was
16 wondering whether that little purple volume
17 on the top because it is recessed may be
18 preferable.

19 WILLIAM TIBBS: If they can do that,
20 it would definitely be better.

21 HUGH RUSSELL: Well, there's this

1 purple box on top. And I don't know what it
2 is.

3 AHMED NUR: Yes, it looks like a
4 center wall. Maybe a cell tower.

5 ATTORNEY BRIAN GROSSMAN: Are you
6 talking about this?

7 HUGH RUSSELL: Yes. I don't know
8 what that is. It doesn't make sense that
9 they would put a brick box on it, but maybe
10 that's what they did.

11 PAMELA WINTERS: Do you know what
12 that is, sir?

13 ATTORNEY BRIAN GROSSMAN: I do not.
14 I'm going to double check the plan to see if
15 there's any sort of indication as to what
16 that might be. I don't, sorry.

17 PAMELA WINTERS: Okay.

18 Ahmed, do you think that would be an
19 improvement?

20 AHMED NUR: Yes.

21 PAMELA WINTERS: I think it would

1 be. If it were up in the purple box?

2 AHMED NUR: Yes. It looks like a
3 cell tower.

4 PAMELA WINTERS: So maybe we should
5 make that suggestion to the BZA?

6 HUGH RUSSELL: Well, I think Bill's
7 comment, Bill and Ahmed commented that there
8 was much more sort of noticeable and it's
9 part of the -- because of the lines of the
10 building that you're seeing. And if they
11 could be in a recessed surface, it would be
12 less visible. And make that as a comment
13 without saying yes or no.

14 WILLIAM TIBBS: Yes.

15 PAMELA WINTERS: Yes.

16 HUGH RUSSELL: That's how we see it.

17 ATTORNEY BRIAN GROSSMAN: Thank you.

18 BETH RUBENSTEIN: Very good. Thank
19 you. Here you go.

20 LIZA PADEN: And just to finish up,
21 were there any other BZA cases that anybody

1 wanted to look at?

2 HUGH RUSSELL: No. I believe I was
3 probably Chair of the Zoning Board when the
4 BZA case on 60 Ellery Street came up. But
5 it's part of Ellery Square. And the problem
6 with it was under rent control. And so the
7 Zoning Board said make it a four-family and
8 rent control board said no way you're gonna
9 do that. You know, there are nine units
10 there. And so there were two municipal
11 bodies. And my understanding, these things
12 were discussed internally between the
13 executive directors and decisions were made
14 on what got enforced and what didn't get
15 enforced. So it seems to make sense to clear
16 up this status, and I don't think we have any
17 particular input as to the substance of it.

18 WILLIAM TIBBS: I would conclude the
19 BZA was one of those parties way back, one
20 but probably nobody really remembers it. I
21 think it sort of puts them as to whether it's

1 legitimate or not.

2 HUGH RUSSELL: I think it's
3 basically -- it's a single-family house
4 that's not enormous. It's right next to the
5 pizza shop on the corner.

6 WILLIAM TIBBS: Is it more like a
7 rooming house?

8 HUGH RUSSELL: I think it was kind
9 of like a rooming house. I think the units
10 were very small.

11 WILLIAM TIBBS: Okay.

12 HUGH RUSSELL: But they couldn't fit
13 enough parking spaces on the site to make
14 Ellery Square work. And so the developer
15 just reduced it to four units. And they
16 couldn't do it.

17 LIZA PADEN: The gross floor area,
18 Bill, is 3,937 square feet.

19 WILLIAM TIBBS: That's a big house.

20 LIZA PADEN: For nine units.

21 HUGH RUSSELL: Are we ready to go on

1 to our public hearing?

2 This is a hearing on a City Council
3 petition to amend the Zoning Ordinance to
4 encourage green building construction in the
5 city. And I Iram is here to explain it to
6 us.

7 IRAM FAROOQ: Good evening,
8 everyone. Iram Farooq, Community
9 Development. So the zoning recommendations
10 that we're here to discuss today emerge from
11 the Green Building and Zoning Task Force.
12 Hugh was your representative on that task
13 force and we -- all right. So you have a
14 copy of the task force recommendations in
15 your package in case you wanted the
16 background. And you might recall that you
17 all took in -- you and the City Council took
18 an early start on these recommendations by
19 adopting the Wind Turbine Ordinance last
20 September, which was also one of the
21 recommendations here. So, the set that you

1 have before you today falls essentially into
2 four categories.

3 So the first one is to create a new
4 requirement for large buildings to be green.

5 The second is to encourage green roofs.

6 The third is to eliminate impediments
7 from the Zoning Ordinance to being green by
8 making it easier to introduce passive solar
9 elements and increase insulation, sort of the
10 example that you saw as Ted pointed out in
11 the Lyndon Johnson instance.

12 And the fourth is to address solar
13 energy systems.

14 So, going into the first one, green
15 building standards for large developments.
16 This is the one piece which actually refers
17 only -- applies only to development over
18 25,000 square feet. So for buildings that
19 are -- well, the task force essentially
20 looked at several green building criteria and
21 decided to connect this requirement to the

1 LEED criteria which are the industry
2 standard, and professionals as well as
3 developers are most familiar with at this
4 point. And so this provision would apply to
5 buildings that are subject either to a
6 Special Permit or to a development
7 consultation under the building and site plan
8 review requirements of the Ordinance which
9 are Article 19.5. So the length between
10 25,000 square feet but smaller than 50,000
11 square feet would be required to meet the
12 criteria at the certified level which is the
13 basic tier of LEED.

14 The buildings that are 50,000 square
15 feet and larger would be required to meet
16 LEED criteria at the silver level. And this
17 review would happen either through the
18 development consultation, which we at Staff
19 level would review, or the Special Permit
20 review here at the Planning Board, depending
21 on where the project fits in. The remaining

1 three components of the recommendation apply
2 to all buildings across the Board.

3 So we'll go to the next one which is
4 green roofs. And currently if you provide
5 access to a rooftop that is above the third
6 floor of a building, it counts towards your
7 gross floor area permitted on a site. So
8 what this recommendation aims to do is to
9 exempt a green roof, even though access is
10 provided to it which is generally desirable
11 for maintenance purposes and allow that to
12 not count towards the gross floor area. So
13 green roof just in terms of definition here
14 does not apply -- it does not mean a roof
15 that has planters with vegetation, but it
16 applies only specifically to a roof that is
17 planted in order to hold and manage storm
18 water. And let me see. Yes, so the one
19 other component of this recommendation is
20 that as an added incentive, the task force
21 recommended that a small component, which is

1 up to 15 percent of the area of the green
2 roof would be allowed to be a deck or a patio
3 that people might be able to use in the
4 non-residential districts as well as the
5 high-density residential districts this could
6 happen as of right. But in the low-density
7 residential districts it would require a
8 Special Permit.

9 The third piece is addressing
10 impediments to building green in the
11 Ordinance. So, the first component of this
12 is added insulation. So this applies to
13 buildings that have a double skin facade with
14 an air space, sort of what you saw in the
15 Genzyme building or in the library. And it
16 also to buildings with walls that are thicker
17 in order to accommodate additional
18 insulation. And in both of these cases,
19 either the area of the air space or the
20 additional insulation over six inches would
21 be exempted from counting towards the gross

1 floor area for that parcel. And also the
2 small provision again that Ted alluded to if
3 a wall is thicker in order to accommodate
4 insulation, it could extend up to six inches
5 into the setback as long as it did not
6 conflict with the fire code and you're
7 allowed the seven feet, two inches clear.

8 Also in order to better manage solar
9 gain, shading devices such as overhangs and
10 eaves would be exempt from counting toward
11 GFA. So that would be things attached to
12 buildings but also landscape elements such as
13 pergolas and arbors as long as their
14 structural members were such so that they
15 could be easily be roofed would also be
16 exempt. Other small pieces that
17 non-traditional mechanical elements or were
18 explicitly made to be exempt from counting
19 towards GFA. You know, in the Ordinance
20 mechanical equipment already is exempt, but
21 as we discussed, the task force discussed

1 these issues, they felt that certain
2 mechanical systems such as ventilators or
3 geothermal systems, because they aren't as
4 common, there are sometimes question marks
5 about the interpretation. So the
6 recommendations to make that explicit and say
7 these are mechanical equipment and should be
8 exempted from counting towards GFA.

9 So the final piece is solar energy
10 systems. And here it essentially is trying
11 to bracket how solar energy systems would be
12 dealt with in the city. And so all solar
13 systems would require a building permit which
14 they do now. But, at the time that somebody
15 goes for a building permit, the Inspectional
16 Services Department would keep a list which
17 has the address of the system as well as the
18 date of the permit. And so for building on
19 adjacent properties in -- subsequent to that
20 time, if an adjacent parcel is developing as
21 of right, there would be advice to

1 accommodate or account for this -- to count
2 for this solar system. But if it's a Special
3 Permit or a Variance instance, they would
4 show a shadow study and there would be a
5 little more discussion of it. Once again,
6 it's not a numerical requirement that says
7 you cannot shade the system. And there isn't
8 a cut off that says you can shade it so much,
9 so many percent and no more. But it's more
10 of a consideration in the building design and
11 the site planning to try to protect solar
12 access to the adjacent system. This would
13 apply to systems that are within five feet of
14 the height -- district height limit, and also
15 systems that have been in place for at least
16 a year at the time of the proposal on the
17 adjacent property.

18 So those are really all of the
19 components that I wanted to walk you through.
20 But if you have any questions on any of
21 those, I would be happy to take those.

1 WILLIAM TIBBS: Actually, I do have
2 some questions, but I prefer to do it as part
3 of our discussion after the public comments
4 which there seem to be bits amount.

5 HUGH RUSSELL: Okay. Shall we go to
6 public comments?

7 Does anyone wish to be heard on this
8 proposal for the City Council?

9 (No response.)

10 HUGH RUSSELL: I see no one. Okay.
11 Bill, you want to continue?

12 WILLIAM TIBBS: You want to close
13 the public hearing?

14 HUGH RUSSELL: Okay. I'm going to
15 close the public hearing.

16 All those in favor?

17 (Show of hands).

18 WILLIAM TIBBS: My questions are
19 more interested in what some of the pros and
20 cons of the discussion was as the task force
21 was looking at it. The first one is I found

1 it interesting that you went up to silver
2 since I think Boston goes to certified or
3 certifiable. So we've gone to silverable
4 which means we don't have to actually go and
5 get it certified by the LEED Council. But
6 you need to do the same things you would do
7 to get that rating. And I don't have a
8 problem with that, I just was interested in
9 that.

10 I do scratch my head a little about
11 the, about the solar systems and the
12 as-of-right issues there. I have two
13 questions there. I'm not quite sure what it
14 is we're asking for, because I understand
15 we're basically saying that people should
16 consider it, but who determines what that
17 consideration -- it's a little vague to me.
18 I hear your intent and because we don't have
19 any kind of real mechanism to do it, I can
20 just see opening a can of worms, but I'm not
21 even sure what it is for zoning in

1 particular. It seems odd that we would be
2 doing something that's so loosely defined,
3 even though I understand the thought behind
4 it. So I would be interested in just what
5 the discourse was, because I don't have a
6 strong opinion on it right now other than the
7 fact that I tend to be concerned about the
8 as-of-right things that you can do on your
9 own property, and I'm concerned about things
10 where somebody else does something and it
11 limits you on your property. So as a zoning
12 theory, I guess I'm interested in how you go
13 about that.

14 IRAM FAROOQ: I'll take the simpler
15 one first which is why LEED silver? So our
16 task force had several architects and
17 developers on it, including Jim Maguire who
18 is in the back there. And that not just
19 developers of large properties, but we had
20 representatives from our own housing
21 non-profits and people who worked on smaller

1 projects as well. And in general they all
2 felt very comfortable going with the LEED
3 silver and felt that actually it would be a
4 mistake to go any lower and set the bar lower
5 than we had to. So, that was the reason.
6 They did feel that you wouldn't want to do
7 that for buildings smaller than 50,000 square
8 feet. So, that was really the -- in some
9 ways that was a very easy discussion. Once
10 we got to the point should we do LEED or
11 should we do something else, the decision of
12 the level was fairly easy I'll say.

13 The question about solar was actually a
14 very tough knot for the task force and they
15 grappled with exactly the same sorts of
16 issues that you are raising. So on one hand
17 there is the desire to incentivize or to
18 encourage people to install on-site renewable
19 energy systems, but on the other hand in the
20 effort to protect that, it seems that the way
21 to do that might impinge too much on the

1 development rights of adjacent properties.
2 And the task force really grappled with that
3 tension. And right as we were talking about
4 this issue, there was a case in California
5 where a -- somebody was asked -- there was a
6 decision that somebody cut down a series of
7 redwood trees which were shading a solar
8 system on an adjacent property. And the
9 trees had actually come first, but had just
10 grown tall. So it was also a question of,
11 you know, what is the greater good in the
12 end? Are we cutting trees good? You know,
13 where is the benefit of one versus the other?
14 And frankly it was really hard. I mean, we
15 went back and forth. I think this was a
16 topic we talked about for about three
17 meetings and really came out on the side of
18 it's difficult to require or set some sort of
19 strong threshold or say you shall not shade
20 the adjacent property, because also we're in
21 such an urban setting where buildings --

1 where parcels are small, buildings are right
2 next to each other. There are communities
3 that, you know, we looked at what's happening
4 across the country. And there are
5 communities in Colorado and Arizona and
6 California that actually do create more
7 structured regulations where they say well,
8 here's a solar fence, you can shade up to
9 here and no more. So there's a component on,
10 you know, a section of every parcel that is
11 protected from shadow. But that's virtually
12 impossible in Cambridge given the size of our
13 parcels and how densely we are built. So
14 again, which is the better good to have a
15 dense community that keeps people out of cars
16 and able to walk everywhere, or is it more
17 important to have larger lots and protect the
18 solar system. So that was really the
19 thinking. And we felt that sort of having it
20 as a criterion in a Special Permit or a
21 variance review was the way to go just in the

1 same way that not shading unduly your
2 neighbor's yard or parcel. You deal with
3 that sort of issue from time to time. And
4 this would be a similar look.

5 WILLIAM TIBBS: Did you talk about
6 enforcement? I mean, how do you enforce and
7 encourage to minimize and include
8 consideration of? I mean, because the
9 concern I have is that I as a Board member
10 can interpret that any way I want. I'm
11 hoping other Board members will, you know,
12 will have a discussion about that, but it's
13 kind of hard to -- those are odd words to be,
14 you know. But I guess in our design guide
15 criteria we kind of do that. We say things
16 that should be encouraged or stuff like that.
17 But here it's kind of -- we're talking about
18 something very specific like shadows on a
19 system.

20 IRAM FAROOQ: Well, I think it will
21 be dealt with in the Special Permit instance

1 as a design guideline. And I think that's
2 where we might have put it in.

3 WILLIAM TIBBS: As an as of right?

4 IRAM FAROOQ: In the as of right
5 it's just a statement of aspiration.

6 WILLIAM TIBBS: So you're basically
7 saying it's unenforceable, but it's a
8 statement you want to at least encourage
9 people to do?

10 IRAM FAROOQ: Yes.

11 HUGH RUSSELL: It also says a
12 backward and reverse effect which is to say,
13 if you're building the solar system, this
14 says you've got to take care of yourself and
15 be sure of your rights and your access to the
16 sun. If you build a system, you can't expect
17 the city to say -- to limit your next-door
18 neighbor's development by saying that it's
19 discretionary. I'm thinking of I have some
20 neighbors two or three doors away that, you
21 know, they have a huge solar system on their

1 house. And they looked and they said well,
2 everybody, you know, in the shadow side, on
3 the sun side of me is already built out
4 completely. The structure's a certain
5 height. I feel reasonably certain nobody can
6 build anymore. Now, somebody came and they
7 wanted to, you know, build something tall and
8 take away something low on the site and then
9 that would trigger a Special Permit and then
10 we could talk about it. But I think my
11 neighbors had the assurance that they had to
12 assure themselves of the solar access. They
13 couldn't depend on the city to do it for
14 them.

15 STUART DASH: I think there were a
16 number of these in this package that I think
17 we discussed that it would be a learning
18 process, both Staff and Board and, you know,
19 people coming forward in terms of how to
20 communicate what information is needed. It's
21 really transportation as we discovered as to

1 what information is important to consider and
2 how to get information across to people, so I
3 think that would be part of that.

4 HUGH RUSSELL: To the other -- to
5 the silver part of your question, I think,
6 you know, one has to have some kind of
7 standard. And I would -- I spoke many times
8 about the difficulty we had in producing the
9 first silver rental apartment building in the
10 area. And it wasn't easy because the
11 regulations weren't at that time to deal with
12 housing very well. They're constantly
13 changing and they're different now. But, you
14 know, several levels of government that you
15 might say should be taking action about these
16 climatic and green issues, the Federal
17 Government, there's the state government and
18 there's local governments. And it's a little
19 surprising until you really think about it,
20 that the local government really has the most
21 it can do and has to do most. The Feds can

1 do things like, you know, encourage
2 manufacturers to produce things, to provide
3 tax credits, but I think we've seen that, you
4 know, it's not terribly effective. And with
5 a legislature that seems increasingly unable
6 to address the issues of the time, at the
7 state level, the state is unable in my
8 opinion to carry on its own green
9 responsibilities in terms of funding DCR and
10 other things like that. There's a tremendous
11 budget problem at the state that doesn't
12 allow them to go out and spend money and
13 address these kinds of issues. And the place
14 we can actually do things is locally. This
15 is really modest, but being on the committee
16 I think we had to take a strong a stance now
17 as we could now based on what we knew. And
18 there were certainly members of the committee
19 who wanted this to go much further than this
20 goes. And there were -- I can't -- I don't
21 think there was anybody who wanted us to do

1 less. So we kind of, you know? So that was
2 why, that's how it came out the way it did.
3 We wanted to do everything we could think of
4 to get started on this.

5 WILLIAM TIBBS: I remember when
6 Boston made the certifiable thing, I thought
7 that was a good faith relief because it
8 required that everybody do something. So it
9 got to the point -- it's the kind of thing
10 where you can, you know, you just raised the
11 bar but you're doing it across the board.

12 I guess the other question around that
13 is more practical and that is, I know there's
14 a tendency to try to target a level, folks
15 can target silver and they may do better.
16 And that target is based on the fact that if
17 they do try to get certification, the rules
18 and regulations on how the Council will
19 review that credit will vary. And so what
20 you target, even though you think you might
21 be doing that, you may not necessarily

1 actually get it, but since we don't have the
2 -- we don't have that check point along the
3 way, it's, you know, to say that okay, I'm
4 going to go through my checklist, we're going
5 to do this, this and this. I guess you're
6 relying on the developer or whoever is doing
7 the thing to actually do it correctly I
8 guess. Because one of the things that the
9 Council does in its actual certification is
10 make sure that you are doing it correctly I
11 guess. And when I think of all sorts of
12 things like the things contractors have to do
13 to reuse materials or to properly dispose of
14 waste and stuff like that, you can say all
15 day long you're going to do that stuff, but
16 if somebody isn't really there checking on
17 it, then it could be -- so I guess we're, in
18 a lot of ways we're relying on the
19 professionalism, shall I say, and good will
20 of the folks who are doing it. I just bring
21 that up as not as a problem per se, but as

1 you said, you're in the learning process and
2 it would be interesting to see how that
3 works.

4 But I did have a question of who is the
5 enforcing agent, is it Inspectional Services,
6 particularly for the levels?

7 HUGH RUSSELL: LEED accredited
8 professionals certifies if it's certifiable
9 at the time of the development.

10 WILLIAM TIBBS: I see. Is that
11 something that the proponent or the developer
12 would hire?

13 HUGH RUSSELL: Yes.

14 IRAM FAROOQ: We also have this sort
15 of Affidavit at three different steps.

16 WILLIAM TIBBS: Okay.

17 IRAM FAROOQ: So we suggested that
18 there be some sort of Affidavit that this
19 building is being designed to achieve LEED at
20 such and such level when people submit for a
21 Special Permit. So we'll make sure that that

1 seems to meet the test and they will give us
2 some documentation along with that Affidavit.

3 And then there is a check point when
4 they apply for their building permit where
5 they will hand over a similar Affidavit
6 saying the building has been designed,
7 because at that point the design should be
8 pretty much done to meet this such-and-such
9 level, and here are the pieces that we've
10 changed since we got our Special Permit. So
11 then at that point ISD will look at that.
12 And the building permit gets checked off by
13 various departments. And so we would have a
14 chance to take a look at that as well and
15 confirm that it's there. But really the
16 responsibility is with the ISD.

17 And then finally at CFO, they will once
18 again give an Affidavit saying it has now
19 been constructed to meet the requisite level
20 of lead. So frankly even the USGBC, they
21 only do random audits. So for the most part

1 they are depending on the materials that the
2 various professionals submit to them, and you
3 know, we do this all the time when somebody
4 builds a building, we don't always calculate
5 the right square footage. You know, we
6 depend on the architect and their
7 professional integrity to have the right
8 number and not cheat. So essentially it's
9 the same approach.

10 H. THEODORE COHEN: With regard to
11 LEEDS where is the provision in the proposed
12 ordinance relating to the periodic review and
13 the possibility of replacing LEEDS with
14 something else? It's mentioned in the
15 recommendations but I don't see it anywhere
16 in the text.

17 IRAM FAROOQ: Let me run through
18 this.

19 BETH RUBENSTEIN: I think it's
20 21.23.

21 WILLIAM TIBBS: It should be a

1 period of any adoption of LEED.

2 H. THEODORE COHEN: Right, but in
3 the recommendations it talks about that it's
4 going to provide for review of the Ordinance
5 after four years with staff report to the
6 Planning Board after two years and may
7 conclude about adopting an alternative rating
8 system.

9 IRAM FAROOQ: I'm going to look for
10 that.

11 H. THEODORE COHEN: Which I thought
12 was a good idea because I know many people
13 complain about LEEDS and say it's not the
14 best system to use.

15 PATRICIA SINGER: It's in 22.24 if I
16 understand your question correctly. There
17 are the three steps.

18 HUGH RUSSELL: Okay, but I think
19 what the committee recommended was that we
20 have to have a process of constantly
21 reviewing this and set up a time frame for

1 doing that. I don't think it's written in
2 the Ordinance as a sunset clause. But it
3 becomes a responsibility of the department to
4 -- as they have many plans they constantly
5 review. So, it's not legislated but it's
6 recommended now. I don't think you have any
7 problem following that recommendation.

8 BETH RUBENSTEIN: No.

9 WILLIAM TIBBS: I definitely think
10 that's going to be it, because you are right,
11 that they do change a lot and a lot of people
12 are concerned about that. That, you know,
13 it's almost like they can decide at any time
14 what they -- and some people think it's -- it
15 can somewhat be octa seeming even though
16 their intentions are in the right place.

17 HUGH RUSSELL: Yes.

18 STUART DASH: The sense was we'll
19 hear from developers, and at that level
20 you're dealing with a very professional crew
21 all the way through a development team and I

1 think the census will be people will start to
2 hear that we look at different standards and
3 they're looking at them in different
4 communities and different states.

5 WILLIAM TIBBS: So you're saying
6 basically that a review of any change which
7 is written there is enough of a trigger to
8 tie those things together with what you're
9 administratively doing and what the
10 regulations say you should be doing, the
11 provision that's in 22.23, that last piece.
12 There should be a period of 12 months from
13 the time of adoption of a new version of LEED
14 during which project shall have the option to
15 be under the old or the new.

16 IRAM FAROOQ: It's a little bit
17 different. This piece really relates to a
18 new version of LEED whereas I think what Ted
19 asked about was --

20 WILLIAM TIBBS: Whether that's an
21 appropriate system.

1 H. THEODORE COHEN: Right.

2 IRAM FAROOQ: The task force asked
3 and we sort of committed to coming back to
4 the Planning Board essentially every, I think
5 it's two years.

6 BETH RUBENSTEIN: Every two years.

7 IRAM FAROOQ: And giving you a
8 report on how well we are doing. And is it
9 still the right provision to be connecting to
10 our -- is it still working? Are we running
11 into any problems? Should we be changing?
12 Should be it silver or should it be gold now?
13 Or should we jump back to certified because;
14 LEED changed so much? Or maybe we should go
15 with some completely different standard that
16 has now made its appearance.

17 So I think we would certainly do that
18 reporting, and I don't know if necessarily it
19 has to be in here if you feel that it must,
20 then we can do it.

21 H. THEODORE COHEN: My assumption

1 assumes correct that if LEEDS changes and you
2 decide you don't like what's in LEED or
3 developers don't like it, it would be a whole
4 zoning amendment process to change it.

5 IRAM FAROOQ: Right.

6 HUGH RUSSELL: Or a variance
7 process.

8 H. THEODORE COHEN: Or a variance
9 process.

10 HUGH RUSSELL: Someone can say, I
11 don't want to follow LEED, I want to follow,
12 you know, the NEHP standard or the new ICC
13 standard and here's a document that says, you
14 know, relates to different standards in terms
15 of, you know, it says LEED silver is equal to
16 802 points on some other scale.

17 H. THEODORE COHEN: Well, might that
18 then be -- I mean, to get a Variance
19 obviously the ZBA would have to comply with
20 the state requirements for the Variance which
21 I don't think would be amendable to simply

1 saying I don't like this standard, I would
2 prefer a different standard. So, would it
3 make sense to build into this some sort of
4 provision where a developer could convince,
5 you know, this Board or the ZBA or whomever
6 that there was a different standard that was
7 more appropriate?

8 IRAM FAROOQ: And we talked a lot
9 about that particular issue as well, and it's
10 because the -- when you look at them at first
11 glance, many of the various systems of
12 evaluating green buildings seem very similar.
13 They kind of address the same range of
14 things, but they're just different enough
15 that it's virtually impossible to try and
16 lead out a matrix and say LEED silver equates
17 to this level in HSPS guidelines and this
18 level in green globe. Because they might
19 have some standard regarding water
20 efficiency. But, you know, one might be
21 efficient about water efficiency and less

1 efficient on energy and more efficient on how
2 you handle storm water. And then so there is
3 -- it's not easy to compare which is kind of
4 where we felt like it would not be -- it
5 would be putting you all in a very difficult
6 position.

7 STUART DASH: And we felt that at
8 this point it was strong enough a national
9 standard than the others, it made sense to do
10 that rather than say and if you like another
11 type come and convince us, because it would
12 set up a constant situation like that. It's
13 not that it couldn't work or it couldn't
14 happen, but it would be a lot of extra effort
15 and work for not necessarily a lot of gain
16 for folks. But I think that's part of the
17 review. Another standard emergent says
18 here's a better way to do things. That would
19 be an appropriate way to look at that.

20 HUGH RUSSELL: One of the, I think
21 many of the criticisms of LEED are not it in

1 terms of the ideas. Some of the criticisms
2 have to deal with, you know, there's some
3 real easy points and there's some real hard
4 points. And you can -- so --

5 BETH RUBENSTEIN: Stock up the easy
6 points.

7 HUGH RUSSELL: That's inevitable for
8 some systems. Some things are more important
9 than other things. It's the process of
10 actually going through the applications
11 which, you know, 75 or 100,000 dollars worth
12 of paperwork. If you're -- it's better to
13 put that money, in some sense, into the green
14 features on the building so that the
15 certifiable is a way of -- you know, it makes
16 it -- it makes you deal with the substance.
17 And as Iram says, they all deal with the same
18 set of things. There is different
19 thresholds, there are different priorities,
20 but if you were certifiable on LEED at the
21 silver level, you're going to be doing a lot

1 of stuff right. And I think that's what
2 we're interested in having happen.
3 Nevertheless, I argue specifically to your
4 point and was convinced.

5 H. THEODORE COHEN: Of what, a
6 variance provision?

7 HUGH RUSSELL: No. A Special Permit
8 or substitution because -- but now that all
9 that pain on the application is kind of
10 fading from my mind. I mean, on our project
11 we were one point from silver when we got the
12 final ruling from LEED. And so we had to
13 repeal something to get the silver, you know.
14 And I don't know what it was. It didn't
15 involve the stuff I was working on, but, you
16 know, it's like come on. You know, that
17 process took six months or something like
18 that and I don't know how many thousands of
19 dollars. It was a building -- the building
20 didn't change, right? It was one of the big
21 board that changed.

1 PAMELA WINTERS: Well, Hugh, it's
2 funny that you brought that up because that
3 was my question. And I remember a year or
4 two ago that you were talking about how
5 expensive it was for people to apply for the
6 LEED certification. And I was wondering in
7 this whole process in the task force if any
8 of the developers had any issue with the -- I
9 mean, you were talking like about \$200,000,
10 it was very expensive. So did they have any
11 issues with that? And did they say, well,
12 you know, we'll go along with that if you
13 give us a tax break? Was there any
14 discussion of that?

15 HUGH RUSSELL: I would say, and Joe
16 was sitting in the same room with me and Iram
17 was sitting in the same room, the developer,
18 the non-profit housing developer whose name.

19 IRAM FAROOQ: Jane Jones.

20 HUGH RUSSELL: Jane Jones. She was
21 very concerned because she had small projects

1 and that was a big impact. If you're doing a
2 \$30 million project, \$100,000 for paperwork
3 isn't a killer. And so the larger people,
4 the people who are doing those kinds of
5 projects didn't seem to have a problem. Was
6 that your sense, Joe?

7 JOSEPH MAGUIRE: The area that you
8 get trapped in depending on something how
9 something is formulated, you have an event
10 that occurs substantially after you've
11 completed the building. You find that you're
12 not, you've got a problem, okay? That's a
13 problem for the lenders on the facility. So,
14 I think the way this is structured right now,
15 you know, it works. But it's -- there are
16 those vagaries that can come in to get you.
17 But I know residential, it's going to be
18 expensive for the small projects.

19 PAMELA WINTERS: So is anything, so
20 in terms of the small projects was an
21 alternative suggested?

1 HUGH RUSSELL: That's where --

2 STUART DASH: That's where it's
3 certifiable.

4 PAMELA WINTERS: Oh.

5 HUGH RUSSELL: Six points less.

6 STUART DASH: There has to be
7 certain paperwork to prove to be certifiable
8 and prove it to themselves and Inspectional
9 Services, but the paperwork --

10 BETH RUBENSTEIN: Or for the cost of
11 applying.

12 PAMELA WINTERS: Great. Wonderful.
13 Thank you.

14 HUGH RUSSELL: I'm amazed how simple
15 this language looks, how straight forward it
16 is and how clear it is after spending a year
17 on the committee. And the report was a
18 recommendations were, you know, were making
19 this job pulling together. You heard about
20 herding cats, that's what it felt like,
21 because there were so many -- everybody who

1 sat on that committee had some deep knowledge
2 about some part of the problem. And some of
3 the people were doing stuff, so it was a --
4 you know, trying to get people together as to
5 what made sense. And in general was a
6 difficult task and one that Iram basically
7 did that kind of balancing and questioning
8 and helping us sort that out. But the text
9 is so simple and straight forward.

10 IRAM FAROOQ: And Les and Jeff
11 deserve a lot of the credit for making it so
12 simple and so much more easily.

13 HUGH RUSSELL: So --

14 H. THEODORE COHEN: Sorry, I have
15 another question. Is the date of October 1,
16 2009 still remaining?

17 IRAM FAROOQ: We can -- yes, we can
18 certainly move that up.

19 H. THEODORE COHEN: I mean, in the
20 best of circumstances when will City Council
21 be likely to take this up in the docket?

1 BETH RUBENSTEIN: They felt the
2 Ordinance Committee meeting. So one would
3 hope before the summer break.

4 IRAM FAROOQ: We could change it to
5 the date of when this was submitted, for
6 instance, and see if the Council is amendable
7 to that.

8 WILLIAM TIBBS: Yes, because it's --
9 yes. What was the intent of that date? Was
10 it to be the date that you thought you were
11 going to finish or was it an intent to be
12 retroactive in a certain way?

13 STUART DASH: When doing other
14 zoning, sometimes it's when it's publicly
15 advertised you're trying to capture people
16 who might beat the date and submit something
17 in a certain time so not to be caught under
18 those regulations.

19 WILLIAM TIBBS: But that's out of
20 concern for it in this case.

21 IRAM FAROOQ: In this case we wrote

1 the zoning in October of '09 which why that
2 date is in there.

3 BETH RUBENSTEIN: Excuse me. That's
4 kind of small change the Council can make.
5 They can introduce substitute language.
6 We'll try to remember that and suggest they
7 do that.

8 AHMED NUR: Yes, I wanted to make
9 one point, one that Ted already made with
10 regards to the organizations' certification
11 for the LEED. My experience also in the
12 field with the LEED, it takes longer times to
13 get certified and it's a lot harder with the
14 points so on and so forth. Enough said on
15 that.

16 And the second point I wanted to make
17 was definitely steps in the right direction
18 in the city of Cambridge. And thank you for
19 putting in all that time, you know, to
20 recommend this.

21 In addition I have a real quick

1 question about the double skin add, the
2 removal of the impediment including the
3 double layer up to one foot for the --
4 excluding it from the GFA. I wonder what
5 that brought into this recommendation. Only
6 is I'm saying because it can be a problem
7 with abutters and everybody else saying, oh,
8 I did this for energy reasons, please don't
9 include this into, you know, just appears --

10 IRAM FAROOQ: The task force did
11 talk about the issue of increasing bulk as
12 you tried to add insulation which is why
13 you'll notice that it's really only exempting
14 to the maximum of one foot. We spoke to
15 several architects and engineers who had been
16 working on this, and the numbers that we got
17 typically from them that you need to make the
18 double skin facade effective varied somewhere
19 from 0.6 feet to an inch as sort of the
20 minimum that you would want depending on what
21 technology you use. But at the library for

1 instance, the space is more like I want to
2 say three feet and you can walk in there.
3 But the reason we made it just the one foot
4 and specifically said it cannot be usable
5 space, was to get at that exact issue that
6 you just raised.

7 AHMED NUR: Now, does that include
8 roof as well or heights? Is there going to
9 be an impediment removal on the height of the
10 roof? People doing double roof insulations
11 and what not?

12 IRAM FAROOQ: Well, it's not written
13 to include roofs.

14 AHMED NUR: That was my question.

15 IRAM FAROOQ: Okay.

16 PATRICIA SINGER: We've already
17 touched on the one point that gave me pause
18 and that was 22.23, the grandfather clause,
19 that if you have a project in process and the
20 standards change, you sort of have 12 months
21 to flux time for lack of a better word.

1 Since we are looking at buildings of 50,000
2 square feet and larger in particular for the
3 LEED silver which is a higher standard, I'm
4 also thinking that those larger projects take
5 longer to complete and, therefore, with only
6 a 12-month window, one could be substantially
7 into construction when the standard changes
8 and not have enough time to finish
9 construction. So that would be my only
10 comment.

11 HUGH RUSSELL: So the action, that
12 is a filing?

13 IRAM FAROOQ: Yes.

14 HUGH RUSSELL: So would that be at
15 the Special Permit stage only?

16 IRAM FAROOQ: Yes. So if the
17 project is a Special Permit project at the
18 point of filing for Special Permit or
19 development consultation, that you freeze at
20 that point.

21 PATRICIA SINGER: Thank you.

1 BETH RUBENSTEIN: Like zoning.

2 STUART DASH: And the Affidavit is
3 then responding to that point.

4 PATRICIA SINGER: I knew a greater
5 mind than mine would figure that out already.

6 BETH RUBENSTEIN: Good question.

7 HUGH RUSSELL: Okay. Are we ready
8 to make a recommendation to the City Council?

9 (All Agree: Yes.)

10 HUGH RUSSELL: So I think the only
11 specific change we've recommended is the
12 question of the date.

13 BETH RUBENSTEIN: Yes.

14 HUGH RUSSELL: So a motion?

15 WILLIAM TIBBS: I recommend that we
16 send a favorable -- or that we recommend to
17 the City Council that they send a favorable
18 recommendation to the City Council with the
19 provisions that they might want to reconsider
20 the effective dates. I don't think we need
21 to say what the date is, but we can let them

1 do that.

2 BETH RUBENSTEIN: Date option?

3 WILLIAM TIBBS: Yes.

4 PATRICIA SINGER: Second.

5 HUGH RUSSELL: Seconded. Any more
6 discussion on the motion?

7 All those in favor?

8 (Show of hands.)

9 HUGH RUSSELL: Unanimous vote.

10 (Russell, Winters, Tibbs, Cohen,
11 Singer, Nur.)

12 HUGH RUSSELL: The next item for our
13 general business is the Alexandria and I
14 believe because we do not have a quorum,
15 people who are qualified to vote on the case,
16 we have to have a postponement.

17 LIZA PADEN: Right. So because
18 Steve Winter is not able to be here this
19 evening, he was one of the five people who
20 could vote on this application. And so I do
21 have a letter from the proponent who

1 requested that the Planning Board agree to an
2 extension to place this on the June 1st
3 agenda. And that they would give the staff
4 until June 10th to file the decision.

5 HUGH RUSSELL: Okay.

6 WILLIAM TIBBS: Do we have to vote?

7 HUGH RUSSELL: Yes. So is there a
8 motion?

9 PAMELA WINTERS: So moved.

10 HUGH RUSSELL: Second?

11 WILLIAM TIBBS: Second.

12 HUGH RUSSELL: All those in favor?

13 (Show of hands.)

14 (Russell, Winters, Singer, Nur, Cohen,
15 Tibbs.)

16 PATRICIA SINGER: Liza, can you
17 remind us who can vote?

18 HUGH RUSSELL: Anyone can comment
19 during the discussion.

20 LIZA PADEN: Anyone can comment,
21 right. I don't have it in front of me, but I

1 can e-mail it to you.

2 BETH RUBENSTEIN: Do you want me to
3 read it to you?

4 LIZA PADEN: Sure.

5 BETH RUBENSTEIN: The second one,
6 right? Hugh Russell, Tom Anninger, Pam
7 Winters, Ahmed Nur, Steve Winter, Ted Cohen.

8 LIZA PADEN: Correct. That sounds
9 right.

10 BETH RUBENSTEIN: That's six. But
11 we're missing two tonight.

12 LIZA PADEN: Right.

13 The second item is an extension for 22
14 Water Street for their public hearing. And
15 they have requested that the time for their
16 public hearing, their second public hearing
17 as well as the final decision be extended
18 beyond the 19th -- I'm sorry, on the 90 days.
19 The public hearing for their final
20 development proposal would be June 15th. And
21 they've given us to July 2nd to file the

1 decision.

2 BETH RUBENSTEIN: July 15th?

3 LIZA PADEN: June 15th for the
4 hearing. July 2nd for the filing.

5 WILLIAM TIBBS: Is that a little
6 tight? In case we want to deliberate on this
7 or something, I'm just asking.

8 LIZA PADEN: Well, at the hearing on
9 June 15th if you don't reach a decision that
10 evening, the applicant will be here and we
11 can request, and hopefully have an agreement,
12 on an extension at that time.

13 H. THEODORE COHEN: When you're
14 counting who can vote and who can't, I will
15 not be here on the 15th.

16 LIZA PADEN: Okay.

17 HUGH RUSSELL: Okay. So that
18 extension request?

19 WILLIAM TIBBS: So moved.

20 H. THEODORE COHEN: Second.

21 HUGH RUSSELL: Okay. All those in

1 favor?

2 (Show of hands.)

3 (Russell, Singer, Nur, Winters, Cohen,
4 Tibbs.)

5 LIZA PADEN: The last item on the
6 agenda is a request from the CambridgeSide
7 Galleria. And currently the CambridgeSide
8 Galleria has -- the magic number here, has
9 2,538 spaces, and what I sent to you was a
10 plan that the management company of the
11 Galleria would like to convert three of those
12 parking spaces in the garage to create a
13 security office. I have a memo from Sue
14 Clippinger at the Traffic and Parking and she
15 says it's fine with her if they decrease it
16 down to 2,535. And if they want more to make
17 a bigger office, it's fine with her, too.
18 The CambridgeSide Galleria does not reach
19 capacity so they don't have a problem with
20 running out of parking spaces. And, you
21 know, I think that also just having more

1 activity in the parking garage increases the
2 security element. This is considered to be a
3 design change to the final plans that were
4 approved for the mall, so we do need the
5 Board to accept the design change.

6 HUGH RUSSELL: Okay. Any
7 discussion?

8 AHMED NUR: I have a quick question.

9 LIZA PADEN: Yes.

10 AHMED NUR: When the Museum of
11 Science parking lot fills up, there are
12 actually policemen directing traffic to the
13 CambridgeSide Galleria parking lot and that
14 happens once. And you're right, it did not
15 reach its capacity. So I'm in favor of this,
16 but technically is staff parking just
17 designed for the shopping? Are we breaking
18 rules?

19 LIZA PADEN: No, it's public parking
20 and that the parking in the CambridgeSide
21 Galleria is commercially controlled parking.

1 AHMED NUR: Okay. Good enough.

2 HUGH RUSSELL: So it exceeded the
3 minimum requirement in the Zoning Ordinance
4 when the developer built it because he felt
5 he had to. I think I was not on the Board at
6 the time, but I think we were probably saying
7 do you really need all that parking?

8 LIZA PADEN: What was the number,
9 Roger, when they started? 6,000?

10 ROGER BOOTH: No, it was way over
11 what they permitted.

12 HUGH RUSSELL: Okay. On the Minor
13 Amendment, is there a motion to grant?

14 PAMELA WINTERS: I move to grant.

15 HUGH RUSSELL: Second?

16 AHMED NUR: Second.

17 HUGH RUSSELL: All those in favor?

18 (Show of hands.)

19 (Russell, Tibbs, Winters, Singer,
20 Nur, Cohen.)

21 HUGH RUSSELL: I think I skipped

1 your report, Beth.

2 BETH RUBENSTEIN: Such a great
3 meeting I don't want to mar it with a report.
4 I don't think we have anything to report.
5 Just some meeting dates.

6 Our next meeting date would be June 1st
7 and June 15th. And right now we do look like
8 we're on for July 6th and 20th, but we'll see
9 how business goes.

10 WILLIAM TIBBS: Did you say 6th and
11 20th?

12 BETH RUBENSTEIN: 6th and July 20th.
13 And I'm looking to see if there are any -- I
14 think we got through most of our Ordinance
15 Committee meetings and all pending Zoning and
16 I think that's it.

17 STUART DASH: Is that one invitation
18 Riverside Park that occurred out of this
19 Riverside rezoning, it's going to have the
20 grand opening on June 10th at four-thirty to
21 six so you're all invited to that.

1 HUGH RUSSELL: I have a question.
2 In past years there's been a Planning Board
3 dinner. Is that something that has been
4 changed?

5 BETH RUBENSTEIN: No, I think it
6 slipped by us, but we'll get on it.

7 HUGH RUSSELL: Okay.

8 WILLIAM TIBBS: It's in the spring.

9 (Whereupon, at 8:40 p.m., the
10 meeting was adjourned.)

11

12

13

14

15

16

17

18

19

20

21

C E R T I F I C A T E

**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

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

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

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 7th day of June 2010.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 23, 2015

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