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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, January 04, 2011

7:00 p.m.

in

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

Hugh Russell, Chair  
Thomas Anninger, Vice Chair  
William Tibbs, Member  
Pamela Winters, Member  
Steven Winter, Member  
H. Theodore Cohen, Member  
Charles Studen, Associate Member  
Ahmed Nur, Associate Member

Susan Glazer, Acting Assistant City Manager  
for Community Development

Community Development Staff:  
Liza Paden  
Les Barber  
Roger Booth  
Stuart Dash

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

(Sitting Members: Hugh Russell, Thomas Anninger, Pamela Winters, Charles Studen, Steven Winter, H. Theodore Cohen.)

HUGH RUSSELL: Good evening, this is the meeting of the Cambridge Planning Board. First item on our agenda is review of the Board of Zoning Appeal cases for next week.

LIZA PADEN: There are a number of cases on.

STEVEN WINTER: Mr. Chair, I had a few if I could.

I'd like to ask about 11 Linnean, case No. 10040 and I think I'll preface this by indicating that in a general sense, I don't like taking side yards and property around the houses to put cars on them, so I'd like to know what that's all about and if we can make a comment?

LIZA PADEN: Okay. The No. 11 Linnean Street Board of Zoning Appeal cases

1 is second on the agenda. This application is  
2 for a parking space at the corner of Linn  
3 Street and Humboldt Avenue. So it's a corner  
4 lot. That gives it two front yards and two  
5 side yards. And what is happening is the  
6 Zoning line is along -- is near this property  
7 line, and so where they want to put the  
8 parking space, because they can't put it on  
9 Linn Street because of the change in the  
10 grade in the front yard, they're asking for  
11 permission to put it on the side yard. I'm  
12 -- well, I'm sorry, the Humboldt side of the  
13 property.

14 PAMELA WINTERS: Do you have a  
15 little -- sorry. Take your time.

16 CHARLES STUDEN: No, I've seen it.

17 PAMELA WINTERS: Okay.

18 HUGH RUSSELL: In the past where we  
19 have these same kinds of facts we've tended  
20 to leave this to the Board of Zoning Appeal  
21 because I think the views of the abutters are

1 very important and the Zoning Board will be  
2 hearing that.

3 STEVEN WINTER: I'm okay with that.

4 LIZA PADEN: Okay. Just so I can  
5 keep all the pieces of paper in order. Thank  
6 you.

7 PAMELA WINTERS: Sure.

8 LIZA PADEN: The next case I believe  
9 you said was the 514 Franklin Street, which  
10 is 10043.

11 STEVEN WINTER: Right. And my  
12 question was, we indicate there is a  
13 non-conforming building coming down and new  
14 construction coming up in the same footprint.  
15 And my question is: Is the new construction  
16 the same height as the demolition?

17 LIZA PADEN: It's actually six  
18 inches shorter.

19 STEVEN WINTER: Okay. Then I don't  
20 have any problems with it.

21 LIZA PADEN: The last case on this

1 agenda, 64 Dudley Street. I just wanted to  
2 draw your attention to that. Unfortunately I  
3 don't have any further information on this.  
4 And I've spoken with the Board of Zoning  
5 Appeal staff and Inspectional Services and  
6 they have requested that the Applicant work  
7 on the information that was submitted. There  
8 seems to be a question to me on whether or  
9 not this property's been merged with the  
10 adjacent lot and, therefore, the subdivision  
11 to create these two units is in question.  
12 There's also a question on the front yards.  
13 I'll pass out two sets of drawings. Here's  
14 one, and here's the other.

15 STEVEN WINTER: Liza, what is the  
16 Variance that they're looking for?

17 LIZA PADEN: They're looking for --  
18 well, that's under discussion. The Variances  
19 that they're looking for is from the  
20 dimensional table and the side yard setback  
21 in the Residence B, and they're also looking

1 for floor area, gross floor area. The lot is  
2 5,010 square feet so they would be allowed  
3 2,505 square feet, but they want I believe  
4 it's 4,000 square feet. Yes, 4,008 square.

5 There's also a lot of discussion about  
6 the existing building. There's a large  
7 building at the interior corner of Cedar and  
8 McLean Place.

9 PAMELA WINTERS: Yes.

10 LIZA PADEN: And that's a 19-unit  
11 building. And by subdividing this parcel out  
12 to create the separate parcel for the two new  
13 buildings --

14 PAMELA WINTERS: Right.

15 LIZA PADEN: -- I'm not clear that  
16 that's going to be allowed.

17 So, I've talked to the BZA staff, and  
18 they are trying to work it out with the  
19 Applicant, and that's all the information I  
20 have. There's a lot of questions.

21 PAMELA WINTERS: Well, I had a real

1 concern about that one, too.

2 LIZA PADEN: Usually in Residence B  
3 -- this is a Special Permit from the Planning  
4 Board on Section 5.53 where the Planning  
5 Board would discuss the design in  
6 relationship to having a building that's more  
7 than 75 feet from the front lot line. But  
8 this building is on McLean Place and Dudley  
9 Street, so if they're making the  
10 determination that McLean Place is a street,  
11 then you have two front yards and no rear  
12 yard.

13 CHARLES STUDEN: I also was curious  
14 about the statement that they're making  
15 landscape -- hardscape and landscape  
16 improvements to adjacent properties to  
17 benefit the subject property and neighbors.  
18 And that's in response I presume to  
19 objections that they've gotten from the  
20 neighbors? And what is that?

21 LIZA PADEN: The improvements that

1 they're talking about are the heart scape and  
2 the landscape is that the section of this  
3 parcel, this parcel that's 5,000 square feet,  
4 it's 30 feet wide and 167 feet long, has been  
5 vacant and it's been asphalt. So they don't  
6 go into detail, but my assumption is that  
7 they're creating landscaped parking spaces on  
8 the abutting lot which is for the 19-unit  
9 building. And they're going to create a  
10 trash enclosure/laundry facility.

11 PAMELA WINTERS: Okay.

12 LIZA PADEN: So, there's a lot of  
13 questions here.

14 PAMELA WINTERS: Yes.

15 LIZA PADEN: I don't know if the  
16 Planning Board wants to send a comment, like  
17 the Application's confusing?

18 STEVEN WINTER: The only thing I had  
19 to say is it's confusing. And the fact that  
20 the BZA knows that when it shows up, that's  
21 fine with me. And if the Board also wants to

1 say we thought there was a lack of  
2 information on that, that's all right, too.

3 THOMAS ANNINGER: That seems a  
4 little condescending to me. I think they can  
5 figure out if something is confusing.

6 PAMELA WINTERS: Well --

7 HUGH RUSSELL: What's confusing is I  
8 think not so much their intention but what  
9 the legal effect of the subdivision which may  
10 or may not be correct, where you draw the  
11 line, what is the legal status of the  
12 buildings that were left which would likely  
13 be non-conforming. So it's those kinds of  
14 questions. You know, if you drew the  
15 subdivision line down the middle of the  
16 driveway, then these new buildings might  
17 comply and that might be fine except the  
18 other buildings are probably not in  
19 compliance now, you know, knowing what the  
20 actual facts are about creation of this lot.

21 STEVEN WINTER: Right. And we don't

1 have the --

2 HUGH RUSSELL: We don't have that.

3 And that's really necessary to evaluate.

4 PAMELA WINTERS: Right.

5 I think it's okay to say that we have  
6 some issues around it.

7 I also had a question about No. 10 --

8 HUGH RUSSELL: Maybe we should state  
9 just one principle.

10 PAMELA WINTERS: Sorry.

11 HUGH RUSSELL: To the extent that  
12 this appears to be adding significant  
13 additional floor area about what is permitted  
14 on these two lots, that doesn't seem to be  
15 good planning to us.

16 LIZA PADEN: Okay.

17 THOMAS ANNINGER: I don't know if  
18 you can say that.

19 HUGH RUSSELL: I mean, there has to  
20 be a huge FAR Variance. If they can  
21 demonstrate that that's just where they drew

1 the line and the whole book lots together are  
2 basically improvements, you might look at it  
3 differently. I doubt if that's the case ,  
4 but I don't know.

5 PAMELA WINTERS: I had a question  
6 about 10041.

7 LIZA PADEN: Yes.

8 PAMELA WINTERS: Did you see any  
9 issues around that, Li za?

10 LIZA PADEN: 77 Hurley Street  
11 actually has come to the Board for a  
12 conversion of a non-residential -- it was a  
13 mechanic's garage converting conversion to  
14 residential. And unfortunately the two  
15 applications never were built. So they went  
16 to the Board of Zoning Appeal to get a use  
17 variance. And this building is proposed to  
18 be converted into a dentist office with a  
19 living space in it. And during the work,  
20 they've discovered that they need some more  
21 relief. It's all interior and calculation

1 and things like that.

2 PAMELA WINTERS: Okay.

3 LIZA PADEN: Okay?

4 HUGH RUSSELL: Okay.

5 LIZA PADEN: And I would like to  
6 report that I read the transcript for  
7 November 16th and it reflects what the public  
8 hearing was.

9 STEVEN WINTER: Mr. Chair, I move  
10 that we accept Ms. Paden's recommendation  
11 that the notes are in order, the minutes are  
12 in order and we should ratify them.

13 HUGH RUSSELL: Second?

14 CHARLES STUDEN: Second.

15 HUGH RUSSELL: Discussion?

16 All those in favor?

17 (Show of hands.)

18 HUGH RUSSELL: All members voting in  
19 favor.

20 (Russell, Anninger, Winters, Winter,  
21 Cohen, Studen.)

1                   HUGH RUSSELL: Susan, would you like  
2 to give us the update?

3                   SUSAN GLAZER: Thank you, Hugh.

4                   Our next meeting will be January 18th,  
5 and we have two public hearings that night.  
6 One, Lesley University will be presenting the  
7 building for the Art Institute of Boston on  
8 Mass. Ave. near Porter Square. And then we  
9 have an application to tear down the building  
10 on the Faces site and build new housing. So,  
11 after many years there's redevelopment  
12 proposed for that site. And then there is  
13 also a general business item for -- it was  
14 Planning Board Special Permit No. 231 for a  
15 commercial building on Bent Street. It has  
16 been, it was a three-building proposal. This  
17 is one of the buildings and Stansco Company  
18 has bought it and is converting it into -- or  
19 will be building it for its offices, but  
20 there are some changes to the site plan that  
21 they wanted to go over with the Board.



1 will the presentation on the Faces site be?  
2 Are we reviewing -- is it a site review or  
3 what's the --

4 SUSAN GLAZER: No. It's a Special  
5 Permit for multi-family housing.

6 STEVEN WINTER: Okay.

7 HUGH RUSSELL: Okay. We're close to  
8 our starting time for the public hearing and  
9 I think Susan wanted to give us some  
10 background about other discussions that are  
11 going on in the city about this subject. So,  
12 why don't you get us started.

13 (Sitting Members: Hugh Russell, Thomas  
14 Anninger, William Tibbs, Pamela Winters,  
15 Steven Winter, H. Theodore Cohen, Charles  
16 Studen, Ahmed Nur.)

17 SUSAN GLAZER: The first hearing  
18 tonight is on Section 5.28 and this issue  
19 came up with regard to the conversion of the  
20 North Cambridge Catholic High School on  
21 Norris Street which you heard last month I

1 believe. Subsequent to that hearing the City  
2 Council asked the Community Development  
3 Department to draft some language that would  
4 clarify some of the issues that arose as a  
5 result of interpretation of 5.28. We did  
6 that, and the City Council sent it on then  
7 to -- through the regular rezoning process  
8 both to the Planning Board and the Ordinance  
9 Committee. Also, since that time the Mayor  
10 asked our staff to meet with a number of the  
11 abutters to go over some of the issues that  
12 the neighbors had. And briefly there were a  
13 wide range of issues, but I think to make it  
14 simple for the Planning Board, density was  
15 clearly one of them. What can you do? You  
16 know, should we be looking at the formula for  
17 how to determine the number of units that  
18 could be used in a converted building? One  
19 of the subsequent questions is can there --  
20 should there be a cap on the number of units  
21 or the amount of floor area that could be

1 allowed? Clearly parking was another issue.  
2 Whether we should require visitor spaces?  
3 How do you determine the number of parking  
4 spaces? Should it be by unit or by number of  
5 bedrooms? There was also a consideration  
6 perhaps to allow mixed use in these buildings  
7 given that some of the non-residential uses  
8 may, at least to the neighbors, appear less  
9 intrusive than residential use might be. But  
10 overall the neighbors were very clear that  
11 they wanted some provisions that both  
12 preserved and protected the character of the  
13 neighborhood.

14 So those were the larger issues that we  
15 have been discussing with the neighbors.  
16 Clearly there's no resolution on it because  
17 we do have the rezoning process, and this is  
18 the first of those hearings.

19 HUGH RUSSELL: So, I will open the  
20 hearing. The proposal to modify section  
21 5.28.2 conversion of non-residential

1 structures to residential use.

2 Les, are you going to present this to  
3 us?

4 LES BARBER: I am.

5 HUGH RUSSELL: Thank you.

6 LES BARBER: I am.

7 The changes are fairly modest, but they  
8 obviously have some considerable  
9 significance. The first issue raised was the  
10 ambiguity about, and in some people's view,  
11 the absolute prohibition for conversion of  
12 these buildings to multi-family use, and  
13 specifically the Residence B district because  
14 that was the district applying to Norris  
15 Street. But by extension also the Residence  
16 A-1 and A-2 districts. So, the first set of  
17 changes is to make clear by adding footnotes  
18 in the table of use regulations and by some  
19 additional language in 5.28.2 that the  
20 conversion can be for the normal set of  
21 residential uses and including multi-family

1 use.

2 And then the second change was to the  
3 mechanism by which the total number of units  
4 allowed in such conversion is determined.  
5 Currently as you know, the number of units  
6 are determined by the floor area in the  
7 building as opposed to the normal Zoning  
8 District mechanism, which is the area per  
9 unit -- of area of lot per unit which  
10 determines the number of dwelling units. And  
11 as it has been operating over the past ten  
12 years, that number has been a single number  
13 for every district in the city, which is one  
14 unit per 900 square feet of building area.  
15 And the 40 Norris Street site, because it is  
16 such a large building, indicated perhaps the  
17 potential flaw in that uniformity of  
18 provision. And we introduced reflecting the  
19 City Council's order two additional square  
20 footages. In all of the C districts the  
21 number 900 remains the same. In the

1 Residence B district the number was increased  
2 to 1600 square feet. And then the A district  
3 the number was increased to 2500 square feet.  
4 So those are the principal changes.

5 The documents that we sent out to you  
6 which might help you think about the issue  
7 are first an analysis of the dwelling unit  
8 size that is permitted in most of our  
9 residential districts, which is an interplay  
10 between the FAR allowed in the district and  
11 the lot area per dwelling unit allowed in the  
12 district. And the chart indicates that that  
13 varies considerably from 900 square feet  
14 average size unit to 3,000 square feet in the  
15 Residence A-1 District.

16 In the Residence B District it's  
17 somewhat hard to determine because it's  
18 related to the size of the lot, because the  
19 lot area per dwelling unit is changed as the  
20 lot gets bigger. And then obviously in  
21 5.28.2 the number essentially is 900 square

1 feet.

2 And then just as an illustration of  
3 choosing any one of those numbers of the 1600  
4 square feet -- foot number that appears in  
5 the proposed Amendment, we applied that to  
6 the 40 Norris Street building both as to the  
7 square footage that's indicated in the  
8 Assessor records and the square footage that  
9 is proposed in the application. And you can  
10 see how the average size of the unit produces  
11 a wide range of potential dwelling units in  
12 the building.

13 And then Li za prepared a detailed list  
14 of conversion of permits we've issued with  
15 the various dimensional characteristics.

16 HUGH RUSSELL: We have a map that  
17 shows where they're at.

18 LES BARBER: Oh, okay, that's right,  
19 yes.

20 HUGH RUSSELL: Okay. Are there any  
21 questions by members of the Board to Les?

1 H. THEODORE COHEN: Les, where did  
2 the 1600 and 2500 square foot numbers come  
3 from?

4 LES BARBER: The 1600 square foot  
5 number was suggested, at least in the  
6 discussions at the City Council, I don't  
7 remember whether it actually appeared  
8 directly in the count -- in the order that  
9 was transmitted to us. And the 2500 number  
10 was just my interpolation of the -- sort of  
11 the in between the A-1 and the A-2 average  
12 unit size. The numbers are not -- there's no  
13 magic in the numbers specifically, and that's  
14 why I provided that chart of what's currently  
15 in the Ordinance over a wide range of  
16 districts to give you a sense of, if you were  
17 struggling to find an appropriate number and  
18 a rationale for it, it might be of assistance  
19 in doing that.

20 H. THEODORE COHEN: I just have one  
21 other question.

1           In the proposed new 5.28.27 I'm not  
2           quite sure I'm understanding the second  
3           clause where the Residence B use is not  
4           generally allowed in the district as required  
5           where the use is permitted.

6           LES BARBER: There was an issue at  
7           least initially in the current Ordinance,  
8           because in the Residence B District it  
9           appeared that multi-family use was not  
10          allowed and, therefore, that use in the B  
11          District didn't have a parking number  
12          associated with it. It's essentially one  
13          parking space per unit everywhere. But where  
14          a multi-family is allowed, which is in most  
15          other districts, it's always one space per  
16          dwelling unit.

17          H. THEODORE COHEN: And that's  
18          uniform throughout the city --

19          LES BARBER: Yes.

20          H. THEODORE COHEN: -- wherever it's  
21          allowed?

1 LES BARBER: Yes, it's uniform  
2 actually for all housing. Wherever it  
3 occurs.

4 H. THEODORE COHEN: Thanks.

5 HUGH RUSSELL: Charles.

6 CHARLES STUDEN: Les, thank you for  
7 preparing this two-page graphic. I'm having  
8 a little bit of trouble, though,  
9 understanding it completely. And I'm  
10 wondering if you could explain to me on page  
11 one, the average dwelling unit size in  
12 selected residential zoning district. You  
13 have one section is highlighted in yellow,  
14 bright yellow, and the other is a more  
15 orangey color. Residence B new, what is  
16 that? What are the numbers you're giving me  
17 there? Or us?

18 LES BARBER: Both Residence C-1 and  
19 Residence B have been recently changed within  
20 the past 10 years with regard to the number  
21 of dwelling units allowed in those districts.

1 So C-1 old and Residence B old were  
2 provisions that applied probably into the  
3 mid-nineties. I can't quite remember when  
4 the changes were made. C-1 new, and  
5 Residence B new are the new provisions. And  
6 in Residence B the complication is that  
7 beyond the first two units, the lot area per  
8 dwelling unit drops dramatically as does the  
9 floor area ratio. So you can't do -- the  
10 calculation has to be based on the actual  
11 size of the lot as opposed to the simple  
12 calculation of floor area times lot area per  
13 dwelling unit. So I just applied the  
14 Residence B provisions currently in effect to  
15 a specific lot, which was 40 Norris Street.

16 CHARLES STUDEN: I see.

17 And then the other question that I have  
18 because I wasn't sitting on the Planning  
19 Board at the time these other Special Permits  
20 that are summarized on this piece of paper we  
21 were given or granted, but at the time

1 Section 5.28.2 was used in granting those  
2 permits. And in one case there was a  
3 Residence B project, Rindge St. John's, and I  
4 guess what I'm struggling with is that this  
5 Board is granting a Special Permit where  
6 don't we have the flexibility to determine  
7 the number of units and all of these  
8 considerations that we're talking about  
9 within the existing language that's in the  
10 Zoning right now? And in other words, that's  
11 -- that happened in the past, but somehow now  
12 we're having trouble with it and why is that?

13 LES BARBER: The use issue we have  
14 always interpreted in applying these  
15 regulations since the adoption in 2001. And  
16 the introductory material in the city-wide  
17 rezoning petition, which this section was a  
18 part of, indicated that this provision  
19 applied everywhere in the city. In the  
20 particular instance of 40 Norris Street there  
21 are a group of people who have reviewed the

1 regulations and were not convinced that  
2 Residence B Zoning would allow conversion to  
3 multi-family use. And I mean, it's not a  
4 frivolous or out of left field interpretation  
5 of the Ordinance. There clearly are  
6 undesirable ambiguities. And the proposal  
7 here is that while that might have been our  
8 interpretation in the past, we don't have to  
9 carry the ambiguities forward, and we can be  
10 quite explicit about the intent of the  
11 regulation as it was adopted.

12 CHARLES STUDEN: Fine, that's  
13 helpful. And the fact is that there is a  
14 precedent for having done this in the past?

15 LES BARBER: Right.

16 CHARLES STUDEN: Yes.

17 HUGH RUSSELL: Okay. Any other  
18 questions from members of the Board?

19 (No Response.)

20 HUGH RUSSELL: Then we'll proceed to  
21 public testimony. My usual soft voice is

1 even more stressed tonight.

2 So, when we call you to come forward,  
3 would you please come forward to the  
4 microphone, give your name and address, spell  
5 your last name, and also please speak for no  
6 more than three minutes. Pam will give you  
7 signals as to when the three-minute time  
8 period is nearing its limit.

9 The first person on the list is Charles  
10 Teague. And the second is Kevin Crane.  
11 Mr. Teague.

12 CHARLES TEAGUE: Hi. I'm Charles  
13 Teague, T-e-a-g-u-e, 23 Edmunds Street. I'm  
14 going to pass out some other handouts from  
15 today from Les Barber which is some proposed  
16 extensions to what you have before you which  
17 could be implemented because they're making  
18 things less restricted.

19 So in this sheet is -- the extension is  
20 waiving all parking dimensional, all parking  
21 requirements, including the size of the

1 parking spaces, the width of the alleys. And  
2 these were prepared by CDD. And there's also  
3 an extension which slightly alluded to of  
4 having mixed use. So the use -- so 5.28 of  
5 being a way to expedite housing in Cambridge,  
6 and that's was this fundamental thing where  
7 you could waive so many things so that we  
8 could get housing is now, now is extended to  
9 other uses which seems really sort of weird.

10 But my -- but what really -- my major  
11 concern is this city-wide issue, and we have  
12 the attorneys from Cottage Park who oppose  
13 the Fox Petition right here. It's a  
14 city-wide thing. It's happening, and it's  
15 happening very, very rapidly. Now, on  
16 Cottage Park you said, wait, we have to slow  
17 down, we have to study this. And I think  
18 this has to be done here. It's Mayor Maher's  
19 had -- has been graciously hosting many  
20 meetings with the Norris Street people, but  
21 one, one street cannot decide city-wide

1           Zoning. We've got a ton of input supplied --  
2           and CDD has been showing up and doing -- and  
3           having a -- spending a lot a lot of time, but  
4           it's only one street that's giving any input  
5           here. So, you know, I'm just -- there's a  
6           series of -- this is bigger than it looks.  
7           This is, this is legitimately up-zoning  
8           Residence A and B. And St. John's -- St.  
9           John's had a Variance attached to it, so it  
10          did actually go through the Variance process.  
11          There were conditions attached to the  
12          Variances extended negotiations with the  
13          neighborhood, and before any permits or  
14          Variances were filed. And so things --  
15          everything happened as one would expect with  
16          a Variance but by the way there was a Special  
17          Permit as well. So, you know, it's a funny  
18          case to use as a precedent. So -- but my  
19          thing -- but my whole thing here is -- this  
20          is, this really needs a lot of input from a  
21          lot of community groups. CDD does these

1 wonderful presentations for looking at North  
2 Mass. Ave. who has had like four meetings  
3 over a year or maybe five. I mean, the  
4 public process like that is really valuable.  
5 I think this is important, it should be  
6 looked at.

7 Thank you.

8 HUGH RUSSELL: Thank you.

9 Pam just pointed out that Councillor  
10 Davis is here. And we ordinarily ask the  
11 Councillors if they'd like to speak out of  
12 turn because I know they have many calls on  
13 their time.

14 COUNCILLOR DAVIS: Thank you for  
15 asking, no, thank you.

16 HUGH RUSSELL: So next is Kevin  
17 Crane. And after Kevin, Paul Ayers.

18 ATTORNEY KEVIN CRANE: Mr. Chairman,  
19 Members of the Board, my name is Kevin Crane.  
20 I reside at 27 Norris Street in Cambridge. I  
21 hope that you have all received my letter of

1 November 28th relative to the Zoning Petition  
2 Amendments that are before you tonight. In  
3 the interest of saving the trees, my  
4 neighbors and I decided that I would write  
5 the letter and people would approve of it.  
6 And I think you've also probably received a  
7 number of people who signed off on approving  
8 the content of the letter.

9 It is true that the neighbors for 40  
10 Norris Street project have met with the Mayor  
11 and the CDD staff twice in the last couple of  
12 weeks regarding these issues on 5.28. We've  
13 had some very positive discussions, and the  
14 most recent one was this morning. And there  
15 are a lot of new issues that were put on the  
16 table, and I think they're going to be  
17 subject to probably further discussion  
18 between the Council, the Planning Board and  
19 the CDD staff.

20 As to the three particular issues which  
21 this Zoning Petition addresses, the first one

1 is the issue of whether multi-family dwelling  
2 use would be permitted on 5.28 in Residence A  
3 and B. I'm glad to hear that Les Barber  
4 doesn't think I'm out in left field, at least  
5 I'm probably in the infield anyway hopefully.  
6 And although it's termed as an ambiguity or a  
7 clarification, it is a significant policy  
8 matter to extend the multi-family dwelling  
9 use to Resident A and Resident B. And I'm  
10 going to let the cards fall where they may on  
11 that particular issue. If that was the  
12 intent of the policymakers back when this was  
13 adopted and you want to adopt it again --  
14 clarify it, let's say, so be it.

15 The other two issues, though, as far as  
16 the parking goes, I do think that -- and, you  
17 know, presently we've got a clarification on  
18 the Ordinance. I would say this is more of a  
19 clarification, that we definitely have one  
20 per dwelling unit on 5.28. I would suggest  
21 that the Planning Board consider adopting a

1           cri teri a at l east i n Resi dence B and  
2           Resi dence A and maybe j ust throughout on  
3           Secti on 5. 28 gi ven thei r i ncrease i n densi ty  
4           that the parki ng be gui ded by the number of  
5           bedrooms i nvol ved.   That there be some  
6           cri teri a i nserted rather than j ust have the  
7           number of dwell i ng uni ts di ctate the number  
8           of parki ng spaces.   If you don' t i nclude the  
9           bedrooms, you end up havi ng a four-bedroom  
10          uni t and a two-bedroom uni t havi ng the same  
11          requi rement of one parki ng space.

12                 The thi rd and fi nal i ssue, whi ch I  
13           think i s the most i mportant one here, i s the  
14           i ssue of densi ty.   And, you know, the  
15           proposal i s to adj ust i t from 900 i n  
16           Resi dence C to 1600 i n B and 2500 i n  
17           Resi dence A.   The probl em wi th j ust doi ng i t  
18           -- j ust l eavi ng i t at that, i s the specter of  
19           the number of dwell i ng uni ts woul d get  
20           decreased, but the bedrooms woul d i ncrease.  
21           And that' s one i ssue that we have faced wi th

1 40 Norris Street. So I would ask that -- I  
2 really want to address density, and I do it  
3 in my letter as far as adopting a cap, a  
4 density cap as to 5.28. And I would suggest,  
5 I suggest in my letter, and it's not written  
6 in stone either, that it be two times the  
7 existing density that's in the underlying  
8 district.

9 Thank you for your consideration.

10 PAMELA WINTERS: Thank you.

11 HUGH RUSSELL: Okay, thank you.

12 Paul Ayers. And after Paul, Sue Hall.

13 PAUL AYERS: Good evening,  
14 Mr. Chairman, Members of the Board. My name  
15 is Paul Ayers. I'm a direct abutter of 40  
16 Norris Street at Two Drummond Place,  
17 apartment 1. That's A-y-e-r-s. I was one of  
18 the people who signed the petition for the  
19 letter that Kevin Crane had submitted.

20 As a member of community, I'm doing my  
21 best to follow the development of proposed

1 changes. I do understand what's in front of  
2 us today is a city-wide impact. I'll try to  
3 talk to that. My understanding, having  
4 meeting some of the City Council, I view this  
5 as a placeholder petition, and as we go  
6 through this Rezoning process through the  
7 Planning Board and Ordinance Committee,  
8 things can get fleshed out and have  
9 appropriate verbiage and language put into  
10 the document of 5.28. Kevin talked about the  
11 clarification or modification, so I'll leave  
12 it at that and can talk somewhat to the  
13 density issue.

14 Just to use some of the documents that  
15 is were maybe provided this evening to help  
16 everyone use it, I understand very much the  
17 document with the yellow and the orange on  
18 it, I think to use as an illustration may be  
19 the cap that we feel that is missing in this  
20 development. Let's just use as examples of  
21 36,000 and 48,000 where it sort of maybe

1 misses the bedroom or the area being  
2 developed is if the lot were empty, the  
3 current Zoning allows half of the lot size.  
4 Say the lot size is 26,000, give or take,  
5 that's what it is at Norris Street, that  
6 would mean that new buildings would be at  
7 13,000. Would we basically feel an  
8 appropriate development would be at double  
9 13,000, so that's 26,000 square feet. So  
10 really if I look at the language that was put  
11 in the proposal by Liz, really what I feel at  
12 this point in time is that there's just a cap  
13 that's missing in terms of making something  
14 scaled to be appropriate. Right now if  
15 Norris Street was 50,000 square feet, but the  
16 floors were 50,000, the language as dropped  
17 would be 50,000 divided by 1600. What we're  
18 saying is there needs to be some mechanism  
19 protection for a cap to deem it appropriate  
20 under 5.28. If it's above that, maybe it  
21 should be kicked off to a different process.

1 Thank you.

2 HUGH RUSSELL: Sue Hall. And after  
3 Sue, Young Kim.

4 SUE HALL: Good evening. My name is  
5 Sue Hall and I live at 23 Norris Street. I'm  
6 also one of the signatories to Kevin Crane's  
7 letter. I'd like to thank the Planning Board  
8 for giving us this opportunity to speak on  
9 the matter of amending Section 5.28 of the  
10 Zoning Ordinance.

11 As others have said already I also  
12 believe that the approach of adjusting the  
13 number of square feet that the GFA is divided  
14 by to arrive at number of dwelling units does  
15 not really address the density issue. Since  
16 you could potentially end up with fewer  
17 larger units but more bedrooms, i.e., a  
18 project that could end up being more dense in  
19 the ways that matter to residents, and then  
20 could also require fewer parking places. We  
21 believe instead that a cap on the allowed GFA

1 in the 5.28 Special Permit is a better way to  
2 look at density. And, you know, why do we  
3 need a number in here? Well, just as the  
4 dimensional requirements in Table 5-1 of  
5 Section 5.31 of the Zoning Ordinance does, we  
6 are attempting to quantify density and try to  
7 look at what would be reasonable in terms of  
8 maintaining the character of the  
9 neighborhood.

10 I passed out this picture last time,  
11 and I'm not going to dwell on it again, but  
12 this was showing the ratio of granite or  
13 proposed FAR to FAR as of right in the 5.28  
14 cases that have been done over the past ten  
15 years, and almost every single one of these  
16 5.28 Special Permit projects came in with an  
17 FAR less than two times that allowed as of  
18 right, including all of the large projects  
19 except for Blessed Sacrament where large is  
20 less than 25,000 square feet.

21 So to me it's obvious that these --

1 most of these projects were perfect examples  
2 of when, you know, when a 5.28 Special Permit  
3 would be, would be a good idea. But when you  
4 get up above two or two-and-a-half times GFA,  
5 that perhaps a Variance should be required.

6 Even with the huge push for affordable  
7 housing in the city, if you're building a  
8 project from scratch, and you provide  
9 affordable housing as part of your project,  
10 you can increase your allowed FAR by 30  
11 percent. I.E. by a factor of 1.3. So that's  
12 not two-and-a-half, that's not two, only 1.3  
13 because again, you know, there's an attempt  
14 to maintain the character of the neighborhood  
15 in terms of the density.

16 We're not saying we don't want the  
17 property at 40 Norris Street developed. We  
18 certainly think that at the 5.28 Special  
19 Permit process there should be some leeway in  
20 the density requirements, but not necessarily  
21 to the point where you can fill up the entire

1            building no matter how big, with residential  
2            units. So one question might be well, what  
3            then can you do with these large buildings?  
4            If -- even if you go to twice or  
5            two-and-a-half times the GFA, the building is  
6            still not filled up. And I would say there  
7            are two options, you know.

8                        One might be to fill up the rest of the  
9            building with non-residential use. So allow  
10            a mixed use in the building. So the sort of  
11            non-residential use that might have a  
12            different sort of impact on the neighborhood,  
13            but not necessarily increase the evening  
14            residential density.

15                      And the other option is there's always  
16            the option of the Variance. And if it's a  
17            good project and the BZA and the neighbors  
18            agree that it's a good project that they want  
19            in their neighborhood, then it will go ahead.  
20            And that's, you know, as I understand it,  
21            when your project is at great variance with

1 the Zoning Code and the neighborhood, then a  
2 Variance should be required.

3 And I would respectfully request that  
4 the Planning Board seriously consider the  
5 idea of a cap on the ratio of GFA allowed  
6 under 5.28 Special Permits to GFA allowed as  
7 of right.

8 Thank you very much for your time.

9 HUGH RUSSELL: Thank you.

10 Young Kim and then Dan Benko.

11 YOUNG KIM: Good evening, Chairman  
12 Russel I and Members of Planning Board. My  
13 name is Young Kim, K-i-m, and I reside at 17  
14 Norris Street and I like to take this  
15 opportunity to wish you all very happy and  
16 healthy and prosperous new year.

17 My neighbors and I have been  
18 researching the Special Permit provisions  
19 about 5.28.2 to convert non-residential  
20 structures to multi-family dwelling units as  
21 they relate to the conversion of the former

1 North Cambridge Catholic High School. In  
2 doing so, I highlighted to show comments of  
3 the 5.28.2 when it's applied to a large,  
4 fully functional and structurally sound  
5 building. I mean, it has been in use until  
6 last school year, and it's not one of those  
7 old rundown derelict warehouse types. And  
8 especially in the middle of a very less dense  
9 zone. And I like to thank everybody involved  
10 from Mayor to the City Council to CDD and,  
11 you, the Planning Board members to recognize  
12 that the 40 Norris Street project just didn't  
13 fit. And that we have gone through a lot of  
14 research, and although it is -- I understand  
15 that this Zoning Amendment is not just for 40  
16 Norris Street project. It applies to it, but  
17 it has city-wide implication. And what we  
18 would like -- at least what I'd like to see  
19 is that nobody in the future, no neighborhood  
20 would have to repeat the same kind of  
21 research that we had to do from scratch not

1 knowing where to go, what to look, and going  
2 through all the statistics and all the Zoning  
3 Laws and by amending the section to alleviate  
4 a lot of these problems.

5 So, I fully agree with Attorney Kevin  
6 Crane's comments as he pointed out as well as  
7 Sue's analysis. And the one thing that I --  
8 I have submitted my comment also, but the  
9 ultimate goal in granting or denying a  
10 Special Permit should be whether the project  
11 for the protection of the fabric of its  
12 neighborhood, as Mr. Winter pointed out in  
13 December 7th hearing, and I have pointed out  
14 some of the measures that could be added, but  
15 one thing that I liked that I did not add,  
16 that I'd like to plead with you is that as  
17 part of the application, the developer should  
18 submit impact study. After all, the  
19 developer is the guest of the neighborhood  
20 and they have to prove that they can coexist  
21 with the current neighborhood without

1           di sturbi ng the current character of the  
2           nei ghborhood. So that's one point that I  
3           woul d really like to stress -- request that  
4           to be i ncl uded.

5                     Thank you very much.

6                     PAMELA WINTERS: Thank you.

7                     HUGH RUSSELL: Thank you.

8                     Dan Benko. And after Dan, Robert  
9           Martel l .

10                    DAN BENKO: I'm Dan Benko. I live  
11           at 13 Norri s Street. And I sent in my own  
12           letter regardi ng what's i mportant to me, but  
13           very bori ng, the topi c of parki ng.

14                    I have a concern that from all the  
15           engi neeri ng studi es that it looks like we're  
16           not provi di ng enough. I understand that  
17           Cambri dge has an average of 0.9 cars per  
18           resi dence or per dwel l i ng uni t, but our  
19           nei ghborhood seems to have 1.4. And the  
20           engi neeri ng standards are at 1.6. So we're  
21           bei ng -- that part's bei ng i gnored. We're on

1 the -- so it seems like the parking should be  
2 adjusted for the neighborhood, but because  
3 there's this dispute, and because we don't  
4 want to encourage car use, perhaps one thing  
5 you can do is do a two-stage approval.

6 You might approve a smaller number of  
7 units, like 20. And if that works out, if  
8 that does not impact the neighborhood, if  
9 that doesn't throw on extra cars on the  
10 street, then certainly I'm open to consider  
11 adding five more units or ten more units, if  
12 the city is right and we don't use cars. And  
13 if the city is wrong, well, then you've got  
14 disaster. You've really screwed up the  
15 neighborhood if you overload the streets.  
16 You know, we just had a snowstorm and that  
17 shows you how much fun it is to park in the  
18 parking -- loading the street makes it  
19 difficult to bicycle and it makes it  
20 difficult there. I've said this in the  
21 letter so I won't waste your time here.

1           Just I want to point out that all the  
2           surrounding cities have used numbers that  
3           linked to bedrooms to get some idea of how  
4           many cars and how many occupants are going to  
5           be. And if you don't use this, you just let  
6           the units grow in size, there's a danger  
7           there.

8           Thank you.

9           HUGH RUSSELL: Thank you.

10          Robert Marchetti and after Robert  
11          David Bass.

12          ROBERT MARTELL: Hello, my name is  
13          Robert Martelli and I live in Brookline. I'm  
14          the manager of a large woodwork artists'  
15          building of 155 units, and I've held that  
16          position for 23 years. I was recently  
17          provided a tour of the former North Cambridge  
18          Catholic High building by the developer. And  
19          if there's anyone here who hasn't had the  
20          opportunity to tour the building, they should  
21          avail themselves of Doctor Rizkallah's

1 hospital i ty and enthusi asm of thi s si te.

2 It seems to me both that both the  
3 devel oper, nei ghbors and the Ci ty of  
4 Cambri dge mi ght be mi ssi ng an excel lent  
5 opportuni ty. NCC, and those of us who grew  
6 up i n Cambri dge, al ways cal led i t, provi des a  
7 most uni que opportuni ty for devel opment that  
8 coul d hel p meet the need of an i mportant  
9 segment of the ci ty and of our soci ety, and  
10 that i s arti sts. The Ci ty of Cambri dge and  
11 i ts ci ti zens have al ways been a fri end of the  
12 arts and arti sts. NCC presents an  
13 opportuni ty for affordabl e housi ng for  
14 arti sts i n a l i ve/work envi ronment. And I  
15 can tel l you from my experi ence fi el di ng  
16 questi ons from arti sts i n search of l i ve/work  
17 space, that there i s demand for thi s type of  
18 space. Ask the Cambri dge Arts Counci l. NCC  
19 offers a si gni fi cant opportuni ty to house  
20 arti sts. I bel i eve that Moe Ri zka l l ah i s  
21 ready, wi l l i ng and abl e to work wi th the

1 neighbors, the city and the Cambridge Arts  
2 Council to create and provide a mix which  
3 includes affordable artist space.

4 For example, basement space is most  
5 suitable for fitting for ceramic and glass  
6 blowing artists to work. It's not, in my  
7 opinion, very suitable for live space. By no  
8 means would all the space as a matter of  
9 necessity have to be dedicated to live space.  
10 If some of the space could be dedicated to  
11 simply work space, then as a matter of course  
12 and a matter of management, the impact of the  
13 use on the property of the neighbors could be  
14 minimized. The magnificent high ceilings of  
15 the third floor are exactly the sort of space  
16 much cherished by artists and represent an  
17 aesthetic which is very much in demand, not  
18 only by our artists for live/work, but by a  
19 wide range of potential residents for  
20 live/work. It would be a missed opportunity  
21 for a beautiful, habitable and useful space

1 if the great ceilings of the upper floor are  
2 enclosed or open and unused future use.

3 I would say that it would be wise to  
4 make no recommendation or take any action  
5 tonight that would do anything to inhibit a  
6 closer look at and further consideration of a  
7 wonderful opportunity. The opportunity so is  
8 here to work with developer to do something  
9 that is difficult and would require detailed  
10 and negotiating and compromising, and that  
11 could satisfy the neighbors. The opportunity  
12 is here to address the artists' communities  
13 real need for appropriate space, and this is  
14 an opportunity that has the potential to be a  
15 lasting example of smart development and a  
16 source of pride for the City of Cambridge.

17 Thank you very much.

18 HUGH RUSSELL: Thank you.

19 David Bass, and after that Charlie  
20 Marquardt.

21 DAVID BASS: Hi, David Bass,

1 B-a-s-s. Thank you very much for allowing me  
2 this opportunity to speak.

3 I, too, am a signatory of Kevin's  
4 letter. I was also here a few weeks ago to  
5 speak about 20 -- about 40 Norris Street. I  
6 live at 23 Norris Street. That's across the  
7 street from the school building. And the  
8 proposal that we had at that last meeting was  
9 outrageous. And the Board recognized it as  
10 being outrageous, and wisely did not approve  
11 it. But that proposal did adhere to the  
12 letter of Section 5.28 in many of the ways  
13 that made it so outrageous. And certainly  
14 these rules, 5.28 have resulted in a number  
15 of successful projects over the last ten  
16 years. But when these rules allow what was  
17 proposed for 40 Norris Street, there's  
18 something wrong with the rules. What I have  
19 seen proposed, I don't believe would address  
20 what's wrong with the rules. What I have  
21 seen proposed by Kevin Crane capping the FAR

1 at twice what the FAR would be allowed  
2 otherwise for the Zoning might address it  
3 better. I think it would, but whatever we  
4 do, please, let's think this through  
5 carefully because the rules do need to be  
6 changed. And let's make sure we don't have  
7 to come back and change them again any time  
8 soon.

9 Thank you very much.

10 HUGH RUSSELL: Thank you.

11 Charlie. And after that Richard  
12 Fanning.

13 CHARLES MARQUARDT: Thank you.

14 Charlie Marquardt, 10 Rogers Street. Almost  
15 as far away from Norris Street as you can  
16 get. And I want to sort of point that out,  
17 that we're sitting here and we're talking  
18 about a single building for a single  
19 development for a city-wide rezoning. And I  
20 want to make sure that we have two issues  
21 here:

1           We have a problem with the Norris  
2           Street development. Listening to Mr. Kim in  
3           particular I think it was on December 7th  
4           talking about the impact to the neighborhood  
5           with the number of cars, number of people,  
6           number of units. That is was phenomenal.  
7           That's the type of work that should be done  
8           on a lot of our reviews. But also the issue  
9           what could this do to the rest of the city?  
10          I'm thinking about last spring when Les  
11          Barber and others brought forward  
12          institutional uses in the future, and had a  
13          whole list of what could happen around the  
14          city. Had all these other buildings, what  
15          could happen to this Brattle Street lot.  
16          What could happen to this other lot. We're  
17          not talking about that today. We're talking  
18          about a single building on a single  
19          neighborhood that needs to be addressed. I  
20          think a lot of that addressing was started  
21          last time, but we're still focused on only

1           one issue. We have issues in the school  
2           department where they're looking at reuse of  
3           their buildings. Could we be making a  
4           change on this quickly, all of a sudden have  
5           another issue in another neighborhood with a  
6           potentially reusable school building?

7                     And we start talking about parking, and  
8           we're hearing 1-to-1 or 1-to-0.6-1. I want  
9           to caution everybody that the city is using  
10          0.2 by .06 to 1 in many neighborhoods. The  
11          Parking Department and Traffic Department has  
12          made the move to have us go lower than  
13          1-to-1. So I want to us all to be very  
14          careful when we start talking about parking  
15          and asking for more, but the direction of the  
16          city has been to approve less.

17                    And finally let's again, not do what I  
18          would call the monumental reverse spot zoning  
19          of the world here. We're going to do Zoning  
20          for the whole city to absolve one problem.  
21          Let's step back and do Zoning for the city as

1           Zoning for the ci ty. We had the opportuni ty  
2           last spring when we were looki ng at  
3           insti tutional uses, whi ch I thi nk i s thi s  
4           whol e secti on here and i t sort of di ed. Now  
5           i t' s back because of, agai n, a si ngl e  
6           devel opment that needs to be addressed, but  
7           let' s not address i t by putti ng uni ntended  
8           consequences across the rest of the ci ty that  
9           we have to keep comi ng back here to keep  
10          rezone based on thi s one zoni ng for one  
11          bui l di ng.

12                    Thank you.

13                    HUGH RUSSELL: Thank you.

14                    Richard Fanni ng. And after Ri chard  
15          Fanni ng, Rudy Bel li ardi .

16                    RI CHARD FANNI NG: My name i s Ri chard  
17          Fanni ng. I live at 21 Cornel i us Way i n  
18          Cambri dge. I' d like to look at a sort of a,  
19          broader area here and I woul d ask thi s to be  
20          di stri buted among you.

21                    What I' m suggesti ng i s that you

1 consider the purpose of the Zoning  
2 (inaudible) of the City of Cambridge, and one  
3 of its purposes, among its purposes is to  
4 prevent overcrowding of land to avoid undue  
5 concentration of population to encourage the  
6 most rational use of land throughout the  
7 city. Specifically with respect to the  
8 purpose of undue concentration of population,  
9 with respect to the proposed -- for the  
10 densities that are the result of the assigned  
11 areas for structures in the city to avoid  
12 undue concentrations, right now the most  
13 populous area of the city, Residence C-1  
14 should not be denser through the proposed  
15 modification as it would be at this time. In  
16 other words, if you had a 40,000 square foot  
17 structure and you were in Residential Area  
18 C-1, you would be able to have 44 units  
19 built. In B-1 you would be able to have 25  
20 units. And if you were in the preferred A-1  
21 district, you'd only have 16 units. Now,

1 that doesn't seem fair to me. To me this  
2 appears to be discriminatory. And I would  
3 suggest that if you're going to come up with  
4 a number that it should be one number, and as  
5 high as you might want to make it, but it  
6 shouldn't just select a dense area of the  
7 city to become more dense to the betterment  
8 of someone where it's less dense.

9 I think you people are in receipt of a  
10 letter that I wrote to the City Council and  
11 to members of the Planning Board that  
12 referred to the concentration of housing in  
13 my area and other areas of the city, a small  
14 area that indicated under the Community  
15 Preservation Act just how much concentration  
16 of low and moderate income housing that we  
17 had played disproportionate to where we live  
18 in the city. And we ask you to, you know,  
19 consider this.

20 Thank you.

21 HUGH RUSSELL: Thank you.

1 Next.

2 RUDY BELLIARDI: Rudy Belliard i ,  
3 B-e-l-l-i-a-r-d-i. Wellington-Harrington.  
4 I'm far from Norris Street.

5 It seems that this current Petition is  
6 using density to increase this. It just  
7 doesn't make much sense. I do, I do agree  
8 with some of these speakers before. We, we  
9 are typically in the C, C-1 Zone,  
10 C-something, and we have entire blocks, we  
11 don't have driveways at all. So this is  
12 never considered when people are sizing  
13 units. It means that all the cars are on the  
14 street. The cars are not on the site. We  
15 have blocks with no driveway whatsoever. The  
16 only thing is that we have a lot of big  
17 buildings. It doesn't seem making any sense  
18 that we have to field these buildings with  
19 residential. These buildings they were made  
20 for something else. They would never have  
21 been made the way they are so close to the

1 other houses if they were made residential.  
2 And it's -- they were very low beauty. They  
3 are very low beauty, some of them. These  
4 people are not there during the day, they  
5 don't park now. They are away in the  
6 evening, there is no noise, no light, no  
7 nothing. There is no traffic. We have the  
8 very same issues with density like everybody  
9 else. And it seems that 900 for C-1, that  
10 for C doesn't make any sense, just to fill  
11 the building, just to fill radical space,  
12 this building was not made for residential.  
13 That's something that should be considered.  
14 And they are really disrupting the neighbors,  
15 especially ours. We are probably the largest  
16 number of largest building in Eastern  
17 Cambridge than you are in Cambridge.

18 Thank you.

19 HUGH RUSSELL: Thank you.

20 Next is Minka van Benzkam. After her  
21 Heather Hoffman.

1                   UNI DENTI FIED FEMALE: I don' t have  
2 anything to add.

3                   HUGH RUSSELL: Okay. Thank you.  
4 Heather. And after Heather, Mark  
5 Jaqui th.

6                   HEATHER HOFFMAN: Hello, my name is  
7 Heather Hoffman. I live at 213 Hurlley Street  
8 in East Cambridge. It's been interesting to  
9 me listening to what people have said, those  
10 of us from East Cambridge -- some of us have  
11 been apologi zi ng for not li vi ng near Norri s  
12 Street, and yet as many have pointed out,  
13 this is a ci ty-wi de Zoni ng change. So as  
14 long as we live in Cambridge, what we think  
15 shoul d matter on thi s. Thi s proposal  
16 exempl i fi es one of the thi ngs that I fi nd  
17 terri bl y, terri bl y wrong about how we do  
18 Zoni ng i n Cambri dge. A devel oper wants to do  
19 somethi ng, so we race to change the Zoni ng  
20 Ordi nance. I nstead of pl anni ng, whi ch i s  
21 what we ought to be doi ng, thi s i s the

1           Planni ng Board, you ought to be planni ng.  
2           You ought to be thi nki ng ahead about what you  
3           want thi s ci ty to look l ike, and what we the  
4           ci ti zens, your fellow ci ti zens si nce all of  
5           you l i ve i n Cambri dge al so, thi nk thi s ci ty  
6           shoul d look l ike. We shoul d not be reacti ng  
7           to devel opers. It makes for bad Zoni ng, and  
8           i t encoura ges more bad Zoni ng becau se the  
9           next devel oper says, Wel l , they di d i t for so  
10          and so, so they' l l do i t for me.

11                   We are goi ng to end up ki l l i ng the  
12          goose that l ai d the gol den eggs. We are  
13          maki ng our ci ty unl i vabl e. My fri ends from  
14          Wel l i ngton-Harri ngton tal ked about the  
15          di scri mi natory nature of thi s, and I' ve been  
16          thi nki ng about what some of the Ci ty  
17          Counci l l ors, especi al l y Ti m Toomey, have sai d  
18          about the unequal di stri buti on of affor dabl e  
19          housi ng i n Cambri dge, whi ch i s one of the  
20          thi ngs that dri ves thi s densi ty, densi ty,  
21          densi ty, especi al l y i n the al ready dense

1 areas of the city. And what we have here is  
2 pitting the already dense parts of the city  
3 that permit multi-family dwellings, against  
4 the parts of the city that if this measure  
5 passes, are essentially going to be up-zoned  
6 without telling them, because they thought  
7 the Zoning Ordinance says no multi-families.  
8 And yet, if you have a big building in your  
9 neighborhood, guess what, can you have  
10 multi-families. This is absolutely the wrong  
11 way to go about this. We need to stop, sit  
12 down and think about what we want this city  
13 to be instead of reacting once again.

14 Thank you.

15 HUGH RUSSELL: Thank you.

16 Mark Jaquith. And after Mark, George  
17 McCray.

18 MARK JAQUITH: Good evening. Mark  
19 with a K, Jaquith, J-a-q-u-i-t-h, 213 Hurlley  
20 Street. I would just like to point out a  
21 couple of the possibly unforeseen

1 consequences in which might come out of this.  
2 Take Mannington High School, they could come  
3 request 60 apartments in an already very  
4 congested area.

5 No. 2, the Armenian Church at 141  
6 Brattle Street, ten condos in their back  
7 building in an area of expensive, exclusive  
8 single-family homes. May not go over all  
9 that well.

10 And to my own area, we have the high  
11 rise courthouse, 509 units.

12 Thank you.

13 HUGH RUSSELL: Thank you.

14 George McCray. And after George, Mark  
15 Chase.

16 GEORGE McCRAY: Chairman Russell --  
17 my voice is gone -- Planning Board and my  
18 neighbors. I'd like first of all -- my name  
19 is George McCray and I'm at 2301 Mass.  
20 Avenue. I'm very much involved with the  
21 Norris Street issue, 40 Norris Street.

1 I hear something developing here that  
2 disturbed me. It seems that neighbor -- the  
3 neighborhoods of Cambridge want to fight one  
4 another with regards to one neighborhood  
5 trying to get its issues met. For it not to  
6 be that way, I will tell you I would like to  
7 first of all to compliment the Community  
8 Development Department, its staff, the Mayor,  
9 and all of those who have been working with  
10 us. And I will assure you City Councilors  
11 as well, that they were very clear with us  
12 that in looking at changes in the Ordinance,  
13 they're looking at it from the city point of  
14 view, the wide city point of view, and not  
15 just 40 Norris Street. It happens that 40  
16 Norris Street has been doing, excuse the  
17 expression, a hell of a lot of work with  
18 regards to research and that's what you hear  
19 here. We recognize that the Ordinance and  
20 the Zoning is not going to be changed  
21 specifically for Norris Street. Therefore,

1 we're sitting down with the city, call it the  
2 City Council, call it the Mayor, call it the  
3 staff of the Community Development, and even  
4 you here, with the recognition that what you  
5 do for us is first done for the city. And  
6 the question is how can that be (inaudible)  
7 for us. It's not unique to Norris Street,  
8 but Norris Street is a concern and we've done  
9 our homework. We should not be jeopardized  
10 because of that.

11 I think the neighbors who are  
12 suggesting that all of this be done for  
13 Norris Street should work with us and talk  
14 about how your issues can be met. That's the  
15 way it should be done. You shouldn't get up  
16 in front of this Board and fight one another.  
17 We should fight together in order to get the  
18 changes made.

19 I'm getting upset because I've seen  
20 this over the years, neighborhood fights one  
21 another and no one gets what is needed. This

1 is a city-wide Petition we're talking about  
2 and that's what we're supporting. I'm a  
3 signatory on Kevin's Letter. And everything  
4 that Norris Street group has spoken about I  
5 support.

6 I also support some of the concerns of  
7 the other neighborhoods and I'm not prepared  
8 to fight them here. If we want to work as a  
9 city, as citizens of the city, we should work  
10 together in this committee and out of this  
11 committee.

12 Thank you very much.

13 HUGH RUSSELL: Thank you.

14 Mark Chase. After Mark, Ruth Silman.

15 MARK CHASE: Hi. Happy new year.

16 My name is Mark Chase, M-a-r-k C-h-a-s-e, and  
17 I live at 13 Belmont Street in Somerville.

18 I'm an urban planner and a transportation

19 planner and I do parking management, and

20 sometimes get into Zoning as part of my

21 trade. I also am a lecturer at Tufts, and on

1 the Board -- or an advisor for liveable  
2 streets. I'm actually representing Moe  
3 Rizkallah as a parking person to help him  
4 reduce demand on the site, so, and I was  
5 little premature, and I know we're not  
6 talking about 40 Norris, we're talking about  
7 5.28. But obviously 5.28 has a lot to do  
8 with 40 Norris Street so I thought I would  
9 take a moment to talk about some of the work  
10 that I've done elsewhere in under three  
11 minutes.

12 I think the issue of density and what I  
13 hear the neighbors say, and to their credit,  
14 they're fighting for the liveability of their  
15 neighborhood. And I think that's an  
16 admirable thing. But the whole issue of  
17 density, I think, is really about -- normally  
18 it's about how many units or the bulk and  
19 height that you have on a lot. But in this  
20 case that's established by an historic  
21 building. So, really what it boils down to,

1 I think, is parking and -- as one of the  
2 major issues. And traditionally in Zoning  
3 parking has been dealt with on a per square  
4 footage or a bedroom per bedroom metric. And  
5 I think community -- and I know Cambridge has  
6 been thinking about this, but they haven't  
7 moved towards this, to get more refined on  
8 how you think on what the parking  
9 requirements are. Because there are actually  
10 very important management techniques that  
11 make a huge difference in how much parking a  
12 development or a city whether need. And in  
13 this case it's a development. The management  
14 techniques I'm talking about are if you  
15 charge for parking or if it's free and  
16 included in the rent, that has a huge impact  
17 on how many cars are going to be parked at  
18 that site and how many people are going to  
19 own cars. And so I think in Zoning to ignore  
20 that the price of parking has a huge impact  
21 is a mistake.

1           Also, you know, we have a huge presence  
2           from Zipcar. I was actually on the team of  
3           that company when it started. I haven't been  
4           involved in it for a while. But Zipcars  
5           also serve many, many people. I think the  
6           average Zipcar serves between 20 and 50  
7           people, and a third of those people would  
8           otherwise own a car. So, again, you know, as  
9           a development, if you're doing a development,  
10          what you do on the site matters a lot. And I  
11          think to concentrate on bedrooms and square  
12          footage, you know, is relevant to some  
13          degree, but I think if we're really worried  
14          about the amount of cars and parking on the  
15          street and the overflow parking, then, I  
16          think we need to look at those other metrics  
17          because those are going to have a bigger  
18          impact.

19                 Now just, you know, retained me about a  
20                 week ago, and I'm looking forward to working  
21                 with the neighbors to really develop a plan.

1 This is not going to be something that will  
2 develop in a vacuum.

3 Thank you very much.

4 HUGH RUSSELL: Thank you.

5 Ruth Silman.

6 RUTH SILMAN: Good evening, Chairman  
7 Russell, Members of the Board, my name is  
8 Ruth Silman. I'm with Nixon Peabody in  
9 Boston. We represent Cottage Park Realty  
10 which is the owner of 22 Cottage Park Avenue.  
11 Mr. Teague referred to that property and that  
12 area in his opening comments, and the -- as  
13 this Board is aware from its last meeting,  
14 the Fox Petition which would rezone the area  
15 around Cottage Park in part -- well, rezone  
16 it to Residential B, this -- these provisions  
17 of 5.28.2 could have an impact if the Fox  
18 Petition were to be successful at the  
19 Ordinance Committee and at the City Council  
20 and that's why it's relevant that I'm here  
21 this evening. We understand that, you know,

1 the Norri s Street project was the impotence,  
2 but this is ci ty-wide zoni ng. And the only  
3 request is I'm not sure what the pleasure of  
4 the Board is, but it's the Emersons' request  
5 that thi s Board continue the publi c hearing  
6 on thi s matter until there's some di sposi ti on  
7 of the Fox Peti ti on so that the Emersons know  
8 whether thi s provi si on or thi s proposed  
9 amendment appli es to them or not, because  
10 right now we're in a bi t of l imbo. So. . . .

11 HUGH RUSSELL: Okay.

12 RUTH SI LMAN: Thank you.

13 HUGH RUSSELL: Thank you.

14 That' s the end of the peopl e who si gned  
15 up. Is there anyone el se who wi shes to be  
16 heard?

17 JOE BURKE: Yeah. My name is Joe  
18 Burke. I'm from the Wel lington-Harri ngton  
19 nei ghborhood. I j ust want to say that it  
20 seems that by doi ng something l ike thi s, it  
21 seems to i ncrease the abi lity of devel opers

1 to go to these neighborhoods in the C  
2 sections when there's only 900 square feet  
3 requirement and lessens any ability by the  
4 developers to basically to increase, well,  
5 things like housing which we all talk about,  
6 and we want it spread throughout the city.  
7 The same issues that we're hearing about  
8 density in this neighborhood are same issues  
9 that we have in our own neighborhood that  
10 we've been complaining about for a long time.  
11 And it seems to me that you are going to end  
12 up reducing any ability of any type of  
13 development going on in these other sections  
14 of the city by -- and this means all types of  
15 development being affordable also. So, I  
16 think it's kind of a bad idea to base on just  
17 one development to decide that you're going  
18 to change a Zoning like this throughout the  
19 whole city. So, I'd hope you'd reconsider  
20 this. And I think it's kind of convoluted.  
21 I would think that you would be looking at

1 the fact that the C areas are generally the  
2 most densely populated areas and you would  
3 want to increase the square footage in those  
4 areas as opposed to leaving them the same as  
5 they are right now.

6 Thank you very much.

7 HUGH RUSSELL: Thank you.

8 Does anyone else wish to be heard?

9 (No Response.)

10 HUGH RUSSELL: I see no one.

11 What is the Board's pleasure about  
12 closing the hearing to further public  
13 testimony?

14 H. THEODORE COHEN: What is our  
15 schedule and what is the City Council's  
16 schedule?

17 HUGH RUSSELL: So, the City Council  
18 has to wait for 30 days -- 21 days?

19 SUSAN GLAZER: Their hearing is  
20 January 19th on this matter.

21 HUGH RUSSELL: Right. They cannot

1 act within 21 days of our hearing. And their  
2 window is something like 65 days from their  
3 hearing?

4 SUSAN GLAZER: According to the  
5 sheet I have, the 65 days refers to the time  
6 that the Petition is filed until you can hold  
7 the public hearing. And there's a 90-day  
8 clock that starts running from the date of  
9 the Ordinance Committee, which is January  
10 19th. So this Petition doesn't expire until  
11 April 19th.

12 HUGH RUSSELL: Okay. So, although  
13 we may not be able to get back to discuss it  
14 for perhaps six weeks because it sounds like  
15 our next hearing is going to be busy, we do  
16 not do this kind of discussion on Town Gown  
17 Knights, so it really is going to be that we  
18 can discuss it again is the middle of  
19 February. But there's still a month to go.

20 I am inclined to leave the hearing open  
21 on the grounds that we may be seeking

1           devel opments.  And whi le we can al ways take  
2           testi mony, I see no reason to close it at  
3           thi s poi nt in ti me wi th so ma ny thi ngs up in  
4           the ai r.

5                    THOMAS ANNINGER:  I agree wi th that.  
6           I thi nk thi s i s a ve ry fl ui d si tu a ti on, and  
7           wh en that ha ppens, we usu al ly -- i f ma jor  
8           ch an ges are to co me, we wi ll prob ably want to  
9           hear testi mony ag ai n.  So I thi nk you' re  
10          absol utel y ri ght.  It woul d be awk ward to  
11          cl ose a hea ri ng on some thi ng that i s as  
12          open-ended as thi s i s.

13                   HUGH RUSSELL:  I mean, I be lie ve --  
14          I ha ven' t stud i ed thi s ex act ly, but I be lie ve  
15          i t shoul d as Coun sel or Crane' s sug ges ti ons  
16          woul d be i m pl e mented, i t woul d re qui re a new  
17          Pe ti ti on.  Les i s nod di ng hi s head.  And i t  
18          cou ld be ma ny of the o ther sug ges ti ons.  
19          Un der the Or di nance there are ve ry li mi ted  
20          amendments that can be made to a Pe ti ti on  
21          once i t' s fi led.  Ba si cal ly i f i t be comes

1           substantially different from what's been  
2           published in the paper, you have to then go  
3           start the process again as a way of fairness  
4           so that people will know what's actually  
5           under discussion.

6                     We have another hearing scheduled for  
7           tonight, but I think maybe if any of us had  
8           any thoughts we wanted to throw into the mix  
9           for discussion, this might be a good time for  
10          us to do that. And I'll tell you I have one  
11          thought which concerns the proposal for a  
12          cap. It sort of begs the question of what do  
13          you do with a building that's already much  
14          larger than the cap? How do you use such a  
15          building? That's one side of it.

16                    The other side is if a building is just  
17          way too big, then there's no way to deal with  
18          its impacts, then you've got another problem.  
19          My thought is the chart that -- I think it  
20          was Sue Hall prepared for us, and we saw it  
21          during the Norris Street hearing, seemed to

1 indicate that almost all the projects fell on  
2 the two times cap which I thought was an  
3 interesting finding. And I'm thinking that  
4 when you get to this threshold of two times  
5 the permitted area, there might be two things  
6 that might happen.

7 One is you might not be permitted to  
8 generate any more floor area in the building.

9 And secondly, you might not be  
10 permitted to use the existing floor area in  
11 the building for residential purposes beyond  
12 that cap. How that might, for example, play  
13 out on Norris Street, which I believe is more  
14 than two times the cap already, is that not  
15 only are they permitted to the building and  
16 say community space or common areas, that  
17 might be substituted for the open space on  
18 the site, those areas might be what goes up.  
19 What utilizes the rest of the building? Or  
20 possibly a suggestion of one of the speakers,  
21 you know, live/work areas.

1 PAMELA WINTERS: Mr. Martell.

2 HUGH RUSSELL: Mr. Martell. So it's  
3 a kind of an unformed idea, but I'd just like  
4 to throw that into the mix as that's being  
5 discussed.

6 Bill.

7 WILLIAM TIBBS: Excuse me, I've got  
8 the same throat issue with my voice. I found  
9 this a very interesting public hearing  
10 because of the ideas that were being  
11 generated about the time that people have  
12 spent doing their research, which I found  
13 very informative. I kind of look at this as  
14 a flow. If the intent of this particular --  
15 if the intent of this particular Petition is  
16 to try to clarify the intent of the original  
17 Ordinance that we had, that's one thing. And  
18 I think that -- in my mind, at least that's  
19 what I thought the intent was, because of  
20 vagueries that were brought up before, this  
21 was an attempt to try to understand what the

1 intent was. But based on the history that  
2 we've had, which I think has come out in  
3 these histories, we may have learned some  
4 lessons. And if that is the case, then  
5 things like caps and building use are issues  
6 that we might want to consider. I guess my  
7 question is is this the Petition, is this the  
8 moment we want to do that or is the intended  
9 Petition to be clarified or we do that later?  
10 I'm not sure what that is. But it does bring  
11 forth the -- so I think that's something we  
12 should -- that's what I'm thinking about at  
13 least.

14 And then this issue of the very large  
15 buildings I found interesting. I did find  
16 the two, anything over two or two plus was a  
17 very convincing point to be made, and it  
18 always seems to me that buildings of that  
19 large scale really do require a different  
20 kind of process. It might be a process with  
21 the city and the developer who really work

1 out something with the neighborhood. And  
2 maybe the cap could be -- if you had a cap, a  
3 cap would trigger a different process which  
4 may not be anything that we've figured out at  
5 this point what it is. I do think of Blessed  
6 Sacrament. I live in the neighborhood, right  
7 up the street from Blessed Sacrament. And  
8 even before it was -- well, while it was  
9 still a church, you look at that building and  
10 say, oh, my God, it's humongous compared to  
11 anything around it. And obviously we had to  
12 go through this similar process -- using this  
13 Ordinance going through a similar process.  
14 So I think this -- I'm finding this hearing,  
15 this Petition, and this whole process very  
16 interesting in that perspective. But I  
17 wouldn't think of it as just clarifying the  
18 original intention. Do we want to modify the  
19 intention now that we've gone through several  
20 projects? And what's the best time to do  
21 that? Is my key. And should we consider

1           some other process for a large buildings? I  
2           don't have a firm idea what that might be at  
3           this point.

4                   HUGH RUSSELL: Charles.

5                   CHARLES STUDEN: I have some concern  
6           around the notion of a cap. And my concern  
7           is based on the financial feasibility of  
8           converting some of these buildings if there  
9           were a cap. And the unintended consequence  
10          that perhaps the building wouldn't get  
11          renovated at all. I think sometimes there  
12          can be a tendency to be overly romantic about  
13          this idea of other uses, community uses, and  
14          so on in the building, but they have to be  
15          paid for somehow. Either driven by the  
16          for-profit development in the building or  
17          some other mechanism. And so I just don't --  
18          I mean, I understand where we're going with  
19          this, but I'm just a little worried that  
20          there's the potential if we're not careful  
21          that it could result in developers not being

1 interested in the buildings at all because  
2 it's not financially feasible to convert  
3 them.

4 PAMELA WINTERS: Could I just say  
5 something about that? I'm wondering if that  
6 would then give the city an opportunity to  
7 purchase these larger buildings and turn them  
8 into artist spaces or artist live/work spaces  
9 or community spaces. You know, it's just a  
10 thought.

11 The other thing, too, is that I think  
12 that if you turned the building into rentals  
13 for artists' lofts or whatever, you would be  
14 getting certainly an income that way. And  
15 also, you know, artists, you know, if artists  
16 wanted to purchase their units, that would  
17 also -- it could be a combination of the two.  
18 And I think, I do think that the developer  
19 would be getting their money in that case.  
20 So those are a couple of options.

21 CHARLES STUDEN: Sure. I think

1           those are good. I don't think we're going to  
2           be able to resolve this obviously tonight.

3                     PAMELA WINTERS: Right, right.

4                     CHARLES STUDEN: So, this is  
5           something we need to continue to discuss.

6                     I think I'm also struggling with the  
7           objections that people have to fewer numbers  
8           of units being translated into units that  
9           have more bedrooms so that now we have  
10          four-bedroom apartments. But I've been  
11          hearing for sometime now that in Cambridge  
12          there's a lack of larger family-sized units,  
13          so that I'm not convinced that a four-bedroom  
14          unit is necessarily going to be one that's  
15          lived in by four unrelated individuals, and  
16          each one is going to bring a car. It could  
17          very conceivably be a family, very much like  
18          the families that live in the neighborhood,  
19          who need a large apartment that aren't  
20          otherwise available. And I don't know what  
21          we do about something like that. It's just

1 that I, when that point was raised, I began  
2 thinking about it and I think we have to be a  
3 little bit careful.

4 HUGH RUSSELL: Ted.

5 H. THEODORE COHEN: I think the  
6 issue of the cap has been raised and  
7 discussed.

8 The one issue that I would like to talk  
9 about is the parking issue. And I'm very  
10 uncomfortable at the thought of changing the  
11 parking requirements for one particular area  
12 going from, say, one car per dwelling unit to  
13 some other metric. It might be that some  
14 other metric is the correct thing for the  
15 entire city, but I think that needs to be  
16 addressed on a city-wide basis and not just  
17 for one area. Plus I think Traffic and  
18 Parking have to get involved completely with  
19 that discussion because they've been pushing,  
20 you know, for the couple of years that I've  
21 been on the Board to lower the parking

1 requirements from the 1.6 or wherever they  
2 want us to end up at, because we have the  
3 whole dichotomy of public transportation  
4 versus the private car. And I, you know, I  
5 think it's very interesting to talk about it,  
6 but I don't think we ought to be focusing on  
7 it for just one area. I think, you know, if  
8 we're going to plan and City Council and both  
9 departments are going to plan, it's a much  
10 bigger issue that has to be viewed city wide.

11 CHARLES STUDEN: I agree with that.  
12 I had the same thought about the parking as  
13 you did, Ted.

14 HUGH RUSSELL: Two of our 5.28 cases  
15 come to mind. The Ebony Avenue case is where  
16 the proponent proposed more than 1-to-1  
17 parking, and the Board agreed that was  
18 appropriate because there was simply no  
19 residential streets nearby except for Ebony  
20 Avenue itself where it was demonstrated that  
21 there was not any excess capacity for

1           nighttime parking.

2                       So the other case comes to mind is the  
3           Blessed Sacrament in which a very thorough  
4           study of parking in the neighborhood was  
5           performed, and there were two conclusions:

6                       One is the average number of cars in  
7           the dwelling units. The best we could tell  
8           was less than one over quite a wide area,  
9           which told us something about the impact on  
10          the, you know, the other facilities that were  
11          walkable in the neighborhood, the Red Line  
12          station. And in addition, that there were a  
13          number of parking spaces that were available  
14          on the street at night, I think largely as a  
15          result of the shape of the lot which had a  
16          lot of street frontage, and existence of a  
17          park directly across the street. And,  
18          therefore, (inaudible).

19                      So, I'm wondering whether we change the  
20          rules or whether we change the procedure to  
21          say that you have to look at these issues for

1 a 5.28 case. We have, and not very specific  
2 language, about parking in fact and  
3 availability of parking. Maybe that language  
4 needs to be, to be increased so we get  
5 essentially the parking impact statement of a  
6 project. I mean, that would clearly got  
7 testimony on Norris Street that there was not  
8 available on-street parking in the late  
9 evenings at present. So that was more of the  
10 factors than I'm sure we can consider.

11 Ahmed, do you want to speak?

12 AHMED NUR: Okay. I wanted to --  
13 what I wanted to speak about was the parking  
14 and has already been spoken. The only thing  
15 I want to add to it was Kevin Crane's point  
16 of clarifying the parking situation or tie in  
17 to the number of bedrooms as opposed to the  
18 number of units. I think that's something  
19 that needs to be looked at most definitely.

20 The developer comes in, they want to  
21 see how much money can they make out of their

1 apartment, and City of Cambridge being --  
2 having all these universities and colleges,  
3 most likely -- Norris Street hasn't really  
4 seen a lot of students yet, but there may be  
5 in the future. We have a parking situation,  
6 parking problems, then we're better off  
7 looking at it and saying, all right, tie it  
8 to the number of bedrooms. Whereas, a family  
9 comes in with children and have only one car,  
10 we're good for the neighborhood. We don't  
11 have that car to worry about. As opposed to  
12 students come in, you can't really stop them,  
13 each one is entitled to get a car. I think  
14 that's the only thing I want to add onto, or  
15 at least take a look at.

16 The one other clarification I would  
17 like to see is does the public have access to  
18 the records as of to why the Zoning is being  
19 changed or at least could they look at it as  
20 of to -- due to this property? That we're  
21 rezoning all these different neighborhoods,

1 residence, CNA versus, you know, this  
2 particular proposal? The fact is I see a lot  
3 of finger pointing from some of our usual  
4 neighborhoods that are coming in here and  
5 saying the Planning Board is changing the  
6 Zoning as opposed to doing the planning. And  
7 I think those kind of comments also sort of  
8 make me want to know if people have access to  
9 what we have.

10 Thank you.

11 HUGH RUSSELL: Tom.

12 THOMAS ANNINGER: Yes, I'd like to  
13 see if I can get my thoughts out. The 5.28,  
14 as I recall, was done about ten years ago if  
15 I'm not mistaken.

16 PAMELA WINTERS: That's right.

17 THOMAS ANNINGER: At a time -- at a  
18 different time when the word coming off  
19 everybody's lips was housing, and we wanted  
20 more and more of that. And people thought we  
21 were getting it right back then when we were

1 planning ahead that this would be a way to  
2 help us achieve that goal. Times have  
3 changed. We hadn't foreseen what has  
4 surfaced here which is a very large building  
5 in a very residential neighborhood, such as  
6 Residence B, leave alone A-1 or A-2. I don't  
7 think we made a -- I think it was just a  
8 clarification error of the Ordinance, but I  
9 think the deeper issue is we hadn't fully  
10 predicted how this was going to work out.  
11 And I think in spite of the craving to be  
12 able to think through everything beforehand  
13 so that you get it right and you do it just  
14 right, I think is unrealistic and I'm  
15 actually pleased that we are flexible enough  
16 to try to get it right once again when things  
17 don't feel right. And then what seems to me  
18 to be going on here is that there is a  
19 tension between trying to have these  
20 city-wide rules to give the developers and  
21 the residents some sort of predictability and

1 the need for site specific adaptation to  
2 difficult situations which I think Norris is  
3 an example of. I kind of like -- and I don't  
4 think we have the answer yet. I think it's  
5 going to need some creativity. The cap is  
6 one idea.

7 I thought what Bill and Hugh were both  
8 trying to get at was some sort of a  
9 triggering process where if certain things  
10 happen such as a very large building that  
11 exceeds two times, for example, or if the  
12 parking ratios are through evidence such or  
13 if whatever else we might want to look at,  
14 then some process ought to be triggered which  
15 becomes more site specific and gives us a  
16 chance to get a better result adapted to the  
17 facts at hand, to the site requirements. And  
18 I think that's what we're groping for. And  
19 how we get our arms around that, I'm not  
20 quite sure. And I don't think we've found it  
21 yet tonight, but I think a lot of the

1 elements are on the table and I think we're  
2 going to need some time to do that.

3 HUGH RUSSELL: Steve.

4 STEVEN WINTER: Thank you. I just  
5 have a couple of comments.

6 I think that Mr. Crane's three points  
7 are -- we need to spend more time on that and  
8 explore that and look at that. And I think  
9 there's some good stuff in there.

10 I think that Ms. Hall's point about how  
11 do we quantify density in a way that's  
12 genuine and authentic is a real good point.  
13 And I think that's one of the things that  
14 we're talking about here. And I also -- this  
15 is a little tangential, but I, Mr. Chairman, I  
16 think Ms. Silman needs some kind of an  
17 opening or a dialogue so she can get some  
18 kind of dialogue so she can help her clients  
19 understand what the timelines are in this  
20 process and what their options are for them.  
21 We may not know precisely, but I think that

1 we owe, we owe those -- the gentlemen who own  
2 that building that.

3 And I think that, I want to also say  
4 that once again we've received a tremendous  
5 amount of really good information from the  
6 neighbors and the citizens and it's really  
7 refreshing. It's really wonderful to see it  
8 happen again and again as it does here in  
9 Cambridge with temperate voices. And  
10 certainly we need to, we need to talk about  
11 this. And certainly it sounds like it's  
12 going to go back to staff for some kind of  
13 tweaking, but I'm not sure how we're going to  
14 do that. But as you said, Tom, I think we're  
15 working in some ambiguity right now and  
16 that's difficult. But for creative people we  
17 just need to burst out of the ambiguity, and  
18 we will, if we put the right people around  
19 the table to figure this out.

20 HUGH RUSSELL: So I guess I would  
21 respond to one thing you said in terms of the

1 impact of this on the 22 Cottage Park. It  
2 appears to me that -- well, in the first  
3 place, we have an advisory role in this  
4 process. So we cannot tell the Council what  
5 they can and can't do. Council is ultimately  
6 the decision-making body on changing the  
7 Zoning Regulations. We can advise them and  
8 we believe they like to receive advice from  
9 us. And sometimes we're able to implement  
10 it, and sometimes in their wisdom, they go in  
11 other directions. I've come to see this as  
12 the Planning Board has a more narrow focus  
13 than the Council. We look at planning and  
14 planning issues. Council is required to not  
15 only look at planning, but to look at issues  
16 of equity and fairness, and the city's  
17 overall general policies. And they have to  
18 bring this all to focus under Zoning. It's a  
19 significant task.

20 So, we're not intending to take any  
21 action on this for at least six weeks. And

1           it sounds from the discussion, probably not  
2           at that point in time, and it also appears to  
3           me that the things on the table that are  
4           being discussed would require that this  
5           Petition lapse and a new Petition replace it  
6           if any of the people out here who have spoken  
7           tonight are going to be happy to do that.  
8           So I don't know how the Council is going to  
9           act on the Petition that affects your  
10          clients. You may remember our recommendation  
11          was that we thought a more planning effort  
12          should be looked at. How that's going to  
13          play out, I don't know. I can just tell you  
14          that I as someone who is sitting here thinks  
15          is going to happen, I can't make any promises  
16          to you.

17                   Does anyone else wish to make any final  
18          comments? Okay. So let's --

19                   CHARLES STUDEN: Hugh, actually I  
20          think I do.

21                   HUGH RUSSELL: Please.

1 CHARLES STUDEN: Because, I think  
2 what I'm concerned about here is that what's  
3 precipitated this discussion around changing  
4 the Ordinance is a developer who came forward  
5 with a proposal that was not acceptable to  
6 the neighbors, and frankly wasn't terribly  
7 acceptable to me. And I don't want to  
8 characterize the other Board members'  
9 reaction, but we all thought it was not the  
10 appropriate response. And so what I'm hoping  
11 is a couple things:

12 One is that this can be tweaked.  
13 Because Zoning isn't going to solve all of  
14 the planning problems citywide. And the  
15 Special Permit process that this allowed gave  
16 us the flexibility to address some of the  
17 issues that we talked about tonight.

18 The other aspect of this would be --  
19 and I guess I caught some sense that the  
20 developer might be interested, and I don't  
21 want to -- I don't know, but would be

1 interested in coming forward with a proposal  
2 that was different than the one that they had  
3 come forward with before and that would  
4 address a lot of the issues that we're  
5 talking about here. And if that's the case,  
6 I think that would be great. But, again, I'm  
7 just saying I hope that we don't go too far  
8 with this in terms of the changes that we  
9 make to it because I'm not sure that it's  
10 absolutely necessary.

11 WILLIAM TIBBS: If you don't mind, I  
12 just wanted to -- I go back to Tom's comment  
13 because I was on the Board when the original  
14 was done. And I think in that case it was  
15 different times and we had different things.  
16 And I think we've had -- as we've had several  
17 cases now, so I think there's a -- that piece  
18 of it just needs to be the tip of it, too.  
19 If it turns out that the intention, the  
20 intent of the original act was -- we felt it is  
21 the same, and that we're trying to accomplish

1 the same things, then I would say all we need  
2 to do is tweak it. But I'm convinced, I  
3 think Tom put it well when he said: Things  
4 have changed in the ten years since we've  
5 started. So even though it was triggered by  
6 a proposal, I don't think by all means are we  
7 just reacting to a developer. I think it's  
8 just reacting to a situation about just where  
9 things are relative to this.

10 CHARLES STUDEN: I'm just not clear  
11 on what's changed. I don't think that's been  
12 articulated.

13 WILLIAM TIBBS: Yes, I think so,  
14 too.

15 CHARLES STUDEN: And the intent. I  
16 agree.

17 WILLIAM TIBBS: Yes, I agree.

18 HUGH RUSSELL: Is it a case of a  
19 building coming forward that is, you know,  
20 consequences of following the Ordinance that  
21 are different than our expectations? Or is



1 Anninger, William Tibbs, Pamela Winters,  
2 Steven Winter, H. Theodore Cohen, Charles  
3 Studen, Ahmed Nur.)

4 HUGH RUSSELL: Let's get the meeting  
5 going again.

6 The next item on our agenda is a Zoning  
7 Petition by Chestnut Hill Realty to amend the  
8 Zoning Ordinance to allow the creation of  
9 rental apartment units in the basement levels  
10 of an existing multi-family residential  
11 buildings.

12 Did you want to say something to start  
13 with?

14 STUART DASH: These gentlemen are  
15 going to present the Zoning proposal. I just  
16 wanted to say that they're actually going to  
17 use a map and the map I handed out that we  
18 produced that matches the Zoning proposal.  
19 And the map represents the logic of the  
20 Zoning proposal that these gentlemen will  
21 describe to you as they go through the

1 Ordinance.

2 HUGH RUSSELL: So, there are various  
3 colors and lines on this map.

4 STUART DASH: Right. I'll describe  
5 briefly the colors and lines.

6 HUGH RUSSELL: Thank you.

7 STUART DASH: I'll do the colors and  
8 the lines.

9 The Ordinance described a logic of if  
10 all five things are true, then certain  
11 buildings should be allowed to have basement  
12 units. And the five items are listed  
13 actually in the box which is the legend  
14 above. They're actually -- are they within  
15 1200 feet of Mass. Ave, Cambridge Street or a  
16 red line station. So Brendan Monroe our map  
17 JS map specialist drew buffers 1200 feet from  
18 Mass. Ave, Cambridge Street and the red line  
19 stations as the first order of business. The  
20 logic then says, and they also must touch one  
21 of the residential C Zones. So he then took

1 out anything that wasn't touching a  
2 Residential C Zone and subtracted out and it  
3 is white. And so what you see here in yellow  
4 actually -- or is within 1200 feet of Mass.  
5 Ave, Cambridge Street or the red line and  
6 touching Residential C Zone.

7 The purple, the Logic then goes on to  
8 state that the parcel -- the buildings that  
9 are being considered must have 30 or more  
10 units. And so in purple are the ones that  
11 our Assessor's Department chose as having 30  
12 or more units within those areas. The Logic,  
13 fourth part is that the -- had they been  
14 built before 1930, we did our best effort  
15 through Assessor's data to check the 1930 --  
16 this starts to get tougher at this point.

17 And the last one is actually one I  
18 think the gentleman here did a better job of  
19 which is then there must also be an existing  
20 residential unit in the basement. And in  
21 fact, actually we did not check our purple

1 color lots against that. So, the small red  
2 dots on your map, there may be more visible  
3 there, are -- represent the Chestnut Hill  
4 Realty's approximation of who they also think  
5 also has basement apartments already  
6 existing.

7 So with that --

8 PAMELA WINTERS: So, how many do we  
9 come up with then altogether?

10 STUART DASH: Let him answer.

11 MR. LEFT: He did a lot of my work  
12 already. I first want to, you know, thank  
13 everybody for coming tonight and their time  
14 and to wish everyone a happy new year. My  
15 name is Matthew Zuker from Chestnut Hill  
16 Realty. Chestnut Hill Realty is a  
17 family-owned real estate company since 1969  
18 with strong ties in the City of Cambridge.  
19 We own and self-manage four properties in  
20 Cambridge, three of which are 1-3 Langdon  
21 Street, 18-26 Chauncy Street, 19-21 Wendell

1 Street, all of which we have owned for over  
2 25 years. Each of these buildings has at  
3 least one existing apartment in the basement,  
4 but the remainder of the basement space  
5 contain large areas of wasted, under-utilized  
6 space despite being counted in the gross  
7 floor area. These buildings, like many  
8 others, were built before Zoning regulations  
9 on postage stamp size lots. So under today's  
10 Zoning By-Laws, to add apartments to these  
11 wasted, under-utilized spaces would require  
12 showing of a hardship to get a Variance for  
13 at a minimum, density and parking. However,  
14 under the Special Permit process using a set  
15 of specific criteria, these wasted,  
16 under-utilized basement spaces in the City of  
17 Cambridge can be appropriately used to meet  
18 more housing needs. Based on our  
19 experiences, basement apartments rent for  
20 less than above-grade apartments, and the  
21 typical basement renter relies on public

1 transportation as their primary means of  
2 transportation.

3 We carefully crafted this Amendment  
4 that one, makes appropriate use of previously  
5 wasted, under-utilized basement space;

6 Two, creates reasonably priced rental,  
7 studio and one-bedroom workforce apartments;

8 And three, (inaudible) public  
9 transportation while minimizing the effect of  
10 on-street parking.

11 In summary, the Amendment has the  
12 potential based on our research to create 173  
13 units in 24 buildings. This defers from the  
14 map that was previously handed -- just handed  
15 out which shows 50 buildings, but that did  
16 not include basement -- apartment buildings  
17 that already have basement apartments. What  
18 we did was we went to the Building  
19 Department, we determined what buildings had  
20 liveable space in the basements, and if they  
21 didn't have any liveable space in the

1 basement, we presumed -- and that presumption  
2 was confirmed by the Building Department --  
3 that we could take those out because they  
4 could not have an actual legal apartment in  
5 the basement. On our map, and it may be  
6 clear on the map you have, you can see -- and  
7 it's much clearer on the map you have, Mass.  
8 Ave. and Cambridge Street in yellow. And in  
9 the blue are the buildings other than  
10 Chestnut Hill Realty's three properties that  
11 we believe would be affected by this  
12 Amendment. And in the green is Chestnut Hill  
13 Realty's three buildings.

14 We also have some photos of our current  
15 buildings that show the interior and exterior  
16 views of these basement units to show the  
17 adequate light that they're getting. Many of  
18 these windows are the same size windows that  
19 we have in our above grade units, and they  
20 all show the height so you can see from the  
21 exterior of Langdon Street, you've got nice

1 light coming in through the windows. And you  
2 have some nice basement windows.

3 And Chauncy Street, again, you have a  
4 lot of light coming in the windows. And you  
5 have good sized basement windows.

6 And Wendell Street. Even though there  
7 was dark shooting from inside the unit that  
8 day, can you still see the amount of light  
9 that comes in through those large units which  
10 are basement unit windows, and the existing  
11 exterior views of those windows.

12 Based on our market experience and  
13 research we believe there's a strong need in  
14 Cambridge for reasonably priced apartments  
15 for retirees, young workers, working singles  
16 and couples, and graduate students who want  
17 to live close to where they work, where they  
18 go to school, or where they have lived and  
19 grew up their entire life.

20 The new apartments created under this  
21 by-law are aimed at these groups of people

1 because they're more economical than above  
2 grade units. As previously stated, we came  
3 up with a set of criteria that a building  
4 must meet in order to qualify for this  
5 Amendment.

6 The first two criteria are the building  
7 must be located within 1200 feet of Mass.  
8 Ave, Cambridge Street or a red line T  
9 station.

10 And the second criteria is the building  
11 must provide one bicycle storage space, at  
12 least one, for each apartment created under  
13 the by-law. These criteria are to encourage  
14 mass transit in order to minimize the impact  
15 of on-street parking and traffic. Being  
16 located in these areas allows residents to  
17 rely on public transportation, walking and  
18 bicycles and, therefore, they do not need to  
19 own a car.

20 As a company, Chestnut Hill Realty  
21 additionally meets these goals by having a

1           transportation advisor on staff who advises  
2           our leasing professional and residence on  
3           such things like public transportation,  
4           providing maps and information and walking  
5           directions to nearby amenities. In addition,  
6           when a car is necessary, Chestnut Hill  
7           residents have use of a Zipcar on-site.

8           The third criteria that these buildings  
9           and apartments created under the by-law must  
10          be rental. It is in line with the purpose of  
11          the by-law which is to provide workforce  
12          housing for those that cannot afford to buy a  
13          home.

14          The fourth and fifth criteria are the  
15          buildings must be in a C Zone and must  
16          contain only residential units. Multi-family  
17          is the current allowed use under the Zoning  
18          Code so there is no need to change the  
19          allowed use. In most instances it is also  
20          not appropriate to have residential units  
21          under existing commercial uses such as a

1 restaurant or a retail.

2 The sixth and seventh criteria are that  
3 the buildings must be older, larger buildings  
4 built before 1930 and containing at least 30  
5 units. Zoning Regulations as I said, were  
6 different or non-existent back when these  
7 buildings were built on postage size stamp  
8 lots, and therefore, under today's code it  
9 could not be rationally applied to these  
10 older buildings. In addition, these older  
11 buildings are more expensive to maintain.  
12 These apartments created under this Amendment  
13 will help to pay for the upkeep and preserve  
14 the character of these buildings.

15 The eighth criteria is that the  
16 building must have at least one legal  
17 residential apartment in the basement.  
18 Therefore adding any additional apartments in  
19 the basement does not set any precedent. In  
20 addition, it shows that these buildings can  
21 support basement units and meet Building Code

1 requirements.

2 The last criteria is that the new  
3 apartments created under this Amendment must  
4 be studio or one-bedroom apartments. These  
5 smaller size apartments best meet the needs  
6 of the group that the Amendment is intended  
7 for. It will have a minimal impact on  
8 schools, and it will limit the number of  
9 residents per apartments. Market  
10 availability for these studio and  
11 one-bedrooms size apartments was less than  
12 the larger apartments which is supported by  
13 an availability snapshot that we did which is  
14 in your package which shows that the most  
15 available units were two bedrooms. There was  
16 less one bedrooms and there was very few  
17 studios on the market for rent.

18 It is important to the city, to  
19 property owners and to residents that these  
20 apartments provide the same quality of life  
21 as any other apartments. This is

1 accomplished by all new construction, bright  
2 and airy rooms with good-size windows that  
3 meet all building code requirements for light  
4 and egress. Ceiling heights, that meet the  
5 building code requirement for height. And  
6 you'll note that our basements height vary  
7 from nine feet to almost ten feet. And  
8 energy efficient appliances and fixtures.  
9 Other benefits of the Amendment include the  
10 potential to add approximately \$150,000 in  
11 annual tax revenue a year to Cambridge, and  
12 to provide new businesses for construction  
13 companies, workers and area businesses.

14 In summary, this Amendment allows for  
15 the creation of reasonably priced studio and  
16 one-bedroom apartments in unused basement  
17 space of buildings that are within 1200 feet  
18 of a major road or public transportation.  
19 This accomplishes three key goals.

20 It makes appropriate use of wasted,  
21 under-utilized basement space. Note that

1 this is in line with the purpose of the  
2 Cambridge Zoning Code which "Is to encourage  
3 the most rational use of land throughout the  
4 city."

5 Two, it provides needed housing to the  
6 workforce which is in line with the purpose of  
7 the Zoning Code both to encourage housing for  
8 persons of all income levels.

9 And, three, it promotes use of mass  
10 transit while mitigating the need for  
11 off-street parking.

12 That concludes our presentation for  
13 now. Thank you for your time and we'll open  
14 it up to questions and discussion. Thank  
15 you.

16 WILLIAM TIBBS: Could you pass that  
17 top board around so we can see it. I would  
18 like to take a closer look at it.

19 HUGH RUSSELL: Charles, did you want  
20 to say something?

21 CHARLES STUDEN: Can you explain to

1 us again what's illustrated here in purple?

2 MATTHEW ZUKER: The blue purple  
3 buildings are buildings that met those  
4 criteria I just went over that aren't our  
5 buildings. We call it ours in green just to  
6 show you which ones ours are. I know it's  
7 hard to see. There's a green there. A green  
8 there. There's a green right there. The  
9 blue ones which do correspond with the map  
10 provided by the Planning Department show the  
11 ones that based on our research when we  
12 applied all the criteria, applied to these  
13 buildings here.

14 CHARLES STUDEN: The one-page  
15 summary contained in the communication you  
16 sent to us, Workforce Housing Zoning  
17 Amendment. The potential new apartments  
18 generated under the by-law, 173, are these  
19 all owned by you?

20 MATTHEW ZUKER: No.

21 CHARLES STUDEN: Some are owned by

1           you?

2                         MATTHEW ZUKER: Three of those 24  
3           buildings are owned by us. And the other 21  
4           buildings are shown in blue on this map.

5                         CHARLES STUDEN: Okay.

6                         MATTHEW ZUKER: Yeah.

7                         HUGH RUSSELL: Okay. Any other?

8                         H. THEODORE COHEN: I have a  
9           question either for you or staff. Did  
10          something explicitly happen in 1930 which is  
11          the rationale for that date?

12                        MATTHEW ZUKER: Not specific.  
13          That's around the time that the Zoning Code  
14          -- actually, I think the Zoning Code came  
15          into effect in '24 and it was, you know, it  
16          was just, we made it the 1930 instead of the  
17          1924. And when I did the research, there was  
18          a lot of buildings built before then, and  
19          then there was like a gap. And, you know,  
20          there was buildings built, but then there was  
21          a big up heap so, again, but that was a lot

1 of buildings seemed to be built before that  
2 date.

3 H. THEODORE COHEN: Does anyone know  
4 were there post-1930 apartment buildings that  
5 say otherwise meets your criteria?

6 MATTHEW ZUKER: There are -- there  
7 are some that met our criteria. What we did  
8 was we started taking a look at all buildings  
9 in Cambridge, and kind of looking through all  
10 of them there are some -- there are some  
11 newer ones. Obviously we didn't -- the  
12 intent wasn't to make those part of this  
13 because these older, mostly brick buildings  
14 are, you know, costly to maintain and upkeep  
15 them. So we, you know, set that as the date  
16 for the reason of it being an older building,  
17 and around where Zoning regulations were very  
18 different than they are today or  
19 non-existent.

20 H. THEODORE COHEN: Can you  
21 quantify, when you say some buildings

1 post-1930, do you have a number for that?

2 MATTHEW ZUKER: Not offhand. I  
3 mean, at some point I have a master list of  
4 all the buildings in Cambridge. I could pull  
5 that up for you if you wanted that.

6 H. THEODORE COHEN: Do you know, are  
7 we talking five, ten, 50?

8 HUGH RUSSELL: Let me make a comment  
9 that may -- there are three, I think three  
10 different trends or efforts. There was  
11 originally no residential housing built in  
12 the city in 19 -- from the depression through  
13 some -- a few years after World War II was  
14 over because of the conditions of the economy  
15 and conditions of the economy related to the  
16 war. The buildings that might be qualified  
17 after that point in time are apt to be on the  
18 Cambridge Housing Authority, public housing  
19 buildings. Because starting in the fifties  
20 and sixties people stopped building basements  
21 in apartment buildings. And so if you take

1 your -- there were a number of buildings  
2 built, which essentially ricked boxes, almost  
3 all of those buildings were built on either  
4 directly upgrade or sometimes recessed two or  
5 three feet with apartments already in them.  
6 So I think you'll find with the exception of  
7 the Housing Authority buildings very few  
8 buildings built after 1930 that have these  
9 large unused basements. And I believe in the  
10 remodelings that have been done in the  
11 various public housing projects, I think  
12 they've reclaimed a lot of that space.  
13 Virtually every public housing project built  
14 in the forties and fifties in the city has  
15 been completely rebuilt at least once. There  
16 are several projects that are underway right  
17 now.

18 So, I mean I don't -- my personal view  
19 is I don't think there's any particular magic  
20 about having a cut-off date, but there could  
21 be many buildings that would qualify that

1           were built after that time.

2                   WILLIAM TIBBS:   Hugh.

3                   HUGH RUSSELL:   Bill.

4                   WILLIAM TIBBS:   Could you comment on  
5           the I guess the problems that you're having  
6           with the current Ordinance with getting  
7           apartments in the space?

8                   MATTHEW ZUKER:   Under current Zoning  
9           if you applied those to these buildings, the  
10          density is two different -- I mean, we're  
11          talking, you know, one -- a quarter of what  
12          would be -- you know, so there's a big  
13          disconnect in what is actually existing in a  
14          lot of these buildings and what under current  
15          Zoning would be allowed.

16                  WILLIAM TIBBS:   I think I'm more  
17          interested in like the Variance process and  
18          stuff like that, because clearly under  
19          current Zoning that would be -- but in terms  
20          of if you wanted to put an apartment in the  
21          basement, and maybe less, you can help us out

1 with this, too, I just want to get a sense of  
2 what the problem is and why this potential  
3 Ordinance would solve a problem if it is a  
4 problem at all.

5 MATTHEW ZUKER: Okay.

6 If we wanted to put and went through  
7 the Zoning process, it's a different deal  
8 showing hardship, there could be precedent  
9 set once you put one in one building. So,  
10 what we thought was there was a set of  
11 criteria if were met, would make a benefit to  
12 the city, a benefit to property owners, and a  
13 benefit to renters to be able to use. So,  
14 we've examined it that way. But in the end  
15 we saw that there was a need not just in  
16 these three buildings that we have, which  
17 has, if you ever toured them, vast amount of  
18 unused space with nine to ten foot ceilings.  
19 Like I said, under today's Zoning, you would  
20 be able to build 15 units on, you know, a  
21 piece of land that has 90 units or 40 units.

1 So there's a big, you know, disconnect in  
2 what could be built. So, with that we looked  
3 at all these criteria to try to make the most  
4 sense to everyone and all the parties  
5 involved, and we came up with these criteria.  
6 And it's still through a Special Permit  
7 process. It's not just a by-right that you  
8 could do this.

9 CHARLES STUDEN: Why wouldn't it be  
10 by right? The way you're defining it in the  
11 Ordinance, why wouldn't you need a Special  
12 Permit?

13 MATTHEW ZUKER: We still, you know,  
14 we gave -- there was still -- if there was a  
15 situation that I guess didn't warrant, you  
16 know, if there was some special criteria that  
17 applied to one building and not others, we  
18 just felt that it gave still some control to  
19 the city and to the Zoning Board over if  
20 something stuck out to them that said, this  
21 cannot be for X reason, which I don't know,

1 but there could be something that is unique  
2 to a certain property. So that's why we did  
3 it by Special Permit.

4 CHARLES STUDEN: I'm sorry I'm  
5 interrupting you.

6 WILLIAM TIBBS: Yes. I guess was  
7 there any further comments from the public?

8 HUGH RUSSELL: Two people have  
9 signed up to speak. So perhaps we ought to  
10 hear them and then we can continue.

11 CHARLES STUDEN: That's fine.

12 WILLIAM TIBBS: Yes.

13 HUGH RUSSELL: Okay. The two that  
14 have signed up are Heather Hoffman and Mark  
15 Jaquith.

16 So Heather, would you like to come  
17 forward?

18 HEATHER HOFFMAN: Hi, my name is  
19 Heather Hoffman. I live at 213 Hurley Street  
20 which is definitely in the C-1 Zone. I  
21 haven't measured if it's 1200 feet from

1 Cambridge Street, but I suspect that it is.  
2 And after today I think I'm definitely going  
3 to have to get one of those usual suspects  
4 T-shirts made up. I would like to express my  
5 agreement with what Barbara Broussard wrote.  
6 I was just shown some of the materials that I  
7 believe were submitted to you that showed the  
8 proposed rents. And for -- I will admit to  
9 having been out the rental market for many,  
10 many, many years but that does not look like  
11 anything affordable for students, recent  
12 retirees, elderly people and such. I would  
13 -- I was also surprised to hear students and  
14 recent retirees and elderly people referred  
15 to as workforce. I thought they were kind of  
16 by definition not, especially the retirees,  
17 so I think that this is misleadingly named.

18 And living in basements, I think there  
19 are reasons that we don't have proliferations  
20 of basement apartments. They aren't  
21 particularly fantastic places to live,

1            especially with all the rain that we have had  
2            and all of the flooding that so many people  
3            have had that are -- I mean, like the four  
4            feet of water in my basement, I'm not sure  
5            that a basement is a terribly good place to  
6            be putting your home. So, I think that at  
7            the very least we should think about this one  
8            a bit. I am -- I agree with whoever was  
9            asking like what problem are we solving here?  
10           I'm not sure we're solving a problem except  
11           for someone's profits.

12                            Thank you.

13                            HUGH RUSSELL: Okay.

14                            Mark.

15                            MARK JAQUITH: Good evening, Mark  
16            Jaquith, 213 Hurlley Street. I'd like to set  
17            the way back machine to about an hour and a  
18            half ago when we were discussing density and  
19            if a property is, you know, five times over  
20            the allowed density, perhaps it's enough.  
21            Perhaps not. That's up to you and the City

1 Council to decide.

2 I have a couple of things written down.  
3 Again -- here we are again reacting to a  
4 developer who's come before you because  
5 they're dissatisfied with the Zoning that  
6 they are presently dealing with. This would  
7 give Chestnut Hill about 19 new apartments,  
8 generating somewhere around \$325,000 a year.  
9 I don't think, again, workforce housing is a  
10 fair way to describe what's here. If you're  
11 a beleaguered worker making somewhere around  
12 minimum wage, you're around \$1200 a month.  
13 And from what I've seen on their publicity,  
14 their apartments start at 1340 a month. That  
15 doesn't seem to fit very well with the  
16 definition that they've been given -- that  
17 they've given you. Again, basements first to  
18 flood, first to get the sewer backups. If it  
19 was such a good idea, why aren't they there  
20 to begin with? And if this is to promote  
21 maintenance, if they're not doing that

1           al ready, why are we al lowing them to do  
2           busi ness i n our ci ty?

3                     Thank you.

4                     HUGH RUSSELL:   Thank you.

5                     Does anyone el se wi sh to speak on thi s  
6           matter?   Mr. Fanni ng.

7                     RI CHARD FANNI NG:   My name i s Ri chard  
8           Fanni ng.   I li ve at 21 Cornel i us Way.   It  
9           took a long time i n the Ci ty of Boston for  
10          new arri val s on these shores to gai n the  
11          pol i ti cal strength to change what was then  
12          the Bui l di ng Code that al lowed peopl e to li ve  
13          i n basements throughout the ci ty.   I don' t  
14          think i t' s time to reverse those changes and  
15          start li vi ng subterranean i s substandard  
16          hou si ng for supposedl y substandard peopl e.  
17          They can' t afford i t.   Thi s i s ri di cul ous.

18                     HUGH RUSSELL:   Does anyone el se wi sh  
19          to be heard?

20                     (No Response. )

21                     HUGH RUSSELL:   Shal l we cl ose the

1 hearing for public testimony?

2 CHARLES STUDEN: Yes.

3 WILLIAM TIBBS: Yes.

4 SUSAN GLAZER: Hugh?

5 HUGH RUSSELL: Yes.

6 SUSAN GLAZER: I want to pass  
7 something on that came to our attention in  
8 the last day or two.

9 HUGH RUSSELL: Yes.

10 SUSAN GLAZER: And that was from the  
11 Public Works Department. They are beginning  
12 a vulnerability assessment for the city to  
13 assess flooding potential. And the concern  
14 was vulnerability of basement units to  
15 overl and flooding would project an increase  
16 in sea level changes. So the Public Works  
17 Department is beginning this study. It  
18 should take about six months. And the  
19 concern there obviously is from their  
20 experience in many areas of the city with the  
21 basement flooding issue that some of the

1 speakers had mentioned. So I just wanted to  
2 bring that forward to the Board's  
3 consideration. There are many aspects of  
4 this Petition that the Board can discuss, but  
5 I just wanted to bring that one to your  
6 attention.

7 HUGH RUSSELL: So, I actually lived  
8 in a basement apartment while I was a  
9 graduate student, and it had two nice south  
10 facing windows, and it was just about the  
11 size of a single car garage, and I was very  
12 happy there and I was paying \$65 a month  
13 rent. This was almost 50 years ago. And I  
14 moved out when the rent was raised to \$85  
15 because I thought that was outrageous. One  
16 of my first mistakes in real estate. It was  
17 also on the side of a hill, and it was about  
18 100 feet from the subway and down Mass.  
19 Avenue and I could hear the trains in my  
20 apartment. It reminds me of what my first  
21 boss said, it's no -- graduate students, you

1 can experiment in housing. You know, they  
2 don't live there very long and they're young  
3 and they're resilient. And so I had a good  
4 experience.

5 This is a subject that I've actually  
6 thought about off and on for many, many years  
7 observing vacant basement spaces. And if the  
8 problems could be solved, you know, I'm not  
9 willing to reject this out of hand with  
10 problems being the parking, the water, light,  
11 ventilation. And part of this proposal  
12 basically is predicated on no relief on the  
13 Building Code issues that would address some  
14 of those issues. But I felt that this was a  
15 great opportunity to provide significantly  
16 subsidized housing. I mean, if you think  
17 about it, I'm doing new construction projects  
18 that are getting \$1600 a month rents and  
19 we're spending a couple hundred thousand  
20 dollars a unit and those projects can't get  
21 financed. Now, I don't believe it's going to

1 cost a couple hundred thousand dollars a unit  
2 to create these basement units. So, I think  
3 it might cost a third of that maybe. Maybe  
4 even less. It depends an awful lot on the  
5 circumstances. That would imply to me that  
6 pretty substantial affordability would still  
7 produce reasonable return and profits for the  
8 landowners of these buildings, and would  
9 actually provide a significant public  
10 service. So that's kind of my thinking.

11 Charles.

12 CHARLES STUDEN: I think I go back  
13 to the statement purpose. As I read it, I'm  
14 not sure that I really understand it or even  
15 agree with it, because you end that paragraph  
16 by saying that by doing this, you're going to  
17 promote the protection of the environment and  
18 preserve the quality of life in the  
19 neighborhood. And I think actually in doing  
20 this you might do exactly the opposite. So  
21 I'd like you to maybe comment at some point

1 on that further, not necessarily right now.  
2 But I think that the other thing that bothers  
3 me about it is, I think I agree with the  
4 notion of workforce housing, it's kind of a  
5 misnomer that these would be affordable  
6 units. It's almost like it's ghettoizing  
7 people. They're going to be living in a  
8 building in small units of a basement. I  
9 think that the parking issue is something --  
10 173 units as you described is going to  
11 generate an additional 85 cars that need to  
12 be parked because by your own admission, your  
13 apartments generate about half the people --  
14 slightly half the people have automobiles.  
15 So I don't know how you're going to  
16 accommodate that. And, again, I also think  
17 that basements are not terribly attractive  
18 places to live. In the winter they're cold  
19 and damp. And in the winter they're often  
20 very warm because the heating systems in  
21 these old buildings are in the basement. And

1 I also wonder where the people who live in  
2 the building are going to store their skis  
3 and equipment and luggage and so on? I'd  
4 like you to comment a little bit more on what  
5 the current use of that space is. So I think  
6 when I got this proposal, I was very  
7 perplexed by what it was trying to do other  
8 than, again, generate revenue for Chestnut  
9 Hill Real Estate. You know, I don't agree  
10 with the way you've written the statement of  
11 purpose necessarily. So, there we are.

12 HUGH RUSSELL: I think at the end of  
13 the Planning Board comments we would ask you  
14 to -- give you an opportunity to respond.

15 PAMELA WINTERS: Right.

16 WILLIAM TIBBS: I think the  
17 architect in me agrees with Hugh and really  
18 thinks that basement spaces can be great, but  
19 the practical person in me agrees with you,  
20 Charles. When I got the -- particularly the  
21 write up you did, the first thing that jumped

1 out at me is because I was -- you said you  
2 were perplexed when you were reading it. I  
3 was actually interested, because I was  
4 thinking well, this could be interesting.  
5 And as I read more, I just got more -- I  
6 think the calling it workforce is a misnomer,  
7 but you were -- as one of your potential  
8 uses, you did put students which I think is  
9 indeed, would be probably the prime users of  
10 this space which is just for the reasons that  
11 Hugh mentioned, which is the students are  
12 only there for a relatively short time.  
13 Workforce implied that people would be living  
14 there for maybe a much longer period of time.  
15 And I'm the first person to say that living  
16 in a basement apartment can be situated or  
17 designed such that it's light and airy, and  
18 there's, you know, no infiltration problems  
19 and stuff like that. That it's reasonable.  
20 But I just got more skeptical of it.

21 And then the thing that really jumped

1 out at me was the numbers that you gave. I  
2 don't have my copy of that piece that you  
3 did, but you might want to remind us of what  
4 they were. But I was expecting to see a  
5 significantly lower number for these spaces  
6 because they're already existing spaces. You  
7 have 1657 as an example versus 1800 for your  
8 two other comparisons. And to me that -- I  
9 just didn't, that wasn't a big enough number  
10 for me to really think that that was --  
11 that's high enough for me to think that a  
12 student could probably afford to pay it and  
13 -- but not low enough for the real workforce  
14 kind of people, at least in my mind, that you  
15 would be striving to get. So, I guess I need  
16 to be convinced. I'm very skeptical that  
17 this is -- what is the opportunity?

18 I mean, Hugh, you said it well, you  
19 thought it could be a benefit. And I guess I  
20 need to be convinced of what that is. What's  
21 the opportunity? Is it an opportunity for

1 the city? Is there a substantial amount of  
2 this space that the city can really benefit  
3 from? It's clearly an opportunity for the  
4 owner. Is there an opportunity for the  
5 renter? Unless the space is very well  
6 designed, there's a stigma about basement  
7 spaces that people have. And if they feel  
8 that they can't -- this means that, that they  
9 can live in it, there's still a stigma there.  
10 And we have lots of basement space that's  
11 currently occupied. Obviously you said your  
12 buildings actually have some basement units  
13 in them. And unlike Hugh, I haven't come  
14 across too many that I think are great.  
15 They're practical and they're usable, but I  
16 think, I haven't -- there's not that many  
17 people that I think would love to get out of  
18 the basement space if they could. So to me  
19 unless there was a substantial financial  
20 benefit and it really was hitting at a user  
21 price point or something that really made

1 this a valuable space, I really need to be  
2 convinced.

3 HUGH RUSSELL: Pam.

4 PAMELA WINTERS: Yes. So, I never  
5 heard the expression "workforce housing"  
6 before. This is the first time I've ever  
7 heard of it. And so, then I'm looking at  
8 your rents. And so I guess one of my  
9 questions is how much were you going to  
10 charge for rent? I didn't get this sheet so  
11 now I know.

12 And I'm concerned I guess about the  
13 number of exits that you have, you know,  
14 it's, you know, if it would meet the safety  
15 requirements and so forth. I lived on  
16 Chauncy Street for 20 years. I'm very  
17 familiar with your apartments. But we  
18 recently, a couple years ago, had backup of  
19 sewerage in our basement, and it was  
20 something from a horror movie. And it's, you  
21 know, in the older buildings, and because we

1 live in a very old building -- the 1800s  
2 actually. But I'm wondering if they're more  
3 prone to that sort of thing in terms of  
4 flooding and backups and so forth.

5 I'm also concerned about parking  
6 issues. And I'm also wondering why -- I  
7 think you sort of described it, but I'd like  
8 you to flush it out a little bit more why you  
9 would not want to go to the BZA for -- you  
10 know, if this only applies to three of your  
11 units, three of your -- right, buildings, but  
12 about 19 units. So I guess I would want to  
13 know, like, more about why you wouldn't want  
14 to go to the BZA for this. So those are some  
15 of the questions that I have.

16 Thank you.

17 HUGH RUSSELL: Tom.

18 THOMAS ANNINGER: Yes, I guess in  
19 thinking about this I'm not as adverse to  
20 this as my colleagues are. I think it's  
21 actually an idea worth some consideration. I

1 think that part of the problem is the word  
2 basement. That immediately colors it in a  
3 way that makes it hard for us to imagine  
4 something worthy of living space. Frankly,  
5 to understand it, I think this is one of  
6 those situations where as lawyers say, we  
7 have to take a view. We'd have to really  
8 take a look at it to understand it. I don't  
9 think I can grasp just how you can make a  
10 nice liveable space with good windows from a  
11 basement apartment. So I think if people are  
12 interested -- I would be interested in taking  
13 a walk through. I happen to know the  
14 buildings along Concord Avenue and Garden  
15 Street very well. They're big brick  
16 buildings. They seem to work very well. The  
17 neighborhood is dense, but I think it  
18 benefits from that frankly in a lot of ways.  
19 I think it's a terrific neighborhood. And  
20 maybe this makes sense. I don't know what it  
21 would add to the rest of the building for the

1 people who already live there. When I lived  
2 in buildings like that, usually we had  
3 laundry space downstairs and storage space  
4 and bicycle space and boiler space. That's  
5 how I picture it. But I guess you're saying  
6 that's, that's already taken care of. And  
7 there's still some excess that hasn't been  
8 taken care of. And I see no reason why we  
9 shouldn't consider this excess space as  
10 something worthy. But without having people  
11 who are going to make decisions about whether  
12 this is a good idea, see it, I don't think we  
13 could go much further.

14 H. THEODORE COHEN: Very briefly.  
15 I, too, have no inherent objection to  
16 basement space being habitable space. I  
17 think there are a lot of townhouses that have  
18 been built in the passed 20, 30 years that  
19 have a first floor and the bedrooms are in  
20 the basement. And I think there are a lot of  
21 single-family homes where the basements have

1           been turned into apartments or space for  
2           children or au pairs or whatever.

3                   My concern is if we do end up  
4           recommending it and suggesting it, I just  
5           don't see the idea that there need to be so  
6           many units upon it. And I certainly don't  
7           see the point of the 1930s cap if there  
8           happens to be a more recent building that  
9           otherwise fits with the criteria, whatever  
10          they may end up being, I don't know why that  
11          should be excluded. And I don't, you know, I  
12          guess I can see the rationale of Mass. Ave,  
13          Cambridge Street and the T stations, but  
14          given the fact that probably half these  
15          people are going to have cars anyway, I don't  
16          know that it necessarily ought to be limited  
17          to just those areas if we are otherwise  
18          providing, addressing the parking issue.

19                   HUGH RUSSELL: Steve.

20                   STEVEN WINTER: Thank you.

21                   I concur with my colleagues. I don't

1 have a philosophical problem with basement  
2 apartments. I've lived in a couple myself.  
3 I don't live in one now and I'm really glad.  
4 But when I didn't have any money, yes, you  
5 know, that was just fine and it wasn't an  
6 issue for me at the time.

7 I do want to say the way that the way  
8 that this project was presented, the  
9 materials, it was a little disconcerting to  
10 me. You know, this isn't to plan for a  
11 social service program. You're trying to  
12 figure out a business plan. And I think  
13 that's what it ought to look like. And I --  
14 if it's a plan to -- I don't have a problem  
15 with creating plans to create additional  
16 business income for your business. I think  
17 that's fine. You know, that's great economic  
18 development. But I am a little put off by a  
19 lot of the text in the proposal, and I just  
20 wanted to tell you that.

21 I also -- Mr. Fanning's comments were

1 very interesting and historical. And I  
2 really value those comments about people  
3 living in the basements. And I like people  
4 who remember those things as I do, but I also  
5 think that the technology is different these  
6 days and it's new. And I think there's  
7 different building technologies and different  
8 ways to live in these spaces. And I don't --  
9 I think we can continue to look at this, and  
10 I don't think there's an issue, but the fact  
11 that the proposal was just a little sly makes  
12 me want to step back and say, wait a minute,  
13 I don't want to do anything real fast here.

14 HUGH RUSSELL: Ahmed.

15 AHMED NUR: I also will be real  
16 brief. I feel like I'm just sort of  
17 blindfolded. I don't have any drawings in  
18 front of me showing dimensions, elevations of  
19 windows. We're just talking about three  
20 buildings. I see some pictures over there  
21 that look like a first, not a basement. To

1 me it's above grade. If that's what it is,  
2 I'd probably like it. As Tom said, I'd like  
3 to take a look at it and then talk about it  
4 then. One other question that I have  
5 probably is if people living on the first  
6 floor and you're bringing students into  
7 studios, it's probably going to be really  
8 noisy and I wondered if you should also want  
9 those people to come into an open public  
10 meeting to, you know, concern and so on and  
11 so forth. So I wonder that's more like a  
12 question. The tenants of the building should  
13 be a part of this.

14 Thank you.

15 WILLIAM TIBBS: Even though, I just  
16 wanted to state that this is a Zoning change  
17 so it's not specific to -- they're using  
18 their buildings as examples.

19 AHMED NUR: Oh, I see. Thank you.  
20 Okay.

21 CHARLES STUDEN: I wanted to say the

1 same thing. This is a Zoning proposal that  
2 would apply, according to your analysis, to  
3 quite a number of buildings in Cambridge  
4 potentially generating 173 units in buildings  
5 perhaps very different from yours. It would  
6 create apartments that were really not all  
7 that great quite frankly.

8 PAMELA WINTERS: That's right.

9 CHARLES STUDEN: So anyway, I just  
10 wanted to say.

11 PAMELA WINTERS: That's why and  
12 maybe taking them individually, case by case  
13 would be a better option, you know, just my  
14 thought.

15 CHARLES STUDEN: Under the current  
16 Zoning.

17 PAMELA WINTERS: Yes.

18 CHARLES STUDEN: The appeal the  
19 Variance.

20 PAMELA WINTERS: The BZA, right.

21 HUGH RUSSELL: Steve.

1                   STEVEN WINTER: Thank you. There  
2                   were two points that I neglected and I'm  
3                   sorry that I did.

4                   One is that I would like to hear back  
5                   from the Proponent on the metric used to  
6                   estimate the \$150,000 in potential business  
7                   taxes. I think that's great, but I'd like to  
8                   see the methodology we use to do that. And I  
9                   also need some clarification on -- and I  
10                  don't need it now, but I do need some  
11                  clarification on what potential new apartment  
12                  locations as listed by Chestnut Hill Realty  
13                  means.

14                 MATTHEW ZUKER: Could you repeat  
15                 that?

16                 WILLIAM TIBBS: What's the  
17                 reference?

18                 STEVEN WINTER: The reference is on  
19                 the -- it's one of the metrics used -- one of  
20                 the criteria, and it's on this page here.  
21                 And there are purple dots that are "Potential

1 new apartment locations as listed by Chestnut  
2 Hill Realty (25 buildings)." But I'm not  
3 saying that it's wrong. I'm just saying I  
4 don't understand what it means.

5 CHARLES STUDEN: There's a one-page  
6 summary in the packet that they --

7 STEVEN WINTER: You know, it's  
8 funny. We didn't get it.

9 AHMED NUR: We didn't get it.

10 CHARLES STUDEN: Liza sent it  
11 electronically. You had to print the thing  
12 that she sent.

13 WILLIAM TIBBS: Right here.

14 CHARLES STUDEN: Yes.

15 HUGH RUSSELL: Tom, did you want to  
16 say something else?

17 THOMAS ANNINGER: Just one thing.  
18 There was a hint in the discussion that Hugh  
19 said about these apartments perhaps being too  
20 expensive to be for the purpose that they  
21 were intended. These are not being called or



1 -- this housing could be restricted to units  
2 that are affordable possibly. I don't -- I  
3 mean -- there is a -- you have a section in  
4 the Ordinance about affordability. And I  
5 remember when that was enacted. It was a  
6 complicated consideration. But since we as a  
7 city are giving a benefit to the owner to  
8 allow them to build these units, that we can  
9 also impose a restriction on the  
10 affordability of the units. Now, are they 65  
11 percent (inaudible) increments or 80 percent  
12 or 100 percent or 120 percent? Those are all  
13 different issues. I will say that -- one  
14 other comment I forgot to make is that for  
15 the last 12 years I worked for a client that  
16 provides workforce housing and their units  
17 rent for about \$110 a week. That's where  
18 they believe there's a big need in the  
19 workforce. And they are mostly rooming  
20 houses. And so some of them are small studio  
21 apartments. But their mission in life is to

1 provide, you know, decent well-managed  
2 well-run housing for people who are earning,  
3 you know -- people you're facing across the  
4 service, retail stores and restaurant  
5 businesses. That's a different kind of a  
6 role. But there isn't much of that housing  
7 in Cambridge anymore. There used to be a  
8 great deal.

9 Okay. Have we exhausted our comments?  
10 Gentlemen, would you like to say anything  
11 more?

12 ATTORNEY DAVID KLEBANOFF: I  
13 actually -- my name is David Klebanoff. I'm  
14 counsel for the Chestnut Hill Realty.  
15 K-l-e-b-a-n-o-f-f.

16 I wrote this. And so I just wanted to  
17 -- that's fine. So I wanted to address a  
18 couple of things, particularly why we didn't  
19 just go to the ZBA. I mean, in a sense  
20 that's what this is written to do. It would  
21 not be legal to ask for a Variance in an

1 existing building that's already making a  
2 profit. I mean, we could dress-up a Variance  
3 appeal and give them all sorts of phony  
4 hardships. But what we did was just went on  
5 -- out in the open with it and gave them a  
6 set of criteria by which they consider  
7 whether to do this. And a lot of the  
8 questions I'm hearing are exactly what would  
9 come up in a Special Permit hearing. You  
10 know, maybe all of the buildings aren't this  
11 nice. Maybe the Zoning Board would say, you  
12 know, we want you to leave a corner where  
13 your washing machines are and where the  
14 bicycle storage goes. You know, you could do  
15 eight, we're going to let you do six. I  
16 mean, a lot of what I've heard would be the  
17 type of things that would be done at a  
18 Special Permit where the individual building  
19 and the tenants could come and they could  
20 address their concerns. That's why we didn't  
21 just, you know, let's go ask for a bunch of

1 Vari ances. We thought we would put it in the  
2 framework where the people that are used to  
3 looking at property by property eval uati ons  
4 could do so wi th thi s proposal . So I thi nk  
5 that answers a coupl e of the thi ngs that were  
6 asked earl ier.

7 CHARLES STUDEN: Agai n, I real ly  
8 would l ike someone to clari fy the purposi ng.  
9 You drafted a purpose, but I don't  
10 understand. How i s thi s goi ng to promote the  
11 protecti on of the envi ronment and preserve  
12 the qual i ty of l i fe i n the nei ghborhood by  
13 putti ng basement apartments i n? Address, for  
14 exampl e, the parki ng i ssue. That' s goi ng to  
15 have a very negati ve impact i n the  
16 nei ghborhood.

17 MATTHEW ZUKER: Part of i t i s  
18 provi di ng these uni ts i n bui l di ngs that  
19 al ready exi st, you' re meeti ng a need of the  
20 segment of the renters wi thout havi ng to  
21 bui l d new bui l di ngs that are goi ng to be more

1 of an impact on, you know, the environment.  
2 So you're working with within a footprint.  
3 And we also try, you know, using  
4 environmentally friendly things such Energy  
5 Star appliances and fixtures.

6 THOMAS ANNINGER: Use the  
7 microphone.

8 MATTHEW ZUKER: Sorry.

9 So as I said, the big one was we're  
10 building within an existing footprint and not  
11 having to -- new construction which obviously  
12 has an impact on the environment. So there  
13 really isn't as much of an impact to meet the  
14 needs of this segment of renters by building  
15 in there.

16 There's a couple of other points I'll  
17 quickly just touch on. That window on the  
18 top left is actually a basement unit in one  
19 of our buildings. If you came and seen, we  
20 have really nice basement units that have  
21 windows that are the size of what looks like

1 an upstairs unit. So some of our rents may  
2 not be as low as a basement that had tiny  
3 little windows. And that kind of skews it.  
4 So what I showed in that comparison was just  
5 what is our rent draw. I mean, there's no  
6 hiding it. I mean, this is what our unit on  
7 the first floor rents for. This is what one  
8 of our basement rents for, and we need to  
9 take a lot of pride in advantaging our homes  
10 which is our motto. And these are nice  
11 units. They may not be as nice as someone  
12 else's, and the market may dictate that  
13 someone may only pay 1200 for that one.

14 One of our renters in the basement has  
15 been there since 1983. So, although we have  
16 lots of students and we have lots of young  
17 workers who may be here for a couple years or  
18 brought in by a company. When I toured the  
19 building a couple weeks ago, I met a lot of  
20 these people who love their unit. They have  
21 beautiful units. They pay less than they

1 would pay for upstairs. So that two or three  
2 hundreds a month is a savings to them,  
3 whether they're going to school or working.

4 Obviously there was a question about  
5 egress. And we have to provide -- I mean,  
6 you have to meet building code for height,  
7 light, egress. So obviously we had nine to  
8 ten foot ceilings in some of ours, and in  
9 some other buildings might not have -- they  
10 may have seven-six or they may have  
11 seven-four, that doesn't meet the code and so  
12 they couldn't put a unit in that. And that  
13 would come out in the Special Permit process  
14 of where in your building are you going to  
15 put units? And what is the height where  
16 you're going to put those units? What are  
17 the window sizes of where those units will  
18 be? And the Zoning Board at that time could  
19 say, you can't put one there. It's not going  
20 to meet the Building Code requirements.

21 We have existing units in these

1           bui l di ngs.   So sewer and water fl oodi ng  
2           backups -- I mean, I know i t' s been a huge  
3           probl em i n Cambri dge but we' ve never had that  
4           probl em.   I t' s not l ike we' re not putti ng  
5           uni ts where there' s never been uni ts before.  
6           We do have other -- we do have l aundry down  
7           there.   And we do have some storage and  
8           mechani cal s.   And, you know, some of that has  
9           to be reworked.   But, you know, you' re not  
10          goi ng to take away the l aundry room.   I mean,  
11          agai n, that' s somethi ng el se that woul d come  
12          out i n the Speci al Permi t process.   That i f  
13          you showed a l aundry room and then you took a  
14          l aundry room out of the bui l di ng, that woul d  
15          gi ve the Zoni ng Board an opportuni ty to make  
16          sure that that was there.

17                   Based on the esti mate of 150,000 a  
18                   year, that basi cal l y took the assessed val ue  
19                   of the bui l di ng di vi ded by a number of uni ts  
20                   to come up wi th ki nd of a rough i dea of what  
21                   a uni t i s assessed at and took the goi ng rate

1 for the tax rate and applied that same rate  
2 to the basements even though they may be  
3 assessed at less. So it was just a little  
4 spreadsheet, and it's not an exact science  
5 but it was somewhere in that --

6 STEVEN WINTER: It's a methodology  
7 and I hear you.

8 MATTHEW ZUKER: Right.

9 And then these units do meet, you know,  
10 it may be deceiving to see 1800 a month and  
11 1600 a month, but that also, some of the  
12 upstairs units in our buildings -- we had  
13 some smaller units, so I tried to break it  
14 down at a per square foot. I mean, it's not  
15 common as a renter, more of a condo, but just  
16 to see that in our buildings the basements  
17 are typically 15 to 20 percent below what the  
18 upstairs rent for. And as you see, we have  
19 some nice basement units. Whereas, you know,  
20 there's a range. They're not all the same.  
21 We have some that are less, some that are

1 more. But in general, in our buildings, and  
2 that's all we can, you know, the market --  
3 the data we had was 15 to 20 percent less to  
4 rent in the basement.

5 I'm sure I missed a few other of the  
6 comments, but if there's anything that needed  
7 to be addressed right now and you wanted to  
8 ask right now, I'm sorry if I missed it, but  
9 please do.

10 HUGH RUSSELL: Bill, do you have  
11 anything?

12 WILLIAM TIBBS: No, I think it's  
13 interesting. I don't fundamentally have an  
14 issue with units in the basement. And I  
15 guess my big question is why such a  
16 convoluted way to get at it? Why don't we  
17 just look into a way of making that doable or  
18 using how we word our Ordinance so that it's  
19 doable and so that the BZA or somebody else  
20 can consider this and it's not maybe the  
21 hardship issue is -- we look at that language

1 or whatever, but to say that if there is a  
2 building that is, you know, passes all this  
3 criteria, I think all this other stuff to me  
4 is, it's -- and particularly the way it's  
5 worded, I agree with you wholeheartedly, that  
6 the workforce zoning petition is just a  
7 little pretentious. I mean, to be able to  
8 allow you to you -- really what your desire  
9 is to allow units in basements in a less  
10 restricted way or in a way that would allow  
11 our agencies to really look at it and take a  
12 look at it on a case-by-case basis to see if  
13 it's reasonable. And I guess I would be much  
14 more interested in seeing what's in our  
15 Ordinance that prevents that from happening,  
16 and is there some way of allowing that to  
17 happen than to go through any kind of --

18 PAMELA WINTERS: Zoning change.

19 WILLIAM TIBBS: -- convoluted zoning  
20 changes. And I call it convoluted because I  
21 too, was just turned off. In that purpose of

1 statements I mean, you mentioned, you know,  
2 the difficulty professed by the elderly and  
3 the workers to find -- I was really turned --  
4 as I was reading it, I was just turned off by  
5 it. And the whole student dynamic is so  
6 different from the local worker and the  
7 elderly dynamic. And to put those two -- and  
8 I think what I would have liked to avoid is  
9 just getting more spaces so that we have more  
10 spaces for students because that's, you know,  
11 Boston has that issue of just making  
12 apartments in everything and anything they  
13 can because the market is there and the  
14 students can afford it and they're only here  
15 for a relatively short amount of time. But  
16 if you're saying that you think that we -- if  
17 you're saying that the city has a potential  
18 of good quality units in the basement and  
19 you're not able to tap at that potential  
20 because of your ordinances, then that's a  
21 different conversation. But I surely

1           woul dn' t call i t a workforce.   That j ust  
2           real ly bothers me.   Any way, I 've sai d enough.

3                     STEVEN WINTER:   Mr. Chai r, may I  
4           address the body?

5                     HUGH RUSSELL:   Sure.

6                     STEVEN WINTER:   Is i t appropria te  
7           for the to ask the Proponent to talk wi th  
8           staff and begi n a di alogue to see the i ssues  
9           that Bi ll j ust brought up, whether there' s a  
10          pathway there somehow, somewhere?   Or is that  
11          our purvi ew?

12                    HUGH RUSSELL:   Well , we often  
13          suggest amendments or amended l anguage to  
14          proposal s, and I woul d agree wi th Bi ll that  
15          thi s coul d be wri tten i n more di rect terms.  
16          But I mean, I don' t -- al so, I j ust want to  
17          comment that, you know, comi ng forward wi th  
18          thi s type of proposal i s the ri ght way to do  
19          thi s.

20                    STEVEN WINTER:   Yes.

21                    WILLIAM TIBBS:   I agree.   I agree.

1 Yes. Call it the basement housing zoning.

2 HUGH RUSSELL: We can't do this by  
3 Variance. It might be desirable to do this.  
4 It should be done by Special Permit, and  
5 here's some parameters. We've analyzed our  
6 buildings carefully and looked at the  
7 parameters and have a list of criteria that  
8 are related to what they know about owning  
9 and managing buildings. So this is, you  
10 know, properly before us. You know, we may  
11 not feel that Mr. Klebanoff is the same kind  
12 of drafter as Mr. Barber, and we're used to  
13 Mr. Barber's drafting. But, you know, it's  
14 not unclear what's written here. It's just a  
15 little flowery for what we usually do.

16 STEVEN WINTER: I think the Board  
17 concurs.

18 WILLIAM TIBBS: Yes, we do.

19 HUGH RUSSELL: And now the question  
20 is I think until we have some better idea of  
21 what the substance of the language is there's

1 not much point to rewrite the style. And I'm  
2 not sure that we're at that point. I think  
3 we probably want to take this up at a later  
4 meeting after we've had a time. There's been  
5 a suggestion that -- at least a couple of  
6 members would actually like to tour some of  
7 these basements to get a clearer picture, and  
8 I'm sure you would be happy to accommodate  
9 that.

10 MATTHEW ZUKER: Yes, absolutely. We  
11 would like to host a walk through with  
12 everybody if they'd like to come or whenever  
13 they could come. And you could see the large  
14 areas of literally of unused wasted space  
15 that sits in a lot of these basements. And  
16 to see the quality of the existing units that  
17 we have in the basements.

18 HUGH RUSSELL: So --

19 MATTHEW ZUKER: Though they're not  
20 always cleaned up with when we go.

21 HUGH RUSSELL: Now, the comment that

1 Susan related from the Public Works  
2 Department which is essentially a request  
3 this be deferred for a year.

4 PAMELA WINTERS: Six months.

5 HUGH RUSSELL: Well --

6 PAMELA WINTERS: Was it six months?

7 SUSAN GLAZER: I'm not sure of the  
8 exact frame. They said the study would take  
9 probably six months, but it could as you know  
10 go longer.

11 HUGH RUSSELL: And, right, we can  
12 address that by waiting or we can address  
13 that by creating another criteria that has to  
14 do with demonstrating susceptibility of  
15 flooding on the street or that sort of thing.

16 STEVEN WINTER: May I add that a  
17 great deal of the flooding that has occurred  
18 in the city, I'm not saying it doesn't occur,  
19 has been remedied by the storm sewer  
20 separation. And areas of the city that used  
21 to flood now do not flood.

1                   HUGH RUSSELL: Right. But they're a  
2                   different subsurface conditions. Right  
3                   around here there's a clay layer down only a  
4                   few feet below ground, an impervious clay  
5                   layer. We found it next-door about four feet  
6                   below grade when we were doing an elevator  
7                   shaft 35 years ago. And if you look very  
8                   carefully down those blocks, you notice that  
9                   all the houses are -- the first floor they're  
10                  are all at the same height although the  
11                  ground falls away because everybody dug down  
12                  until they hit water. My house that was  
13                  three feet below grade, and they then built  
14                  the basement of six feet. And my basement  
15                  has flooded occasionally when -- because too  
16                  much water comes in from the top, it can't  
17                  get through the clay, and it finds it very  
18                  easy to get through the stone foundation.  
19                  So, you know, and I think everybody in North  
20                  Cambridge will tell you their basement  
21                  floods. Although I believe very few of these

1        buildings -- there are no buildings that are  
2        in that general area so that may not be an  
3        issue. This must be Linnear Street I guess?  
4        But, you know, geology has a big part of that  
5        and I'm sure that's a big part of what the  
6        Public Works Department would be looking at  
7        is underlying geology.

8                I think we should just take this under  
9        advisement now, gather some more information  
10        and then take it up at our next reasonable  
11        opportunity.

12                STEVEN WINTER: May I also offer a  
13        suggestion to the Proponent and that is, you  
14        know, the business of working on these issues  
15        is not always hugs and smiles and that's  
16        okay. But I will say that in the long run  
17        this Board really does bring strength to  
18        proposals and to Proponent's work. And I  
19        think that if you stay with us and work with  
20        us, you'll find that in the end that's true.  
21        We'll come up with a much better product

1           together.

2                   HUGH RUSSELL:   Okay.   I believe we  
3           are --

4                   MATTHEW ZUKER:   Is there a procedure  
5           for setting up a walk through?  Is that  
6           something we can take up with Li za?  Can  
7           figure out how to coordinate if there's any  
8           other information that there --

9                   THOMAS ANNINGER:   Since I'm the one  
10          that brought it up, I'll put my name on the  
11          list.  Maybe somebody else will join me.

12                   MATTHEW ZUKER:   Okay.

13                   And in terms of substance which you  
14          talked, was there anything else that we'll  
15          talk with the Planning Department?

16                   HUGH RUSSELL:   Well, I've heard a  
17          lot of different things from my colleagues.  
18          I think the only common thing was our  
19          willingness to continue discussing it.

20                   WILLIAM TIBBS:   Definitely.

21                   HUGH RUSSELL:   I think I'd like to

1 close this discussion.

2 THOMAS ANNINGER: I guess the only  
3 thing I would say if I may. One of the  
4 points that I felt was a very good one was  
5 this applies to many more buildings than  
6 yours, and what we will learn by talking to  
7 you is only about your buildings. So we  
8 somehow have to figure out how to broaden our  
9 view beyond who you are. And we would  
10 probably put into something, if it came to  
11 that, some criteria about windows and  
12 brightness and openness of space and height  
13 of ceilings and so on. But I have a feeling  
14 they would end up being tailored around what  
15 you have, and we still wouldn't know a whole  
16 lot about what the others are. So, I think  
17 somehow we have to find a way to get beyond  
18 just what your ownership includes.

19 PAMELA WINTERS: Tom, I said exactly  
20 the same thing just now to Bill so I concur.

21 ATTORNEY DAVID KLEBANOFF: That was

1 the logic of adopting the Building Code  
2 because we're over there protecting that type  
3 of thing.

4 HUGH RUSSELL: Right. I mean, the  
5 Building Code allows seven-foot six high  
6 ceilings. It allows windows that are eight  
7 percent of the floor area of the room, which  
8 are perhaps not far off in some of these  
9 photos. We ordinarily do better than that in  
10 the market housing, but that's because people  
11 like big windows. People pay big bucks for  
12 windows.

13 So, again, I'd like to close this  
14 conversation now and we're moving on to the  
15 last item on our agenda.

16 Thank you very much.

17 (A short recess was taken.)

18 HUGH RUSSELL: Okay, we're going to  
19 discuss the last item on our agenda. The  
20 election of Planning Board Chair. Are there  
21 any nominations?



1 nomi nati ons?

2 (No Response. )

3 HUGH RUSSELL: Move to close the  
4 nomi nati ons.

5 Those i n favor of cl osi ng the  
6 nomi nati ons?

7 (Show of hands. )

8 HUGH RUSSELL: Unani mous.

9 (Russel l , Anni nger, Ti bbs, Wi nter,  
10 Wi nters, Cohen, Studen, Nur. )

11 HUGH RUSSELL: And on the vote on  
12 the two members, and I thi nk i t was a joi nt  
13 moti on, so al l those i n favor of that moti on,  
14 rai se thei r hands.

15 (Show of hands. )

16 HUGH RUSSELL: Unani mous. And we' re  
17 here for another year.

18 (Whereupon, at 10:20 p. m. , the  
19 meeti ng adj ourned. )

20

21

## C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS  
BRI STOL, SS.

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

I am not related to any of the parties  
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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  
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best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 14th day of January 2011.

\_\_\_\_\_  
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