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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, October 18, 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

Community Development Staff:
Brian Murphy, Assistant City Manager for
Community Development

- Susan Glazer
- Liza Paden
- Roger Boothe
- Stuart Dash
- Jeff Roberts
- Taha Jennings

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P R O C E E D I N G S

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

HUGH RUSSELL: This is the Cambridge Planning Board meeting and we're going to talk about the Board of Zoning Appeal cases.

LIZA PADEN: The first case on the agenda is for Five Western Avenue. And the Board may remember this was a Planning Board Special Permit by the Cambridge Housing Authority to convert the police station in Central Square to the Cambridge Housing Authority plus some other non-profit space. One of the parts of that plan is to do an in-fill in the atrium space, and this then triggered a parking requirement. So, they're at the Zoning Board of Appeal. And this space was shown to the Planning Board during the Planning Board public hearing process.

HUGH RUSSELL: Did our decision

1 menti on the upcoming Zoning relief they were
2 needi ng?

3 L I Z A P A D E N: Pardon?

4 H U G H R U S S E L L: In our deci si on
5 granti ng the Speci al Permi t, di d we al ready
6 endorse the Vari ance?

7 L I Z A P A D E N: Yes, yes. The Pl anni ng
8 Board di d adopt a recommendati on to the BZA
9 to support the Vari ance requested.

10 H U G H R U S S E L L: Okay. Is there any
11 reason that we woul d not send that on?

12 L I Z A P A D E N: I thi nk I al ready sent
13 it.

14 H U G H R U S S E L L: Good.

15 T H O M A S A N N I N G E R: Whi ch number i s
16 that?

17 L I Z A P A D E N: The fi rst one on the
18 agenda.

19 The second one I wanted to bring to
20 your attenti on i s a Use Vari ance i n a
21 Resi dence C-1 Di stri ct and usual ly we' re not

1 in support of this. Except in this
2 particular case, this is to use the existing
3 gym space at the Cambridge Community Center
4 on Callander Street on Saturdays from January
5 through April for a farmer's market, and this
6 would start up about the time when the Morse
7 School parking lot farmer's market closes
8 down and it moves the farmers into a space
9 that won't have snow. And there's a real
10 enthusiasm for this to be opened up in the
11 neighborhood. So, if the Board would just
12 leave that to the BZA for those issues is
13 what I would recommend.

14 PAMELA WINTERS: Should we make a
15 recommendation?

16 HUGH RUSSELL: Well, we could send a
17 recommendation saying this is a terrific use.

18 LIZA PADEN: Okay.

19 CHARLES STUDEN: Is parking an
20 issue?

21 LIZA PADEN: No, because the

1 farmer's market feels that they're going to
2 be able to handle the farmers themselves on
3 the site, and then the majority of the
4 customers are going to be neighborhood
5 residents.

6 CHARLES STUDEN: I was actually
7 thinking about the delivery trucks.

8 LIZA PADEN: Right. For the most
9 part these farmers coming into Cambridge now,
10 if you notice the one at Memorial Hall, up
11 Central Square and Charles Square, they've
12 gotten very good at getting a truck that's
13 big enough but not too big. And so there are
14 panel trucks, but they're able to move the
15 materials in.

16 STEVEN WINTER: I'd also like to
17 mention the community support. Agriculture
18 is a big economic development issue on many,
19 many fronts and so anything we can do to
20 support that in a Metropolitan area, it's
21 good.

1 L I Z A P A D E N: O k a y .

2 T H O M A S A N N I N G E R: W a s t h e r e a n y
3 o p p o s i t i o n t o t h i s ?

4 L I Z A P A D E N: I h a v e n ' t h e a r d o f a n y ,
5 T o m , b u t t h a t d o e s n ' t m e a n t h e r e i s n ' t . A n d
6 t h e C a m b r i d g e C o m m u n i t y C e n t e r i s p r e t t y g o o d
7 a b o u t g o i n g o u t i n t o t h e n e i g h b o r h o o d , a n d
8 t h e y d o h a v e a v e r y a c t i v e B o a r d . S o I d o n ' t
9 t h i n k t h a t t h e y w o u l d h a v e p r o c e e d e d w i t h
10 t h i s i f t h e y h a d a v e r y s t r o n g o p p o s i t i o n t o
11 t h e p r o p o s a l .

12 T h e n e x t c a s e i s a s i g n l o c a t e d a t 2 5 0
13 M a s s . A v e n u e w h i c h i s a t t h e M a r i n o C e n t e r .
14 A n d t h e y ' r e c o m i n g i n f o r a -- f o r r e l i e f o n
15 t h e h e i g h t o f t h e s i g n . T h i s i s a b u i l d i n g ,
16 i t ' s a t r a p e z o i d o n M a s s . A v e n u e i n N o r t h
17 C a m b r i d g e .

18 H U G H R U S S E L L: I t ' s t h e h e a l t h
19 c e n t e r n o t t h e r e s t a u r a n t .

20 L I Z A P A D E N: Y e s . A n d i t ' s a c r o s s
21 t h e s t r e e t . A c r o s s t h e s i d e s t r e e t o f

1 Edmunds Street from Dunkin' Donuts to give
2 you an idea of where it's located. And in a
3 moment I'll show you. So what has happened
4 is the proposed location of where they're
5 legally allowed to put the Marino sign
6 itself, unfortunately is behind the trees on
7 street level. So the sign is blocked. It's
8 a very bad picture, but there's a whole bunch
9 of trees here and this would block the sign
10 itself. And the building, when it was
11 designed, the first floor -- there might be a
12 better elevation. Yes, here we go. That's
13 the original, and they're doing a new sign.
14 And so what they're looking to do is to put
15 the sign on the building so it doesn't get
16 blocked by the trees.

17 CHARLES STUDEN: Just higher in the
18 same location?

19 LIZA PADEN: Yes, on the same wall.
20 I think it's an issue that can be left to the
21 Board of Zoning Appeal.

1 PAMELA WINTERS: Okay.

2 HUGH RUSSELL: Okay.

3 PAMELA WINTERS: I had questions
4 about 725 Concord, again, signs.

5 LIZA PADEN: Yes. So this is Mount
6 Auburn Hospital's building -- they do not own
7 it so let me start again. So this is at 725
8 Concord Avenue, but the hospital is now
9 leasing all but one office space on the
10 ground floor.

11 PAMELA WINTERS: Really? That's
12 interesting.

13 LIZA PADEN: Yes. So it's becoming
14 the Mount Auburn Health Building. And this
15 isn't -- if you think back to when the
16 Special Permit came in for the Mount Auburn
17 Hospital, the plan was to move doctor's
18 offices out of the hospital structure
19 itself --

20 PAMELA WINTERS: Right.

21 LIZA PADEN: -- and to have

1 appointments at different locations. This
2 one on Concord Avenue.

3 There are two signs that they're
4 proposing to put on the building coming from
5 Concord Avenue in Belmont and Concord Avenue
6 from the -- well, I guess I can't call it the
7 Ground Round rotary anymore. So the proposal
8 is -- and unfortunately we have the bad
9 copies down at this end. Are you familiar
10 with the building?

11 STEVEN WINTER: I'm familiar with
12 the Ground Round rotary.

13 LIZA PADEN: Okay, going further
14 towards Belmont. Let me see if there are any
15 pictures. I'll have to bring them down
16 because this is not a good copy.

17 So they're permitted to put the sign
18 below the second floor window which will be
19 behind this building.

20 PAMELA WINTERS: Right.

21 LIZA PADEN: And they would like to

1 put it up at the top level, but keeping it
2 within this bay over the windows that exist
3 now. And their position is -- pardon?

4 PAMELA WINTERS: No, I was answering
5 him.

6 LIZA PADEN: So their argument is
7 they're a health services building. People
8 are already stressed when they're going to
9 the doctors for various things. The sign is
10 not lit up, and they have studied -- there's
11 consistent lettering, graphics, one thing and
12 another. There's one sign facing from
13 Cambridge, one sign facing from Belmont, and
14 then they will have a freestanding sign which
15 actually conforms and replaces the existing
16 one. This is similar to what was done at the
17 hospital itself from the Memorial Drive side.

18 PAMELA WINTERS: I personally think
19 it's fine. And also the picture was taken in
20 winter and there were no leaves on the trees.
21 And if the sign is there in the summertime,

1 you' re not goi ng to be abl e to see a lot of
2 the si gn.

3 LIZ A PADEN: Ri ght.

4 PAMELA WI NTERS: What do you thi nk,
5 Hugh?

6 HUGH RUSSELL: I don' t favor thi s.

7 PAMELA WI NTERS: You do not?

8 HUGH RUSSELL: I do not.

9 PAMELA WI NTERS: Okay.

10 HUGH RUSSELL: It' s not a hospi tal .
11 It' s a doctor' s offi ce. Peopl e aren' t
12 rushi ng i n an emergency to thi s l ocati on.
13 And I thi nk -- and i t' s l ike everybody wants
14 to put thei r si gn, you know, to bl ast thei r
15 message at everybody. And we have to stand
16 agai nst that. Maybe we can have an argument
17 to put i t, you know, the second fl oor i t' s
18 not vi si bl e. But, you know, most bui l di ngs
19 don' t have si gns on both ends. It' s a lot of
20 si gnage. Probabl y conformi ng, but. . . .

21 LIZ A PADEN: I' m tryi ng to remember

1 on the amount of signage.

2 PAMELA WINTERS: You know, I have to
3 say I have my mammograms there every year,
4 and coming down Concord Avenue, it's kind of
5 hard to see like, I don't know, the number
6 and the -- I don't know.

7 LIZA PADEN: The signs themselves
8 are 21 and a half square feet.

9 HUGH RUSSELL: Those are conforming
10 signs if they're in the right place.

11 LIZA PADEN: Right. If they were no
12 taller than 20 feet on the building, then
13 they would be conforming. So it's the
14 location. The building itself on the Concord
15 Avenue facade is 125 feet. So even the two
16 signs together is 42 square feet, 43 square
17 feet. And all of the signage together is
18 less -- they're not even using the sign
19 allocation.

20 CHARLES STUDEN: I think the
21 building looks like an office building. In

1 fact, that's what it is, or was, is that what
2 you said, Li za.

3 LIZA PADEN: It is. And it's a
4 doctor's office building now.

5 CHARLES STUDEN: And is it true that
6 people don't come there on an emergency
7 basis?

8 LIZA PADEN: No, there's no
9 emergency. The building itself is closed by
10 five p.m.

11 CHARLES STUDEN: I think if the sign
12 lower, there's a visibility issue. Hugh, are
13 you suggesting perhaps lowering it into one
14 of those other bands a little bit lower on
15 the face of the building than the uppermost
16 band?

17 HUGH RUSSELL: I think that would be
18 more acceptable to me.

19 PAMELA WINTERS: All right.

20 THOMAS ANNINGER: I think it's going
21 to -- go ahead.

1 CHARLES STUDEN: I would tend to
2 agree. I mean, I'm not sure it necessarily
3 needs to be up at the very top of the
4 building. In fact, it might even be more
5 visible if it weren't quite that high.
6 Because you're a motorist or a pedestrian
7 walking down the street, you might see it.
8 Otherwise you've got to look way up at the
9 top of the building. It's visible for people
10 far away, but that isn't how most people are
11 going to be using it I would think.

12 THOMAS ANNINGER: What are the rules
13 for saying something at the street level when
14 you're turning off to go to the right? The
15 entrance to this building is going towards
16 Belmont, it's on the far side of the
17 building. You turn right and you go into the
18 parking lot. Is it not possible to have some
19 street sign saying Mount Auburn Healthcare at
20 the street level?

21 LIZA PADEN: That's another option.

1 They --

2 THOMAS ANNINGER: You see, I'm not
3 convinced by the argument that this is so
4 that you can find it.

5 LIZA PADEN: Yes.

6 THOMAS ANNINGER: I think they're
7 branding the building. And I think that's
8 what all of the argument was about not that
9 long ago when we ran into some trouble that
10 people want to brand buildings. They want it
11 to be -- to make a statement. I think it
12 will be very hard to draw a distinction
13 between this and some other building along
14 there with a major tenant. I don't know how
15 we would stop others from saying I want to
16 brand my building as well. I think if the
17 issue is finding your way, if it's way
18 finding, then I think you ought to do it
19 along the street where you say entrance to
20 Mount Auburn Healthcare.

21 LIZA PADEN: Okay.

1 THOMAS ANNINGER: In. Otherwise I'm
2 not even sure we should waive the rules at
3 all for this. So, I'm, I'm with Hugh perhaps
4 even more so.

5 LIZA PADEN: Okay.

6 (Ahmed Nur Seated.)

7 HUGH RUSSELL: I think it's sort of
8 choosing between those two strategies is the
9 kind of thing that the Zoning Board should be
10 doing.

11 PAMELA WINTERS: And there is no
12 sign there right now that says, you know, to
13 take a right into the parking lot.

14 THOMAS ANNINGER: That's right.
15 That is confusing, but it's not because --

16 AHMED NUR: There are signs both in
17 the emergency and the main entrance.

18 LIZA PADEN: No, we're not talking
19 about the hospital.

20 PAMELA WINTERS: Not the hospital.

21 LIZA PADEN: This is 725 Concord

1 Avenue.

2 AHMED NUR: Oh, okay. That's what I
3 get for being late.

4 THOMAS ANNINGER: The confusion is
5 not over the building. The confusion is
6 where do you enter to go into the parking lot
7 and that's what's missing?

8 PAMELA WINTERS: Exactly.

9 LIZA PADEN: Okay.

10 PAMELA WINTERS: And I've driven by
11 it many times. And I've been going there for
12 20 years, and sometimes I still drive by it.
13 So it's hard to find the parking lot.

14 THOMAS ANNINGER: If I may, if you
15 go on Mount Auburn Street, they have plenty
16 of things along the street level. They have
17 a whole design for what they put at 10 feet
18 high, and I think that would be appropriate
19 here, too.

20 LIZA PADEN: Okay. I'll pass that
21 along.

1 THOMAS ANNINGER: They're nice red
2 signs. They went out of their way to design
3 something nice, and I think that would
4 actually fit to recall their logo elsewhere.

5 LIZA PADEN: Okay.

6 HUGH RUSSELL: So I guess we can't
7 let the Sheraton Commander off.

8 PAMELA WINTERS: That was on my
9 list, too.

10 (William Tibbs Seated.)

11 HUGH RUSSELL: My question is are
12 those signs regulated by the Historic
13 Commission?

14 LIZA PADEN: They can be reviewed by
15 the Historical Commission, but I'm trying to
16 desperately remember, because they're
17 internally illuminated, the Historical
18 Commission can't waive that. They have
19 reviewed it, and that review is not here, but
20 it has to go to the Historical Commission.
21 So, these are two signs internally

1 illuminated, and one of the complications for
2 the Sheraton Commander is that they have an
3 existing sign on the roof of the building, so
4 that puts them over their sign calculation.

5 WILLIAM TIBBS: That big huge thing?

6 LIZA PADEN: Yes, that big huge
7 thing. It's like Cambridge Savings Bank has
8 the same problem.

9 HUGH RUSSELL: This must be the
10 little dog house they're building on the left
11 side.

12 LIZA PADEN: Yes.

13 HUGH RUSSELL: I think if they get
14 through the Historic Commission, that really
15 -- whether something of that small size,
16 whether it's illuminated or not, isn't -- if
17 they can convince the Historic Commission.

18 LIZA PADEN: Is that how I should
19 put it, that you would leave it to the
20 Historic Commission recommendation?

21 HUGH RUSSELL: Yes.

1 PAMELA WINTERS: Yes.

2 CHARLES STUDEN: Did they say what
3 the content of the sign is going to be? What
4 is that going to say?

5 LIZA PADEN: It's going to be --

6 H. THEODORE COHEN: Don't they have
7 to tell us about special provisions?

8 HUGH RUSSELL: They can put in
9 building designs. You can brand the hotel.

10 LIZA PADEN: Yes, but with the sign
11 at the roof --

12 H. THEODORE COHEN: Right, no.

13 LIZA PADEN: -- they're over. Yes,
14 there is a picture. I know there is. That's
15 it.

16 CHARLES STUDEN: Oh, is that the
17 name of their bar?

18 LIZA PADEN: Yes.

19 CHARLES STUDEN: I see. Not
20 identifying the hotel?

21 LIZA PADEN: No, it's new bar. And

1 that's the entrance from the parking lot to
2 the bar itself.

3 HUGH RUSSELL: And it appears that
4 most of the sign is not going to be
5 illuminated?

6 LIZA PADEN: It's not. Just the
7 letters.

8 CHARLES STUDEN: Okay.

9 H. THEODORE COHEN: If historic's
10 okay?

11 THOMAS ANNINGER: Which one is this?

12 H. THEODORE COHEN: Last one.

13 LIZA PADEN: And I did want to ask
14 if the Planning Board had any comments about
15 the 820 Memorial Drive, the fast order food.
16 And that's a gas station location at 820
17 Memorial Drive. It's the Sunoco Station at
18 the corner. And because it's in the Office 2
19 District, fast order food is not an allowed
20 use in the office district so it has to
21 request a Use Variance. This is case No.

1 10172.

2 WILLIAM TIBBS: Is it just a
3 convenience kind of thing?

4 LIZA PADEN: Well, it's a Subway is
5 what it is.

6 WILLIAM TIBBS: Oh, okay.

7 STEVEN WINTER: This is the gas
8 station that's underneath --

9 LIZA PADEN: No, that's Mobil.
10 Mobil is on one side.

11 THOMAS ANNINGER: Is Sunoco still
12 there?

13 LIZA PADEN: Sunoco is still -- it's
14 on the other side.

15 THOMAS ANNINGER: Oh, it's Shell.

16 LIZA PADEN: I'm sorry. It's a
17 Shell.

18 THOMAS ANNINGER: Sunoco is gone.

19 LIZA PADEN: Sunoco is gone. Sunoco
20 is now a Dunkin' Donuts, a Citizens Bank, a
21 dry cleaner.

1 CHARLES STUDEN: Very creative.

2 STEVEN WINTER: Well, if this fast
3 food establishment would serve people in the
4 park.

5 LIZA PADEN: That's part of their
6 application.

7 STEVEN WINTER: So there are people
8 who would go to it. It's not off the beaten
9 path, and it's also -- you don't have to
10 cross Western Ave. if you're coming from
11 those neighborhoods over there. So I don't
12 see a problem with it.

13 LIZA PADEN: Okay. I just wanted to
14 make sure people saw that.

15 H. THEODORE COHEN: It was a gas
16 station.

17 LIZA PADEN: It still will be a gas
18 station. It will be a gas station with a
19 Subway in it.

20 Okay, thank you.

21 CHARLES STUDEN: Thank you.

1 HUGH RUSSELL: Okay. And the next
2 i tem on our agenda is the update from Bri an.

3 BRI AN MURPHY: Thank you, Hugh.
4 Next week on the 25th of October the
5 Ordi nance Commi ttee wi ll have a publ ic
6 meeti ng to conti nue di scussi ng the Chestnut
7 Hi ll Real ty peti ti on. I thi nk we' ve al ready
8 had the Pl anni ng Board speak to that once or
9 twi ce.

10 On November 1st Mapl e Leaf wi ll have
11 i ts second heari ng. 174 Hampshi re Street
12 wi ll be before the Board as well as
13 di scussi on of the Runkel and Andrews
14 peti ti ons.

15 November 15th we' ve got desi gn revi ew
16 for 75-125 Bi nney as well as most li kely 210
17 Brattl e Ci rcl e. And then it looks li ke,
18 al though we don' t have it i n hand yet, that
19 we' re probabl y goi ng to be l ooki ng at
20 December 6th for Novarti s Speci al Permi t.

21 HUGH RUSSELL: So Novarti s has been

1 rezoned and now they're seeking a permit, the
2 redesign permit?

3 BRIAN MURPHY: Right. I think
4 they're sort of finalizing some of their
5 design decisions as to where they're looking
6 to go to, and I think we'll get a chance to
7 see that internally in the weeks ahead and
8 they're hoping to get that in place in
9 November to get to the December schedule.

10 HUGH RUSSELL: Is the existing
11 building -- there's some activity on Main
12 Street roughly there. Is that the old
13 building going down or is that a different
14 project?

15 BRIAN MURPHY: I'm not sure.

16 ROGER BOOTHE: On Main Street?
17 They're on Mass. Ave., the project we're
18 talking about. They do have a tab there that
19 have mockups inside.

20 HUGH RUSSELL: And I think this is
21 the same super block. But it's the other

1 side.

2 THOMAS ANNINGER: Right.

3 HUGH RUSSELL: I'm just curious.

4 THOMAS ANNINGER: It doesn't go
5 quite to Main. It's a little further back
6 from Main, you know, the Kennedy -- it's a
7 little bit beyond that. My wife just texted
8 me that the parking lot is closed there now.
9 So they're working on it.

10 UNIDENTIFIED MALE: Was she driving
11 to the parking lot when she texted you?

12 ROGER BOOTHE: Is this 60 Main
13 Street?

14 THOMAS ANNINGER: When she got
15 there. Thank you.

16 HUGH RUSSELL: Okay. I was
17 wondering.

18 BRIAN MURPHY: 650 Main Street, the
19 old Shire parking lot where Pfizer will be
20 coming in. That's MIT, and they're on a
21 fairly aggressive schedule.

1 HUGH RUSSELL: So they actually
2 found a tenant for that building? Okay.

3 All right. Have you completed your
4 update?

5 BRIAN MURPHY: I have.

6 HUGH RUSSELL: Liza, are there any
7 new meeting transcripts?

8 LIZA PADEN: Between Jeff Roberts
9 who was at the meeting in July that I was not
10 at and myself, we've been able to read the
11 transcripts for the July meetings and the
12 August meetings, which brings us up to date,
13 and they reflect a record of the meetings
14 that we were at.

15 HUGH RUSSELL: Is that a motion to
16 adopt?

17 CHARLES STUDEN: So moved.

18 HUGH RUSSELL: Second, Tom.

19 All those in favor?

20 (Show of hands.)

21 HUGH RUSSELL: All members voting in

1 favor.

2 * * * * *

3 (Sitting Members: Hugh Russell, Thomas
4 Anninger, William Tibbs, Pamela Winters,
5 Steven Winter, H. Theodore Cohen, Charles
6 Studen, Ahmed Nur.)

7 HUGH RUSSELL: The next item on our
8 agenda is a public hearing of a Central
9 Square Overlay District Zoning Petition.
10 Who's going to present that?

11 JEFF ROBERTS: Hi. Jeff Roberts,
12 CDL. I'll try to cover some of the bases on
13 this. This is a City Council petition to
14 delete one of the provisions in the Central
15 Square Overlay District, and the provision,
16 the regulation as it currently reads, says
17 that a bar or an establishment where
18 alcoholic beverages are consumed and where
19 dancing and entertainment is provided, dance
20 hall or similar place of entertainment,
21 Section 4.35(g), that's where it's listed in

1 the Table of Use regulations. (Reading)
2 Shall be permitted only if the principal
3 public entrance or entrances are directly
4 from Massachusetts Avenue or Main Street.
5 So, this was part of the Central Square
6 Overlay District from 1989. There were
7 concerns at the time about nightclubs and bar
8 establishments, establishments of that type,
9 pushing to the edges of the Central Square
10 District as they abutted some residential
11 neighborhoods. And if you look at the second
12 page of the memo, we did a map, Brendan
13 Monroe did a little map of the districts. We
14 pointed out where most of those types of
15 locations are that have bars and
16 entertainment venues. And --

17 WILLIAM TIBBS: Jeff, do you have
18 another copy of that?

19 PAMELA WINTERS: Yes, we don't have
20 that.

21 JEFF ROBERTS: Sure.

1 STEVEN WINTER: I've got an extra.

2 PAMELA WINTERS: We don't have one.

3 HUGH RUSSELL: Can you share?

4 PAMELA WINTERS: Yes, we can.

5 JEFF ROBERTS: Sorry about that.

6 WILLIAM TIBBS: No, I had mine I

7 just didn't bring it.

8 JEFF ROBERTS: So just to show how
9 that -- sort of the impact of the proposal,
10 bars and establishments with alcohol and
11 entertainment are permitted uses in all
12 business districts. So on this map any place
13 that's red or pink that is an allowed use.
14 So the intent of removing that regulation
15 would be to allow more flexibility so that
16 those types of establishments could front
17 onto other streets in the district and that
18 could include Bishop Allen Drive, Prospect
19 Street, Green Street, and all of the sort of
20 intervening side streets within the Overlay
21 District.

1 When we looked at this, when staff
2 looked at this, we proposed that while that
3 would fulfill the objective of providing more
4 flexibility for where bars could locate and
5 orient their entrances, there are some
6 intermediate options that could have more
7 limiting impact on the residential areas
8 surrounding. And those would include looking
9 at just those individual streets where there
10 was a more commercial character such as
11 Prospect Street between Mass. Ave. and Bishop
12 Allen Drive where the field is currently
13 located. And even south of Mass. Ave. along
14 Western Ave. or Magazine Street. But that if
15 you were to go to other areas where you were
16 closer to or abutting residential districts,
17 perhaps that that would be an area where we
18 would not want to think about allowing it or
19 where there could be a provision for a
20 Special Permit or some other kind of venue.

21 So I think that covers our thoughts.

1 HUGH RUSSELL: Okay. Steve.

2 STEVEN WINTER: Thank you,

3 Mr. Chair.

4 Jeff, I know that this is not your --
5 was not your impetus to bring this forward.
6 You've been analyzing. But could you help me
7 understand what the reasoning was that the
8 City Council of why we would need this
9 amendment to the Zoning?

10 JEFF ROBERTS: Sure, I can -- I
11 guess I can wildly speculate.

12 HUGH RUSSELL: Well, some as the
13 whereas's.

14 JEFF ROBERTS: I think it does
15 explain right in the -- if you look at the --

16 STEVEN WINTER: Where?

17 JEFF ROBERTS: If you look at the
18 text of the Council resolution, it explains
19 that some of the -- some of the purpose is to
20 -- yes, it's in there.

21 PAMELA WINTERS: Jeff, are there any

1 bars that are planning to open in those
2 particular areas that you know of?

3 JEFF ROBERTS: Yes. There has been
4 discussion that a bar, establishment is
5 looking to open on the section of Prospect
6 Street between Mass. Ave. and Bishop Allen
7 Drive in the former Cambridge Television
8 Community space, and that the entrance to
9 that space is on Prospect Street.

10 H. THEODORE COHEN: But the field is
11 already there. Is that a grandfathered use?

12 JEFF ROBERTS: Right, the field is
13 -- it opened -- presumably it was opened
14 before this Zoning was in place, so it was
15 hoping to allowed to have its entrance on
16 Prospect.

17 WILLIAM TIBBS: Just like Green
18 Street.

19 JEFF ROBERTS: Right. Similar to
20 the Green Street Grill has been there for
21 some time. And TT the Bear's Place and other

1 places have their -- currently have their
2 entrances in places where it wouldn't be
3 allowed today.

4 WILLIAM TIBBS: I'm trying to look
5 at the map and see if there's any place I'd
6 be concerned about, and there's not too many
7 areas left. I mean, you're basically saying
8 that you could focus on or limit it to the
9 red area basically. And as I look at the
10 pink areas, there's just not much of it left
11 that I would be concerned about this.

12 HUGH RUSSELL: Well, we have to
13 remember the bars that were on the corner of
14 Green Street and Brookline Street, various
15 names and various venues, but they had no one
16 or two o'clock closings, and they were very
17 large and there were a lot of people on the
18 street making a lot of noise at that hour. I
19 think that's what this was intended to
20 prevent, and it may be overly restricted.

21 WILLIAM TIBBS: Yes, I think it was

1 a reaction to that specific, which no longer
2 exists anymore.

3 HUGH RUSSELL: Right.

4 WILLIAM TIBBS: And those properties
5 are no longer available.

6 AHMED NUR: I know that one, it was
7 a nightclub; right?

8 WILLIAM TIBBS: Yes.

9 HUGH RUSSELL: It actually wasn't
10 even in the district.

11 WILLIAM TIBBS: It wasn't in the
12 district, correct, yes.

13 HUGH RUSSELL: But you could in
14 theory put such an establishment across the
15 street if this.

16 WILLIAM TIBBS: Across from TT's?

17 HUGH RUSSELL: Yes.

18 WILLIAM TIBBS: On Green Street?

19 HUGH RUSSELL: Yes. To me a lot of
20 it has to do with the size of the
21 establishment. In some ways the middle

1 option is the most attractive to me where you
2 simply allow a Special Permit.

3 CHARLES STUDEN: I totally agree. I
4 was going to say that while I understand what
5 the City Council is trying to do and
6 sympathize with that, I think that by simply
7 removing the language that they're proposing,
8 it leaves it too open, the idea of a Special
9 Permit, while it creates a greater burden for
10 us, I presume we would be the granting
11 authority of this Special Permit; is that
12 right, Jeff? Who would be the granting
13 authority of the Special Permit if we went
14 that route?

15 JEFF ROBERTS: In this case I think
16 it would be tough to stay. I mean, I think
17 it would have to be written into the Zoning
18 what the authority would be. In many cases
19 when there's an Overlay District and there's
20 specific requirements of the Overlay
21 District, it's given to the Planning Board

1 waive. In other cases where a use is
2 considered a conditional use in a particular
3 area. It might be the Board of Zoning Appeal
4 that takes care of it.

5 THOMAS ANNINGER: Could it be the
6 Licensing Commission?

7 JEFF ROBERTS: I don't believe
8 Licensing Commission can grant Zoning relief.

9 HUGH RUSSELL: Right. And I think
10 part of the difficulty with the License
11 Commission is that they can't necessarily
12 regulate things that prevent, you know, other
13 kinds of problems that could occur. They
14 have some discretion, but don't have absolute
15 discretion.

16 Well, you know, should we hold the
17 public hearing portion of this.

18 WILLIAM TIBBS: Yes.

19 STEVEN WINTER: Yes.

20 HUGH RUSSELL: Is there a sign-up
21 sheet?

1 ROBERT WINTERS: I didn't sign up
2 but I was going to speak.

3 JEFF ROBERTS: I'll check over here.

4 HUGH RUSSELL: Do you want to speak?
5 Please come forward.

6 JEFF ROBERTS: Nobody signed up.

7 ROBERT WINTERS: I'm Robert Winters
8 from 366 Broadway, and just for a little
9 background I currently serve on the Central
10 Square Advisory Committee. And in the 1990's
11 served on the Central Square Committee that
12 was involved in all the infrastructure
13 changes that took place there. And what I'd
14 simply like to say is that I think there is
15 room for a revision to the original plan, but
16 specifically simply to acknowledge the fact
17 that Prospect Street, at least that one block
18 stretch of Prospect Street, is functionally
19 no different than Main Street and Mass. Ave.
20 so that it doesn't make logical sense to not
21 have that included. And so that seems to me

1 to be both the logical and a pretty
2 acceptable change. And to be perfectly
3 honest, I think that would really address the
4 real reason why this order came into
5 existence. But that's not my purpose I
6 assure you.

7 There was a City Council Ordinance
8 Committee meeting on this, and actually
9 Councilor Decker said something which was
10 quite wise about this. She said that there's
11 a significant difference between residence in
12 the side streets and off streets tolerating a
13 use that they've sort of come to live with in
14 sort of a dynamic equilibrium and never
15 loved, but they've come to live with it. And
16 changing the Ordinance in such a way that
17 would then welcome new things. That that's a
18 far, far, far different thing, and I did
19 agree with her about that.

20 Another thing I'd say is that I recall
21 back in the nineties when I was on the

1 Central Square Committee, the theme that I
2 stressed I think probably at every single
3 meeting that we had on this, and there were
4 dozens and dozens of them, was the importance
5 of enhancing and proving the -- and better
6 utilizing the side streets of Central Square.
7 And I always likened it to places like
8 Coolidge Corner where you went around the
9 corner. And the beautiful thing about it was
10 certain establishments would pay the highest
11 rent right on the main drag, but getting
12 better utilization of those side streets for
13 the lower end operations was a very desirable
14 goal. I don't know if this city or any other
15 agency in the city has paid attention to
16 making that a reality, but I think that would
17 be a great reality to have, you know, small
18 businesses. I think there's one on Pleasant
19 Street where there's some, like, comic
20 bookstore, that kind of stuff. Hobby shops.
21 Shoe repair places. We actually have few on

1 the main drag oddly enough, but those kinds
2 of establishments, that would be just so
3 great if we can have them and have them be
4 able to survive on the side streets.

5 The moment you say okay, but you can
6 also have bars there, you'll get bars there.
7 And that's where they're gonna go. And,
8 yeah, maybe they'll pay the rent, too, but
9 you'll get even more bars then. So I think
10 this would be a colossal error to just open
11 this thing wide in general. I think there
12 was some wisdom, and the authors of the
13 Central Square action plan in the original
14 Zoning for this, good people made some good
15 quality decisions and I think most of their
16 point of view stands up pretty well today.
17 So I think it's actually a good Minor
18 Amendment to simply include that block of
19 Prospect specifically as I said earlier,
20 because there's functionally no difference
21 between that stretch and the rest of it. But

1 other than that, I think that the
2 modifications should end right there.

3 HUGH RUSSELL: Thank you.

4 Does anyone else wish to be heard?

5 Sir, please come forward.

6 GARY MELLO: I didn't see any
7 sign-up sheet myself so I hope you'll allow
8 me. My name is Gary Mello. I'm a -- I live
9 at 324 Franklin Street. I'm a life long
10 resident of the area.

11 At last week's hearing I expressed my
12 discontent, disbelief, and plain descent to
13 any plans to expand the number of bars or
14 alcohol licenses in our area. I think that
15 in all of the text and all of the discussions
16 that have been brought forth, we've seen that
17 we're talking exclusively about alcohol-based
18 establishments and no others. As Mr. Winter
19 said, we might enhance our area by putting
20 other types of businesses. I would hate to
21 see a comic star called Pandemonium currently

1 become a bar known as pandemonium. It can
2 happen that quickly. I don't believe that
3 the single exception of Prospect Street
4 across from the field, which the field which
5 does not resemble its present predecessor in
6 any way, I don't think that the addition of
7 another bar across the street enhances the
8 quality of life in Central Square. It will
9 certainly bring in more of the late night
10 crowd we're trying to avoid as it is. So in
11 conclusion, I hope that you guys will
12 consider that the blanket Central Square
13 overlay change is inappropriate. It appears
14 to me that if you're going to talk about the
15 CCTV location specifically, I guess that's
16 not your clear business.

17 HUGH RUSSELL: Correct.

18 GARY MELLO: If you're going to, if
19 you're going to consider only the Prospect
20 Street location, CCTV which is --

21 AHMED NUR: Former CCTV.

1 GARY MELLO: Former CCTV, thank you.
2 With the Prospect Street storefront, if
3 that's the case, if you're gonna consider
4 that alone, again, this is not the
5 appropriate Board or venue. Even CDD
6 doesn't -- isn't clear right now on what
7 agency should be addressing that.

8 Thank you.

9 HUGH RUSSELL: Okay, thank you.

10 Does anyone else wish to speak? We
11 would be happy to hear your opinions but you
12 do not have to speak as a member of the
13 public. So shall we close the hearing for
14 verbal testimony and leaving it open for
15 written?

16 (All Board Members in Agreement.)

17 HUGH RUSSELL: And I'll ask Stuart
18 if he'd like to speak on this.

19 STUART DASH: Thank you. Stuart
20 Dash Community Development.

21 I wanted to mention one of the things

1 that staff talked about, there are streets
2 that I think we see as very much residential
3 directly adjacent to the Overlay District,
4 streets such as Essex and Norfolk Street that
5 if you're familiar with those streets, not
6 all those streets are so quickly small scale
7 but those streets certainly do.

8 HUGH RUSSELL: So the red dots on
9 your map are places that serve alcoholic
10 beverages; is that correct?

11 WILLIAM TIBBS: Basically, yes.

12 THOMAS ANNINGER: The entrances,
13 too.

14 HUGH RUSSELL: Right. And they vary
15 in what they do. Could be taverns,
16 restaurants. So that a restaurant that does
17 not serve alcohol, doesn't rate a dot.

18 JEFF ROBERTS: Right. If that's a
19 question, I can answer how we came up with
20 this map. And it was -- we looked at, with
21 help from our economic development group that

1 keeps track of businesses in the area, we
2 looked for establishments that are bars or
3 have bars and have a bar function. So some
4 of the places that you see, Floating Rock
5 Restaurant, Rendezvous are restaurants that
6 have bars. You can walk in and sit at the
7 bar and have kind of a bar experience. Some
8 of the -- there are restaurants in the area
9 that have liquor licenses to serve beer and
10 wine or even cocktails, but we left those off
11 the map if they were exclusively restaurants
12 without a bar. And we also included some
13 places that are a little different that we
14 included were Cafe Luna which serves beer and
15 wine. We included that because it actually
16 has entertainment. That does provide
17 entertainment on a somewhat regular basis.

18 I wouldn't say they were guaranteeing
19 that all of these places, if they were looked
20 at under, you know, through the lens of
21 whether they would get a Certificate of

1 Occupancy from ISD would necessarily fall
2 under that category, but we used our best
3 judgment to figure out what those would be.

4 H. THEODORE COHEN: Are you saying
5 that the restaurants that don't have a
6 separate bar but serve alcohol so far have
7 not fallen under this provision?

8 JEFF ROBERTS: That's right.

9 PAMELA WINTERS: The Enormous Room
10 will be closing, too, and they also have
11 music and alcohol and late night dancing and
12 so forth, but they're going to be closing;
13 right?

14 JEFF ROBERTS: Right. They're on
15 the map. And we understand that they're
16 going to be closing. But I heard they're
17 going to be reopening in some form or
18 another.

19 PAMELA WINTERS: Oh, okay.

20 JEFF ROBERTS: I don't have all the
21 details of it.

1 AHMED NUR: That's on Mass. Ave.?

2 PAMELA WINTERS: Yes.

3 HUGH RUSSELL: I very rarely go into
4 the Central Square at eleven or twelve in the
5 evening, but I was coming back from a concert
6 or something and I was astounded at the
7 amount of street life. I'm pretty sure it
8 was a Friday night, but it might have been a
9 Saturday night. I just returned from a visit
10 to Montreal and we just got very, very
11 intense street life. This was a competitor,
12 but it does raise the question do you want to
13 encourage a substantial increase in this
14 level of activity or is it already, you know,
15 enough?

16 CHARLES STUDEN: I would argue that
17 that decision should be made on a
18 case-by-case basis depending what the
19 specific proposal is, what the venue is going
20 to look like, and specifically where they're
21 proposing to locate it and how large it is.

1 And obviously on what street. And I like the
2 notion of the Special Permit process because
3 it gives you, gives us or whoever the
4 granting authority is that flexibility. I
5 think it is an economic development issue. I
6 know Council Member Reeves has spoken to this
7 whole issue of nightlife in Cambridge and
8 keeping people here as opposed to going into
9 Boston to dance or, you know, have a drink
10 with their friends. And I know it's a fine
11 line because people live adjacent to Central
12 Square as well, so I think we need to strike
13 a balance. I think it would be impossible
14 for us to make a judgment as to whether
15 there's too much nightlife right now. And,
16 again, because sort of abstract, I'd like
17 someone to come in here with a proposal and
18 maybe we can actually talk about it and see
19 what the potential impact might be.

20 H. THEODORE COHEN: I have a
21 question for Charles and Hugh or whomever has

1 been talking about the Special Permit. Are
2 you suggesting that a Special Permit is for
3 any place in Central Square or streets that
4 are not on Mass. Ave. or Main Street?

5 CHARLES STUDEN: I say any street
6 within the Overlay District within the pink
7 and red.

8 H. THEODORE COHEN: So you're
9 including Mass. Ave. and Main Street?

10 CHARLES STUDEN: Correct. I would,
11 yes. I don't know if Hugh would. He might
12 disagree.

13 HUGH RUSSELL: I was thinking -- I
14 have to think about that. I was thinking
15 more of a response to this proposal if you
16 were to change it to require a Special
17 Permit.

18 H. THEODORE COHEN: Well, while
19 you're thinking about that --

20 HUGH RUSSELL: That avenue that
21 would require a different petition because

1 that notion hasn't been advertised.

2 WILLIAM TIBBS: Yes, I think -- I
3 don't think, I think it was just a, you know,
4 I'm not going to talk for you.

5 CHARLES STUDEN: Yes.

6 HUGH RUSSELL: And then the question
7 is well, why stop here if we're -- sort of,
8 you know, why --

9 THOMAS ANNINGER: Harvard Square,
10 too.

11 HUGH RUSSELL: Harvard Square, Mass.
12 Avenue, Kendall Square.

13 PAMELA WINTERS: Inman Square?

14 HUGH RUSSELL: Right. So do we want
15 -- so there's a question of do we want us or
16 the TBA to be in the business of permitting
17 every business with nightlife?

18 PAMELA WINTERS: Right.

19 CHARLES STUDEN: Well, I thought --
20 well, no, because maybe I'm not understanding
21 this.

1 Jeff, the language that the Council is
2 proposing be deleted pertains to the Central
3 Square Overlay District, the boundaries of
4 which are shown on this map. It's everything
5 in the dark pink and the lighter pink. So
6 they would remove the language from that
7 saying --

8 WILLIAM TIBBS: The heavy line.

9 CHARLES STUDEN: Inside the heavy
10 line.

11 -- saying that they would remove this
12 language that bars have to be on
13 Massachusetts Avenue. The alternative that
14 you identified, No. 2 says a Special Permit
15 to serve alcohol, to locate its entrance on a
16 non-designated street. Non-designated being
17 Mass. Ave. and the ones that were specified
18 in that language. In other words, you could
19 locate under the Special Permit process one
20 of these businesses on any street within
21 those colored areas. Is that true or not?

1 JEFF ROBERTS: I'll try to explain
2 what I meant by non-designated street.

3 CHARLES STUDEN: Okay.

4 JEFF ROBERTS: I think what I was
5 intending to say as we've discussed, and sort
6 of mentioned, is that while Massachusetts
7 Ave. and Main Street have a particular
8 character, and I think it was the intent of
9 the Ordinance to acknowledge that has a
10 character that is more conducive to allowing
11 bar and nightlife activity on the street,
12 that if such use were located off one of
13 those streets, that's sort of what I meant by
14 non-designated street. A street that was not
15 Mass. Ave. or Main Street. Then perhaps
16 there could be flexibility to allow that by a
17 Special Permit. So, it would be, it would be
18 similar to in some other Overlay Districts
19 where there is a particular design
20 requirement in place, but in some cases
21 someone, if they wanted to diverge from that

1 particular requirement, they could come to
2 the Planning Board to seek a waiver. So it
3 would be similar to that kind of a function.

4 HUGH RUSSELL: Tom.

5 THOMAS ANNINGER: I think we're
6 going down a risky path if we get ourselves
7 engaged in what you called earlier retail
8 decisions, of which I think this definitely
9 is. We need some criteria to decide it. I
10 think we'd have difficult public hearings
11 over it, and I think we would add to our
12 jurisdiction in ways that I don't think we
13 are particularly well ordered to decide. I
14 think if we're going to broaden this at all,
15 I think I look best the Robert Winters'
16 approach. I think I might be a little more
17 inclusive than his Prospect Street and see if
18 there are any other streets that might be
19 able to bear his suggestion. I'll bet you
20 there are a couple at least where he might be
21 able to do it, because obviously the Council

1 wants to do it, so I think we can't make this
2 too narrow and succeed in our recommendati on
3 in being helpful to them. But I think that's
4 the best way to go. Anything else will I
5 think will lead us down the wrong path.

6 WILLIAM TIBBS: Hugh?

7 HUGH RUSSELL: Yes, Bill.

8 WILLIAM TIBBS: I kind of agree. I
9 think that opening it up so that anything on
10 any of the streets that are pink and salmon,
11 I think if those are the colors, are -- is a
12 bit broad, but I actually see no problem with
13 it -- I actually think limiting it to Mass.
14 Ave. at this point in time is maybe a little
15 bit too restrictive. So I guess my
16 suggesti on would be that they actually be a
17 little bit more speci fic about what streets
18 they look at. As I look at this, there are
19 some streets I don't have any probl ems wi th.
20 And there are others I do have probl ems
21 wi th. I'm not sure what the mechanism is but

1 I think a way of doing what you suggest but
2 maybe allowing a little bit more flexibility
3 in some other areas would be -- and Hugh, I
4 go to Central Square a lot since I don't live
5 that far from it at night. And I think that
6 vitality is actually nice. And I look at a
7 lot of the establishments there, and I mean
8 occasionally you get some heavy things
9 happening at some of the places where they
10 have, you know, a lot of late night dance and
11 bands and stuff, but maybe I might react
12 slightly differently, I live on Pearl Street
13 not too far from you. But I can see -- I
14 don't see a problem per se, but I do think if
15 we start -- I mean, I agree with you, Tom, I
16 agree with you that trying to get a Special
17 Permit for anybody on Mass. Ave. to do
18 something might get --

19 PAMELA WINTERS: It's opening
20 Pandora's Box?

21 WILLIAM TIBBS: Yes. I would be

1 interested to see how you record that one.

2 HUGH RUSSELL: I'm starting now to
3 color in buildings that are actually inside
4 the boundary that are residential. And I
5 don't pretend to have an exhaustive
6 knowledge, but --

7 WILLIAM TIBBS: When you say
8 boundary, do you mean just the pink and red
9 areas or are you referring to --

10 HUGH RUSSELL: Yes, yes, I was
11 thinking in the commercial districts, pink
12 and red. You know, the part of Bishop Allen
13 Drive has a block or two there. The top of
14 the street has a lot of people living on
15 that. There's a big apartment building
16 actually at the corner of Mass. Avenue and
17 main -- well, it's Mass. Avenue and what is
18 the extension of Sidney Street. So it's --

19 WILLIAM TIBBS: Yes, people live on
20 Pearl and Pearl and Mass. Ave.

21 HUGH RUSSELL: Right the Singer

1 sewing machine.

2 H. THEODORE COHEN: Can I hop in?

3 HUGH RUSSELL: Yes.

4 H. THEODORE COHEN: I personally
5 have no objection to allowing, you know,
6 these types of facilities anywhere in the
7 red. I have some question about the pink
8 area because I think we are definitely
9 getting down in through residential
10 districts. And I think that, yes, there are
11 residences within this area, but, you know,
12 the market controls that, too. People don't
13 have to live in this particular location.
14 Some people will choose to live there because
15 it is right around the corner in an active
16 location. And for some people it may be
17 because of the location, the rents may be a
18 little cheaper than some other places that
19 might be quieter. And so I don't -- you
20 know, I think this is a major square. It is
21 a major entertainment area. You know, I've

1 I lived through the revitalization of Inman
2 Street and the revitalization of Davis Square
3 which are in part driven by restaurants and
4 bars and other entertainment facilities, and
5 I see -- I happen to live near both of them
6 and see it all for the good. So, I don't
7 have any real problem anywhere in the red.
8 Although if we wanted to have a limited
9 Special Permit or some sort of other maybe
10 site plan review or something for the side
11 streets, I could certainly live with that. I
12 would be opposed to needing a Special Permit
13 or a review for anything, you know, in the
14 Main Street, Mass. Ave. axis. I think that
15 would just become very difficult to live
16 with.

17 WILLIAM TIBBS: When you say red, do
18 you mean -- when you say red do you include
19 the pink, too? Just for clarity.

20 H. THEODORE COHEN: No, I don't
21 include the areas of the pink which I guess

1 is BA.

2 WILLIAM TIBBS: Okay.

3 H. THEODORE COHEN: Just what's
4 shown here as BB.

5 WILLIAM TIBBS: Okay.

6 H. THEODORE COHEN: You know,
7 because, yes, some are residences and some
8 are on top of retail. And, again, I think
9 the market will have a say in what's going to
10 go in this spots. Whether they're going to
11 be bars or restaurants. At some point there
12 will be a saturation, and comic bookstores
13 will be re-ascended. Anyway, as I say, I
14 don't have a problem with it, with the BB red
15 area.

16 HUGH RUSSELL: Yes, I think it's so
17 complicated. Like there is like half a dozen
18 houses on Green Street opposite the red area,
19 that would be a definite area where I --

20 WILLIAM TIBBS: Between Brookline
21 and Pearl?

1 HUGH RUSSELL: Yes, between
2 Brookline and Pearl.

3 AHMED NUR: Brookline and what?

4 WILLIAM TIBBS: Pearl.

5 HUGH RUSSELL: And there's another
6 little spot on Bishop Allen Drive that's
7 opposite the School Street. And some of
8 those buildings are residential in there. So
9 those are the only places there, but it's
10 just as Councilor Decker has reported to
11 have said, if you're living on one place and
12 you have to move because some loud bar moves
13 in, that's different than choosing to live.
14 Maybe -- so shall we think about this some
15 more?

16 THOMAS ANNINGER: Well, no --

17 CHARLES STUDEN: Yes, I think -- I
18 don't think we're going to be able to solve
19 this tonight clearly. But I think perhaps
20 the one thing this Board is in agreement on
21 is that while we understand, as I said

1 earlier, what the Council's trying to do by
2 doing this perhaps it raises some issues that
3 need to be looked at more closely. And
4 whatever the solution is, I think staff has
5 proposed three interesting alternatives here,
6 perhaps, I don't know how we -- how would we
7 move forward with that?

8 HUGH RUSSELL: Well, are there other
9 ideas we have that could be put on the list?
10 Are there combinations? In some ways there's
11 sort of a combination of some of their
12 strategies saying well, there may be places
13 where you could extend the as of right
14 without any concerns. There might be another
15 place where you'd say well, if you're within,
16 you know, 100 feet of a residence --

17 PAMELA WINTERS: Right, a residence.

18 WILLIAM TIBBS: I agree.

19 STUART DASH: And you're describing
20 a version of No. 3. If you look at the
21 Zoning, it's three feet deep. It would be

1 interesting if we mapped out 100 feet to see
2 what it looks like. You know, 100 feet of
3 the residential district.

4 CHARLES STUDEN: We'll call it a
5 hybrid approach. I like the idea.

6 THOMAS ANNINGER: I guess one of the
7 other alternatives that I guess I would like
8 to still leave on the table is No. 1 of your
9 alternatives as to perhaps to flesh out the
10 designated street approach. Prospect Street
11 plus some of these and maybe others, but
12 maybe you could go a little deeper into it.
13 I think that's still my preferred -- a
14 preferred approach for me.

15 HUGH RUSSELL: It makes regulation
16 much simpler.

17 THOMAS ANNINGER: I think it's the
18 simplest. I think putting this in the hands
19 of somebody who has to make a decision is
20 something I'd like to avoid if we can.

21 PAMELA WINTERS: I'd liked Hugh's

1 idea about taking a look at the areas that
2 are abutting the residential. For example,
3 the area in between Pearl and Brookline along
4 Green Street, you know, just the ones that
5 come right up to the houses.

6 HUGH RUSSELL: That's where you
7 live. Is that the block you live on?

8 WILLIAM TIBBS: He said he lives on
9 Franklin.

10 GARY MELLO: At one time I lived on
11 the adjacent block but now I'm west of that.

12 HUGH RUSSELL: Ahmed.

13 AHMED NUR: The only thing I want to
14 add is I agree with what everyone is saying
15 here is the former CC area, I think that
16 would be a perfect spot for nightlife. I
17 don't see any residents, and the field is
18 already there and it's right down the center.
19 Areas that I would go against would be
20 obviously, as you all indicated, areas where
21 there's near residents. I wouldn't bring any

1 noise to the residence. And certain distance
2 has to be determined where residents cannot
3 be able to hear what's going on. But I think
4 that the number of students that live here
5 has increased tremendously in the last few
6 years. And it, if they don't stay here,
7 they're going to go to Boston. And I've seen
8 people at the Phoenix Landing lined up hours
9 and hours. When they get in there, it's
10 safety issues, you know, life load and so on
11 and so forth. And then taking taxis and
12 people in taxis getting hurt on the way to
13 Boston and bringing it back. I don't think
14 it's a good idea. If we welcome the students
15 to live here in the City of Cambridge, I
16 think we should also provide them to stay
17 here. As you put it in the retail, you know,
18 it's change in pace, you know. That's all I
19 have to say.

20 STEVE WINTER: Mr. Chair, I just
21 have one comment.

1 HUGH RUSSELL: Sure.

2 STEVEN WINTER: There's a lot of
3 good ideas on the table and I think we've
4 done very well here. And I want to concur
5 with Tom that we need -- I too would like
6 something where the businessperson is able to
7 say, this site is either in compliance or
8 not, that's it. And in order to do that, we
9 need defensible criteria so that it can't --
10 doesn't come back at us in a bad, in a legal
11 way. Those are really my comments.

12 CHARLES STUDEN: But that's only
13 part of it, because isn't there an issue
14 associated with the License Commission as
15 well? I mean, you can only have so many bars
16 within a certain distance of one another? I
17 mean there are only so many licenses granted
18 by the state so that I mean, for example, I
19 don't think you could have a bar in every
20 city.

21 PAMELA WINTERS: It's a city thing.

1 CHARLES STUDEN: Oh, it's not
2 regulated by the Commonwealth at all?

3 ATTORNEY JAMES RAFFERTY: Well,
4 Cambridge is exempt from the quota system --
5 just to jump in. We had a home rule
6 petition, and then in the jurisdiction the
7 number of liquor licenses is a function of
8 the population. Council Gram years ago filed
9 a home rule petition that exempted Cambridge
10 from that puritanical attitude. So we can --

11 CHARLES STUDEN: Good for her.

12 ATTORNEY JAMES RAFFERTY: We can
13 have as many liquor licenses as you can
14 convince the License Commission that we need.

15 CHARLES STUDEN: Okay, again, it
16 would be the License Commission would have to
17 make a determination as well within --

18 ATTORNEY JAMES RAFFERTY: Right, but
19 this came about because there's a particular
20 establishment that's in Central Square now
21 that's looking to transfer its location to

1 the CCTV, but they can't get on the License
2 Commission agenda because the Zoning doesn't
3 permit this. And I think that the licensee
4 brought this to the attention to some
5 Councilors and they were trying to remedy
6 it. I apologize for speaking.

7 CHARLES STUDEN: Very helpful.

8 HUGH RUSSELL: I want to throw one
9 other mapping suggestion which is, you
10 designated the appropriate streets and then
11 you allow 100 feet down the side street for
12 the entrance so that largely keeps the
13 activity near the avenue, but allows the
14 depth of -- sort of the lots are often 100
15 feet deep. Here they're not particularly,
16 but that's just something to consider. I'm
17 not going to advocate for it, but you can
18 consider and see whether that's an idea that
19 hasn't been heard or not.

20 THOMAS ANNINGER: It gets more
21 complicated. Some streets that may be

1 appropriate for, but others it may work all
2 the way down the street, all the way down the
3 line so it gets -- I leave it to you guys to
4 take it the next step is what I would like to
5 see.

6 WILLIAM TIBBS: Based on what we've
7 already said.

8 HUGH RUSSELL: Okay. We're complete
9 on this.

10 * * * * *

11 HUGH RUSSELL: Let's go to our next
12 item on our agenda, Planning Board case 263,
13 EFEKAT proposed development.

14 (A short recess was taken.)

15 HUGH RUSSELL: Are you ready to
16 proceed?

17 RICHARD MCKINNON: Thank you,
18 Mr. Chairman, Members of the Board. My name
19 is Rich McKinnon, I live at One Leighton
20 Street, apartment 1905 in Cambridge, Mass.
21 And we're very happy to be back here before

1 you for our final development plan hearing.
2 Not so happy that we won't be offended if you
3 don't ask us back again after tonight.

4 We, in terms of process, have submitted
5 to all of you a skate park, EF relationship
6 panel that we would just like included as
7 part of our appendix package, listed
8 exhibits. And what I'm going to do tonight
9 rather than recreate the wheel is really
10 focus on the supplement to the application.
11 I think that makes more sense.

12 PAMELA WINTERS: Yes.

13 RICHARD MCKINNON: Because that
14 really responds to the two questions that we
15 were asked directly to deal with by Members
16 of the Board. And it also let's us bring up
17 some of the other things that had been
18 carried along with the project, and a few
19 things that we've been able to deal with
20 because of our work with Traffic and Parking
21 and also because of our work with the CD

1 department. So that list of two became a
2 list of six, but I think that's the
3 appropriate number. So we're all ready to
4 begin the formal presentation. It's quite
5 brief.

6 Our request is to approve under Article
7 13.70 final development plan PUD Special
8 Permit. As you recall, we actually had
9 applied originally for three Special Permits,
10 one of them was our 19.20 and one of them was
11 our 6.33 parking reduction Special Permit.
12 Each of those was voted upon in our earlier
13 hearing. And we're grateful you let us to do
14 some aggressive planning. And so in our
15 application we simply noted that they had
16 been granted on the various items that dealt
17 with 6.33 as well as 19.20. So with those
18 behind us tonight, it's just a simple focus
19 of the final phase of the PUD Special Permit.

20 I'll get now to a list of the things
21 that the Planning Board asked us to look at

1 and that we've also brought forward as
2 potential conditions of the Special Permit
3 should you so vote. As you recall, you asked
4 us to deal with the question of how it would
5 as the interplay between state permits and
6 basically MEPA and Chapter 91 and any permits
7 voted on by the Board. We have a letter that
8 addresses that from Richard Rudman and Emma
9 Rothfeld over at DLA Piper. And I think what
10 it comes down to basically, and by the way
11 those processes are now fully underway. We
12 filed both of the applications to meet the
13 91. What it comes down to is if there is
14 anything imposed upon us in those state
15 projects which really causes the project to
16 differ in some ways from what you approved,
17 then it becomes our duty to come back here,
18 bring those changes to you, and seek to amend
19 the Special Permit.

20 So, you wind up even though they go
21 last, you get the last bite at the apple

1 because if they change it, we've got to come
2 back here and make sure that everything's in
3 sync.

4 The second item is a letter to Renata
5 at the Charles River Conservancy. As you
6 recall, we were asked by the Board really to
7 do two things: One, is to meet with her as
8 well as your staff. And your people were
9 good enough to set up a meeting between us as
10 well as DCR.

11 And then the second thing was to see if
12 we could find ways that the planning for our
13 project really took mind of the fact that the
14 skateboard park in the future, but we hope at
15 some point in the future is going to be our
16 neighbor.

17 This is the landscape plan that shows
18 some of the changes, but we actually have a
19 specific board. There we go. That talks
20 about some of the things we've done in
21 working with your staff. So to really make

1 it clear that this building and skate park
2 was really thinking about both of them when
3 they were doing what.

4 The first thing is at the corners of
5 our building there will be directional
6 signage which will let people know where is
7 the skate park. It will probably also be
8 asked to know where is North Point Park and
9 where is the pedestrian bridge, taking people
10 over to Paul Revere Park. But it's our
11 intention to make directions to the skate
12 park part of that, because that's where
13 there's going to be on the front side of the
14 building, most people will be, will be
15 looking at it there. And whether they're
16 coming to see the skate park or they're just
17 at the river, it let's them know the skate
18 park is behind them.

19 Second thing is the multi use path
20 extension, which as you can see, will bring
21 people up and behind our building right out

1 to where the skate park is going to be.

2 The third thing is we pulled our
3 building back another five feet when we were
4 going through these various discussions, and
5 the reason we did that was so that we could
6 have, you know, a more extensive level of
7 landscaping on the north side of the
8 building. We're also going to be putting in
9 intensive lighting back there where it has a
10 dual purpose.

11 One is to make our building safe on the
12 north, but also the street. And also in the
13 future on that side of the street where the
14 skate park will be on.

15 Renata as you know in her letter had
16 asked us to really think about the skate park
17 as being the front door, but we've all gone
18 through the design issues here, and I think
19 all of us have settled on the fact that the
20 front door of this building really should be
21 on the park facing the City of Cambridge.

1 And the north side of the building, it is the
2 north side, it's dark, and it faces skate
3 park, but it also faces that enormous
4 spaghetti of highway ramps. That being said,
5 though, I mean Renata was right, you know,
6 for us to really do as much what we can with
7 landscaping and lighting to make us a very
8 attractive neighbor to skate park on that
9 side of the building.

10 And then the final thing is out here,
11 the terrace over here. Our terrace before
12 cut-off right here. And what we've done is
13 we've just continued it all the way back to
14 the street so that people can just continue
15 walking if they're going along our terrace
16 and get out to North Point Park. I mean get
17 out to the skate park as opposed to before
18 where it's just cut off right there and was
19 really a function only of the restaurant
20 members.

21 The last thing I would say I should

1 address it, all of these various things are
2 deal t wi th i n three di fferent pl aces.

3 One i s i n thi s pl an whi ch we' re goi ng
4 to attach as part of our appl i cati on.

5 The other i s i n the mul ti use path pl an
6 that we' ve worked on and desi gned wi th the
7 ci ty.

8 And the thi rd thi ng i s the mul ti use
9 path agreement that we' ve commi tted to as
10 part of a condi ti on of thi s Speci al Permi t.
11 All of the thi ngs you see here are goi ng to
12 be deal t wi th i n those three documents. So I
13 don' t thi nk there' s a need for us to real ly
14 reference as part of the fi nal deci si on the
15 l etter that was wri tten. That l etter had to
16 become concrete, and i t becomes concrete i n
17 those vari ous ways.

18 The one i tem that stands out i s a
19 commi tment that we made to gi ve the Charles
20 Ri ver Conservancy \$0. To put bathrooms on
21 thei r property. I don' t know i f you recei ved

1 Renata's letter or not, but for what it's
2 worth, basically that is not something that
3 she wants the money to be spent for. And
4 that's her call. It's not ours, you know.

5 What I would like to say is that we're
6 about to go into a state process, Chapter 91
7 and MEPA. We certainly had discussions with
8 DCR who is working with the Conservancy very
9 closely in terms of how it's going to get
10 built, who is going to run it, who's going to
11 manage it, what it's going to look like. And
12 one of the things that is clear is that it's
13 clear to us is that they themselves have some
14 further talks to have to get all of those
15 issues squared away. So if it's all right
16 with the Board I'd simply like to say that
17 we've made a promise to Renata. We've made a
18 promise to the Commissioner of DCR, and we'd
19 like to make a promise to the Board tonight
20 that we will continue to take that \$100
21 commitment and simply make it a commitment

1 that skate park and DCR will have more time
2 to work with, it can do it as part of the
3 Chapter 91 process where I actually think is
4 a more appropriate place.

5 This is the multiuse path letter from
6 Martha Doyle to the City of Cambridge. And
7 Karen, Roger, and Adam in particular, and Sue
8 really gave us a lot of time working through
9 all of this. That's a letter of commitment.
10 Obviously it comes from us. We're happy with
11 it. We believe the city's happy with it.
12 And we expect this will become a condition of
13 our Special Permit.

14 Attached to it is the drawing that goes
15 along with it. And that should be attached
16 as part of the condition on the letter
17 agreement that I just showed you between
18 Martha and the City of Cambridge.

19 HUGH RUSSELL: And that's being
20 built in?

21 RICHARD McKINNON: Excuse me, Hugh?

1 HUGH RUSSELL: The property that the
2 path goes on is in some public ownership?

3 RICHARD McKINNON: Yes, as one of
4 the things that we say in the agreement is
5 that it's subject to the permits being
6 appropriated, because it is the one thing
7 that's out of our hand, you know? It's
8 similar to going on the north side of the
9 building on 22 Water Street where --

10 HUGH RUSSELL: I understand.

11 RICHARD McKINNON: Same thing.

12 As I mentioned to the Board, we have a
13 tax agreement with the City of Cambridge,
14 that even though EF has not a handful of not
15 for profit educational institutions that are
16 entitled to take the educational exemption
17 that exists here in the Commonwealth similar
18 to those taken by Harvard, Lesley, MIT,
19 etcetera. This letter states unequivocally
20 that we will be taxed as if it were a
21 commercial building, and that that agreement

1 will have a lifespan of 50 years.

2 When we -- this was all part of the
3 Zoning discussion with the Council, by the
4 way, Members of the Board, and one of the
5 things they asked us to do was don't forget
6 bringing these forward so the Planning Board can
7 staple it as a condition of the Special
8 Permit. So here it is. That's why I'm
9 showing that.

10 And then finally, there's a letter from
11 Martha and myself to the Mayor and the City
12 Council that came on the very famous last
13 nights of Zoning that happened here in our
14 city. And what it is basically is a
15 commitment that we will pay \$914,000 to the
16 city for them to use as they see fit. And
17 that it lays out the process and the timing
18 to trigger our turning those funds over. So
19 we also told Mayor Maher that we would bring
20 this forward verbally and bring it to the
21 Planning Board to be made part of the

1 conditional items on the Special Permit. So,
2 there it is. That's why it's coming here out
3 of the blue.

4 Last thing is, I believe you did
5 receive a letter because it's a memo from Sue
6 to the Planning Board, but we had a chance to
7 look at this. It's a very fair
8 representation of what happened. And we're
9 perfectly fine with this letter and we expect
10 that to also be a condition on any vote on a
11 Special Permit.

12 And even though it has its own
13 Ordinance, the PTDM Ordinance, just so the
14 Board has the security of knowing the PTDM
15 Department in fact approved our PTDM plan.
16 And so we put it there to make the Board
17 aware of it. And it's a read along document.
18 It's very typical. It's very aggressive. It
19 really holds us to high SOV standards. And
20 so we have agreed to it. And so the final
21 vote was taken and it's been put upon this

1 building project, and we put it in there to
2 make it as part of the condition or just
3 simply so the Planning Board knows it's
4 referenced.

5 And so that really concludes all I took
6 out from the supplement. We don't feel the
7 need to go back to do all of the presentation
8 of the architecture because I think we all
9 settled on that, that the architecture was
10 just going to sit tight. The (inaudible) was
11 I believe don't let it back slide. Keep it
12 where it is was. With that, Mr. Chairman, I
13 would like to conclude my remarks.

14 HUGH RUSSELL: Okay, thank you.

15 Are there any questions from the Board?

16 AHMED NUR: I have a question.

17 HUGH RUSSELL: Ahmed.

18 AHMED NUR: Yes, Richard, I have a
19 quick question of the coordination plan you
20 have here?

21 RICHARD McKINNON: Yes.

1 AHMED NUR: What are we sort of
2 looking here, the bathrooms in the lobby of
3 the first floor of the building. I haven't
4 heard --

5 RICHARD McKINNON: No, we already
6 have bathrooms in the lobby of our building.

7 AHMED NUR: Right.

8 RICHARD McKINNON: And we have
9 bathrooms in the restaurant of our building.

10 AHMED NUR: Oh, I see the bathrooms
11 here, but where's the main entrance to the
12 lobby? I see some over here.

13 RICHARD McKINNON: Over here.

14 AHMED NUR: There's an entrance
15 here.

16 RICHARD McKINNON: Right. That's
17 the main one. Yes, because there's the --

18 AHMED NUR: Where there's the glass?
19 I wasn't too clear on that.

20 RICHARD McKINNON: So the public
21 will have two sets of bathrooms in our

1 building, and that's typical on a Chapter 91
2 license. So we anticipated that when we did
3 that design.

4 AHMED NUR: Okay.

5 HUGH RUSSELL: Any other questions?

6 RICHARD McKINNON: Thank you.

7 HUGH RUSSELL: Shall we then proceed
8 to the public hearing?

9 (All Board Members in Agreement.)

10 HUGH RUSSELL: Thank you. The only
11 name on the sign-up sheet is Steve Kaiser.

12 RENATA von TSCHARNER: I didn't sign
13 in. Can you sign my name?

14 HUGH RUSSELL: I'll ask about other
15 people who want to speak after Mr. Kaiser
16 speaks.

17 STEVE KAISER: My name is Steve
18 Kaiser. I live at 191 Hamilton Street. And
19 just -- is this working all right? And I
20 think you've heard tonight mention of the
21 importance of the state process in terms of

1 what the Planning Board decisions may have to
2 be, and I can't think of a better example
3 than this project than something that sort of
4 intertwines the city's interest with the DCR
5 and the parks and the river right on one
6 side. And then there's a permitting process
7 that comes up, and I think that's better now.
8 And the permitting process that's referred to
9 under MEPA is what's called subject matter
10 jurisdiction. Whatever the state permits are
11 involved, MEPA can look at. So anything
12 having to do with transportation, traffic,
13 air pollution, they can look at. And then
14 also because there's a tidelands permit
15 involved, that they will need to get a
16 Chapter 91 license from DEP.

17 MEPA usually does not direct changes in
18 projects. I don't see a major issue there,
19 nor would I personally advocate MEPA to
20 change the project. But under tight lens
21 it's going to be rather interesting, because

1 I don't -- I didn't see a map up there, but
2 the entire site is tidelands. It's filled
3 tidelands. Two-thirds of it is what's called
4 Commonwealth Tidelands. And Commonwealth
5 Tidelands were land that was historically
6 under water at the river channel at low tide.
7 Yet the rest of the island's are private
8 tidelands and that's where the water -- the
9 tides go up and down and it can be private
10 tidelands. So it never had, in my
11 recollection, a very clear case such as this
12 where a large chunk of the project is
13 Commonwealth Tidelands. And it is still
14 Commonwealth Tidelands even if it's sold to a
15 private entity. This is a rather interesting
16 thing. And the key issue here is what are
17 the jurisdictional rights to the land, public
18 trust rights that are still in those
19 Commonwealth tidelands and must be met and
20 must be complied with.

21 There's a famous case in 1979, fairly

1 recent, Boston Harbor case by the Supreme
2 Judicial Court, which laid out all of the
3 history of tidelands and the public trust
4 rights which must be complied with. And
5 usually what it takes the form is there must
6 be major mitigation to ensure that the public
7 purpose and use of this site is maintained.
8 And the protections are stronger for
9 Commonwealth tidelands than they are for
10 private tidelands. So that will be the fly
11 in the -- the interesting question coming
12 before us, is will the DEP process identify
13 rights and mitigation that need to follow
14 from this project, and will that change this
15 project or not?

16 At the moment I don't plan -- I think
17 they MEPA meeting is scheduled for what, the
18 24th? Next Monday I believe.

19 RICHARD McKINNON: Is it?

20 STEVE KAISER: So it's coming up
21 fairly closely. So I realize that the

1 hearing is tonight. There is some logic that
2 would say that you might want to hear the
3 results of the MEPA meeting before you make a
4 formal decision. That's entirely up to you.
5 In most cases the Planning Board makes its
6 decisions independent of the state.

7 So, the other issue that is the
8 multiuse path, and I appreciate the effort
9 that this developer has made in identifying
10 at least a piece of it. If I were on the
11 Planning Board, I would like to see the
12 entire multiuse path, a plan of it, maybe a
13 preliminary thing, slightly better than a
14 magic marker, that would show the entire path
15 going from DCR land and connecting into
16 Somerville. I don't believe the city of
17 Cambridge has ever done that. It would be a
18 good, useful thing to have from Community
19 Development. And I don't think traffic is on
20 our agenda tonight so I won't comment
21 further. That will be a comment for next

1 Monday.

2 So, I think you will need to carefully
3 consider the possibility that the state will
4 have a real interest in the value of their
5 Commonwealth tidelands, that they will not
6 sign off automatically. So, and they are
7 simply defending the rights of the public and
8 the rights of the public in the Constitution.
9 I would urge you to keep an eye on that one
10 before you make your final decision.

11 Thank you.

12 HUGH RUSSELL: Thank you.

13 Renata.

14 RENATA von TSCHARNER: My name is
15 Renata von Tscharner, I'm speaking here for
16 the Charles River Conservancy. I appreciate
17 the opportunity to speak to you and you heard
18 that at your suggestion we met with
19 representatives from EF and the City of
20 Cambridge and DCR. And we had a good
21 meeting. And you, I think, in your material

1 have the letter that EF sent to us offering
2 to the Conservancy \$100,000 towards a
3 bathroom. And I don't think you probably
4 have our response, and I got the response
5 back from EF this morning at seven so things
6 happened a bit fast, so maybe I want to bring
7 you up to date on that.

8 ERC appreciates the thoughtful letter
9 regarding public benefits provided by the EF
10 project which are many, and your offer of an
11 additional commitment to the skate park. As
12 you have noted, EF is already providing
13 within its own building public bathroom
14 access to park users including users of the
15 skate park. And so the construction of a
16 bathroom facility at the skate park will be
17 redundant and unnecessary. Instead we
18 believe it will provide an important benefit
19 to devote a comparable level of funding
20 support to the following items:

21 Enhance lighting at the skateboard

1 park;

2 Installation and operations support of
3 a public safety call box at the park;

4 A commitment to support operations and
5 maintenance at the park at the set funding
6 level and for a set period of years so that
7 EF's commitment will be fixed and not open
8 ended.

9 In addition we would like -- we would
10 request that any video security system
11 installed by EF along the north side of its
12 building be configured to record activities
13 in the skate park area. We do not wish to
14 create a liability for EF related to
15 security, just a commitment to passively
16 record and have available for inspection on a
17 retrospective basis say for a week.

18 The response we got back from EF was
19 that this should be handled by part of the
20 MEPA process. Certainly a CRC conservancy
21 will participate in the MEPA process and as

1 well as the Chapter 91 hearing. But we feel
2 that there is the issue dealt with by
3 Cambridge, and that this is a different issue
4 than where the skate parks and the tidelands
5 are concerned, and we feel this should be
6 handled separately.

7 The benefits that were awarded to EF as
8 part of the planning process should also be
9 acknowledged by the permitting of the
10 Cambridge Planning Board. We ask that the
11 following three elements be part of the
12 Cambridge permitting:

13 They are modest in a modest cost to EF
14 but of great importance to the skate park and
15 to the Conservancy. Enhanced lighting, and I
16 saw that on the plan, but that might be
17 specified a bit more.

18 The public safety call box and the
19 video surveillance system.

20 We appreciate EF's offer to keep the
21 \$100,000 contribution on the table, and we

1 feel the planning permit from Cambridge
2 should also include a contribution to the
3 skate park.

4 So, I would like to kind of not have it
5 all happening at the Chapter 91 and the MEPA
6 process, but that some commitments also need
7 to be part of the planning process here in
8 Cambridge.

9 Thank you very much.

10 HUGH RUSSELL: Thank you.

11 Does anyone else wish to speak?

12 (No Response.)

13 HUGH RUSSELL: I see no one.

14 Okay, shall we close the hearing for
15 oral testimony and leave it open for written?

16 (All Board Members in Agreement.)

17 HUGH RUSSELL: So we have under our
18 PUD process, two hearings which in this case
19 probably could have been handled by a single
20 hearing, because what's before us today is
21 exactly the same building, five feet in

1 different place with some additional
2 commitments to handle the impacts of the
3 project. So I would think we would not have
4 much difficulty since we've supported the
5 building in a previous time to go forward and
6 perhaps vote the permit.

7 I think I'll give you my take on how
8 our work relates to the state processes which
9 is that we should make a decision on the
10 project based on criteria in our Ordinance
11 which I believe are satisfied. And should
12 the scrutiny negotiation that's going to take
13 place at the state level result in changes
14 that are beyond the general changes that
15 happen in the design development of a
16 project, that we would then review them. I
17 was going to try to think in my mind as to
18 what proportion of major or Special Permits
19 that we've granted have gone through without
20 an amendment. It's a number, you know, it's
21 maybe half of them have gone through without

1 amendments. Maybe half, maybe it's three
2 quarters. But it's a, it's a frequent thing.
3 We understand that there are many forces
4 acting on development projects, and that the
5 fact that one force here is a state permit,
6 you know, is that any different than market
7 forces a different type of project? To get
8 any kind of project going, you have to get a
9 whole bunch of people satisfied. And so I
10 obviously there's no area for us to proceed.

11 I guess I'll give you my take on the
12 suggestions from the Charles River
13 Conservancy, you know, which is that as I see
14 the proponent is saying they'll put \$100,000
15 on the table to be used to enhance the
16 skateboard park, and that seems clear that
17 exactly what the nature of that enhancement
18 is is still being discussed. I mean, I would
19 note that the Conservancy themselves have
20 come up with some different ideas this time
21 based on their further consideration. I note

1 that my friend and mentor in the back row,
2 from DCR Karl Haglund was undoubtedly going
3 to be considering this -- how the public use
4 of this whole area has been shepherding for
5 20 years that I know of. So, I'm sure
6 there's plenty of good talent here to try to
7 figure out how to make this work, and
8 \$100,000 contribution in addition to the
9 funds that have already been raised, is a
10 good idea. I don't think we should bring
11 this process to the extreme that we don't
12 know enough to do that.

13 So that's what it might take. If we
14 can go forward and --

15 STEVEN WINTER: Can I make a
16 comment, Mr. Chair?

17 HUGH RUSSELL: Sure.

18 STEVEN WINTER: I do want to go
19 forward. I also want to make a comment. The
20 proponent has done very well with the six
21 points. I'm very impressed at the way you're

1 meeting the community responsibilities. And
2 I just wanted to go on the record as saying
3 that I think that the proponent made a very
4 good faith effort to solve the issue that,
5 you know, we're humans and we need water
6 fountains and we need toilets. And I think
7 that having the skate park having its own
8 self-contained facilities is the way to go.
9 I think that's the -- a really good idea. I
10 think it's good for the skate park, and I
11 think it's good for the kind of pedestrian
12 permeability that we will also have moving
13 through that building. I just frankly -- I'm
14 hopeful that some conversations will be able
15 to be made so that what we can get that, the
16 self-contained toilet facility and water
17 fountain facility for the young people who
18 will be using that park instead of having
19 that activity in and out of the building.
20 Which I think may be disruptive in the long
21 run. And I concur with all of your other

1 comments, Mr. Chair.

2 HUGH RUSSELL: Pam.

3 PAMELA WINTERS: Steve, I just have
4 to comments on that because I was going to
5 say exactly the same thing. I use Fresh Pond
6 frequently trying to lose weight, and I'm
7 trying.

8 RICHARD MCKINNON: Congratulations.

9 PAMELA WINTERS: And so I notice
10 that the, that they do have a public restroom
11 that's there open until seven o'clock at
12 night, and it is used by children and
13 everybody, and I just think it's really,
14 really important. And, you know, I look at
15 the \$100,000 and I think well, how much could
16 a call box cost? And how much could, you
17 know, a little more lighting and a
18 surveillance system cost?

19 RICHARD MCKINNON: Yes, I think Pam,
20 honestly --

21 WILLIAM TIBBS: Were you asking a

1 question? I just don't want you to -- you
2 don't have to comment on everything we say.

3 I think she --

4 RICHARD MCKINNON: That's fine.

5 WILLIAM TIBBS: Unless you asked him
6 the question. I'm sorry, we're deliberating.

7 CHARLES STUDEN: It was rhetorical.

8 HUGH RUSSELL: So, are there other
9 questions or comments from members of the
10 Board?

11 CHARLES STUDEN: I also wanted to go
12 on to say that I think in the applicant's
13 development application their description of
14 the criteria of approval of the PUD
15 development proposal pages 20 to 30 are also
16 very clear and I looked at those prior to
17 this evening's meeting and that those
18 together with the supplement to the final
19 development plan, the various attachments
20 that they've requested, and I agree with
21 being attached to this permit make it

1 possible I think for us to move forward this
2 evening.

3 HUGH RUSSELL: Bill.

4 WILLIAM TIBBS: I just wanted to
5 agree with both Steve and Pam regarding the
6 issue.

7 I think the -- I'm very sportive of the
8 idea of a skate park, but I think the, I
9 think the proponent as done an awful lot to
10 try, and they did exactly what we asked,
11 which is to me, I just don't -- particularly
12 when I look at the third commitment for
13 support in operations of the state, I just
14 don't, I think that what they've -- either
15 the \$100,000 or whatever, is perfectly
16 adequate and the state park has to survive on
17 its own in terms of if it's viable and how it
18 maintains itself, it's own security, and its
19 own lighting. And I don't think we should,
20 we as a Planning Board, at least should be
21 asking this proponent or any proponent to

1 take on that even though we want them to be
2 good neighbors and to help in whatever way
3 they can. And in my mind the things I've
4 read here are very sufficient to do that.

5 HUGH RUSSELL: Ahmed.

6 AHMED NUR: I also agree with what's
7 being said. In addition, south of the
8 building where the donut in the parking
9 there's a beautiful playground where we
10 normally take the kids to and there are no
11 bathrooms there either. So in the summertime
12 we usually have to time it in an hour so
13 we're out of there. So, I mean, that's just
14 for myself, and I wanted to put that out
15 there.

16 HUGH RUSSELL: Any other comments?
17 I'll have to comment on this issue. An hour
18 may not be long enough.

19 But I think that leaving it to the
20 discretion of the process as it unfolds, it's
21 -- I'm sure there are great difficulties

1 operating public toilets and those must weigh
2 in that decision.

3 AHMED NUR: Just for the record I
4 want to come back on that joke. Hours for
5 the kids. On the weekends for me is probably
6 15 minutes.

7 HUGH RUSSELL: Okay. Are we ready
8 to make a motion?

9 Would someone like to offer a motion?
10 Charles has made a study, and I guess other
11 of us have also reviewed the items on page 20
12 to 30.

13 THOMAS ANNINGER: It's more than I
14 can handle in terms of its complexity. I
15 think you're going to have to go through it
16 and then we'll just do what you tell us.

17 HUGH RUSSELL: Well, for a motion I
18 was thinking was to essentially grant the PUD
19 permit and making the -- adopting what the
20 proposed findings on pages 20 and 30 as the
21 findings of the Board, and imposing any

1 conditions that are in the amendment as
2 presented by Rich. Simple.

3 PAMELA WINTERS: It is simple.

4 HUGH RUSSELL: Would somebody like
5 to offer that motion?

6 STEVEN WINTER: I'll offer that
7 motion.

8 PAMELA WINTERS: And I'll second it.

9 HUGH RUSSELL: Is there a discussion
10 on that motion?

11 All those in favor?

12 (Show of hands.)

13 HUGH RUSSELL: All members voting in
14 favor.

15 BRIAN MURPHY: Mr. Chair, are you
16 incorporating the traffic?

17 HUGH RUSSELL: Yes, that was
18 referenced.

19 H. THEODORE COHEN: And this plan, I
20 think, too?

21 HUGH RUSSELL: Yes. Okay, so we've

1 done it.

2 RICHARD MCKINNON: Thank you very
3 much.

4 HUGH RUSSELL: We'll take a ten
5 minute recess.

6 (A short recess was taken.)

7 HUGH RUSSELL: I think we're all
8 ready. First item under general business is
9 a discussion on the Bishop Petition. You see
10 the memorandums and correspondence. Do you
11 want to brief us or summarize?

12 JEFF ROBERTS: Sure. Jeff Roberts
13 from CDD. So working with the staff in our
14 department and with some other departments we
15 assembled a little package of materials, and
16 we're trying to address five major points that
17 were raised at the prior Planning Board
18 hearing on this. We wanted to explain a
19 little bit more, and we did some research
20 looking back into the Planning Board file on
21 the change to Special District -- the change

1 in that area to Special District 2. We also
2 were responding to a question about --
3 actually, we were responding to a question on
4 -- that came from the City Council Ordinance
5 Committee and we thought the Planning Board
6 would be interested in as well, looking at
7 Zoning alternatives for the site that has
8 been in question, a Fawcett Oil site under the
9 current zoning, the proposed zoning, and then
10 just a Residence B base Zoning.

11 We looked at some questions about
12 fences. I think there was a question about
13 whether what was proposed in regard to fences
14 would be clear enough to be defensible. We'd
15 actually done some work, CDD had done some
16 work in the past, looking at possible fence
17 regulations, and we included some of the
18 potential ways that you can define a fence as
19 being either opened or closed and could
20 regulate what would be required in terms of
21 the transparency of a fence.

1 And then we attached some material that
2 pertains to infrastructure improvements that
3 are going on in the area. We were asked what
4 kinds of street, sidewalk improvements were
5 being done as a follow-up to the subsurface
6 sewer storm water work that's been done in
7 the area. So we provided some information on
8 that. Some of that is rather recent. There
9 was a meeting back in September looking at
10 potential traffic upgrades and we sort of
11 just attached the latest memo from the
12 Department of Public Works that went to the
13 community on how they were going to approach
14 that question.

15 And then finally there's a memo with
16 some analysis that was provided by the
17 transportation, Traffic Parking and
18 Transportation Department, Sue Clippinger and
19 Adam Shulman have put this together and
20 they're here to answer any questions that
21 relate to that. So we'll take any questions

1 or anything that might need further
2 explanation.

3 HUGH RUSSELL: Thank you.

4 Any questions for Jeff?

5 CHARLES STUDEN: No, other than just
6 a comment. Thank you. I think what you
7 provided was extremely helpful to me what we
8 had posed the last time we met and I was
9 again thinking about what to do next. So
10 again, thanks.

11 HUGH RUSSELL: Sue and Adam, would
12 you like to make any comments to us that
13 aren't found in your memos or highlights
14 what's in the memos?

15 SUSAN CLIPPINGER: If you think
16 that's helpful, we're happy to do it. You
17 know, we tried to put stuff together. I
18 don't want to go over material that you've
19 already read. This area is a triangle that's
20 contained by Mass. Ave. on one side and the
21 Linear Park and Alwife Brook Parkway. It

1 doesn't have a lot of cut-through traffic
2 because you can't get very far because of
3 those boundaries. And in looking at the
4 Fawcett Oil site and the fact that there's a
5 large number of residential streets with
6 relatively low volumes of traffic on them, I
7 think the sort of take away message from this
8 is our approach has been to think about ways
9 to provide access to and from the site
10 without providing any new cut-throughs that
11 would add traffic unrelated to the people who
12 live there and would try to distribute the
13 access or egress among the various streets
14 that are there. So that's sort of the
15 simplistic version. And I would certainly be
16 happy to answer any questions that people
17 would have about the material.

18 CHARLES STUDEN: Just to be clear,
19 the last sentence in the memo that you
20 provided us, I think, cuts from my
21 perspective right to the heart of this, it

1 says: That, however, in your view the
2 existing streets can accommodate the small
3 increase in traffic that would be generated
4 by new residential development whether or not
5 the proposed into Zoning is adopted.

6 SUSAN CLIPPINGER: Yes. And I think
7 one thing that we see throughout the city is
8 when you have a low volume street without a
9 lot of -- without a lot of large volume of
10 traffic, every new trip can be very painful
11 for the people who live there.

12 CHARLES STUDEN: Right.

13 WILLIAM TIBBS: I would recommend
14 that we just kind of go through Jeff's points
15 and see what people feel about them on the
16 petition as we go through those.

17 HUGH RUSSELL: I guess.

18 WILLIAM TIBBS: Unless you have some
19 other way.

20 HUGH RUSSELL: Well, I'm not opposed
21 to going through the memo and discussing it.

1 It looks like a procedure -- I guess the real
2 question in my mind is what is this needed?
3 Is it broke? Do we need to fix it? And do
4 we risk in making big changes actually to
5 feeding the intention of the Special District
6 which is the conversion of non-residential
7 uses to residential uses?

8 WILLIAM TIBBS: I think in my mind a
9 lot of ways that addresses the historical
10 question which is why we ask it to give us a
11 little bit of the background as to why this
12 special district was created and kind of what
13 happened along the way. I guess I have the
14 exact same question. Has anything happened
15 since then or has things changed since then
16 that would cause me to feel that we would
17 need to change the Special District itself?
18 I would be interested if others felt there
19 was something.

20 CHARLES STUDEN: I agree with both
21 of you. Actually, what I'm wondering is this

1 Special District wasn't created that long
2 ago, it was only ten years ago. And there
3 are only a few areas where this applies in
4 the City of Cambridge. And in particular we
5 have an owner who is in the middle of looking
6 at a potential development proposal for this
7 site. Mark Boyes-Watson's office has
8 prepared at least one if not several
9 alternatives. And I would like to see what
10 can be done within the existing Special
11 District guidelines first. And whether a
12 rezone is necessary or what changes might be
13 necessary, because it may be possible to
14 develop the site in a very responsible way
15 without making these changes, but I don't
16 know.

17 HUGH RUSSELL: I mean, our
18 experience across the tracks on Harvey Street
19 was that we have enough tools in our arsenal
20 all to address the project. And in that
21 case, the development density was reduced and

1 the maximum permitted in order to achieve the
2 compliance with the entirety of the rules and
3 regulations. And I can't -- I think I would
4 like to be able to consider a project under
5 the present rules. I'm not going to say that
6 a project under the built to the maximum of
7 the present rules would be, you know,
8 something that we can approve. But I think
9 we should be allowed to consider it because
10 we -- because the Council in their wisdom
11 recently decided that this was a reasonable
12 trade off between competing interests. I
13 don't think that's changed.

14 WILLIAM TIBBS: I just want to say
15 in their kind of at 30 percent ad at the very
16 last minute was an indication of that. And
17 since at least an account for that time where
18 they really saw there were some competing
19 issues and they tried to make a balance
20 there.

21 CHARLES STUDEN: Yes, and I'm also

1 concerned, and this isn't the first instance
2 where we've been faced with this, while I
3 understand the neighbor's concerns about
4 density and not wanting sites to be overly
5 developed, there is a financial reality
6 associated with real estate development. And
7 if you apply a standard that's too low, you,
8 then that result might be that the site sits
9 undeveloped for a long period of time. And
10 so, you know, and where that in a way that
11 sweet spot is, the right number of units and
12 the appropriate development is part of what
13 this Board is responsible for under the
14 Special District 2 Zoning Language. And I'd
15 like to be given a chance I guess as you were
16 saying, Hugh, to do that before we make any
17 changes.

18 HUGH RUSSELL: Anyone else want to
19 comment?

20 H. THEODORE COHEN: Just briefly. I
21 concur with what everyone else has said, and

1 I also think that the information we've
2 gotten from Traffic and Parking is very
3 helpful. I, you know, living on a small
4 quiet street, I understand that even one or
5 two cars seems like a lot, but that I think
6 that the difference between what could be
7 allowed as a maximum under the current zoning
8 and what might be allowed under proposed
9 zoning is really a very small difference.

10 You know, I've been around this neighborhood
11 a lot, you know, driving it, walking it,
12 looking at it, and I certainly understand the
13 neighbors' concerns, but it's a large parcel
14 of property that's not being utilized right
15 now and I think -- I concur with the idea
16 that it's not broken, and that we don't need
17 to fix anything right now and that we do have
18 the tools to prevent something that would be
19 totally inappropriate if it came to us under
20 current zoning.

21 WILLIAM TIBBS: I just want to just

1 advantage. I think they were pleased with
2 the outcome. I really think that model is
3 one that would work very well on the other
4 side of Linear Park, and I'd like to give it
5 a try. And if it doesn't work, well, we at
6 one point came close to thinking that we were
7 not going to approve what was presented to us
8 and the outcome was just what we had, what
9 everybody had hoped for. So I think, I think
10 the process that's going on right now, I look
11 forward to that in a more formal setting when
12 we have a Special Permit before us.

13 HUGH RUSSELL: So, if we are all in
14 concurrence, it sounds like someone could
15 make a recommendation.

16 PAMELA WINTERS: Hugh, my other
17 concern was could it be considered spot
18 zoning if we -- or do you think it's --

19 WILLIAM TIBBS: It's broad.

20 PAMELA WINTERS: Yes, do you think
21 it's too broad for that?

1 WILLIAM TIBBS: Yes.

2 HUGH RUSSELL: Because it appears to
3 be targeted towards one parcel, one large
4 parcel, the question is raised on not trying
5 to answer that question.

6 PAMELA WINTERS: Okay. Just a
7 thought that just crossed my mind.

8 HUGH RUSSELL: But it's a troubling
9 part of the proposal and what seems to be
10 reaction to a change. I mean, until you get
11 a proposal off, it's very hard to get people
12 to think about things. So that's, you know,
13 not critical about the fact that this has
14 been filed, that people are concerned and
15 want to make sure that the best thing happens
16 here, that's good.

17 PAMELA WINTERS: Okay.

18 HUGH RUSSELL: So do you have enough
19 to write a recommendation to the Council?

20 BRIAN MURPHY: I think so.

21 HUGH RUSSELL: Okay.

1 Then that's, that will be it for this
2 item.

3 * * * * *

4 HUGH RUSSELL: And the next item on
5 the agenda is the Bagedonow Petition, and I
6 recuse myself from that because Matt is the
7 project manager of one of my architectural
8 projects.

9 THOMAS ANNINGER: What are we going
10 to do?

11 HUGH RUSSELL: You're going to
12 Chair.

13 WILLIAM TIBBS: I chaired the
14 meeting but you're here now.

15 THOMAS ANNINGER: My problem is I
16 wasn't here. So you might have to just --

17 HUGH RUSSELL: Bill chaired it
18 before so he might have to do it again.

19 WILLIAM TIBBS: So, Jeff, do you
20 want to do the same for this one?

21 JEFF ROBERTS: Sorry. I'm

1 reorgani zi ng my fi l es.

2 Sure. So you also have a memo that we
3 prepared on the Bagedonow Peti ti on rel ati ng
4 to si de yard setback requi rements in the
5 Resi dence C-1 Di stri ct. I'II ki nd of expl ai n
6 that bri efl y. Resi dence C-1 is a di stri ct
7 where there's onl y a formul a setback
8 requi rement, and because of the ways that you
9 can ki nd of work the formul a, there are
10 possi bi li ti es that smal l por ti ons of the
11 bui l di ng s can be very cl ose to l ot l i nes. So
12 the proposal is to establi sh a seven and a
13 hal f foot mi ni mum setback. We prepared a few
14 -- just res ponded to a few poi nts that came
15 up actual l y at the Pl anni ng Board and
16 Ordi nance Commi ttee. We feel l i ke seven and
17 a hal f feet, there is a rati onal e i f even
18 that's become a fai rl y standard measurement
19 in other di stri cts across the ci ty and, you
20 know, any where between fi ve and ten feet is
21 ki nd of a reasonabl e di stance, and seven and

1 a half feet to just maintain consistency with
2 other areas is -- seems like it would be a
3 good number.

4 We looked at some of the issues that we
5 had actually raised in terms of how
6 projections would be, would be dealt with and
7 how sustainable design features which we had
8 looked at some time ago as part of our green
9 building and zoning task force, how those
10 might be affected. I think we found that in
11 most cases they, they wouldn't really, they
12 wouldn't be greatly impacted. I think our
13 view is that if the seven and a half foot
14 minimum setback distance was going to be
15 implemented, then it would, it would make
16 sense to treat that as a setback in the same
17 way that any other setback is treated and not
18 to, not to make a special case for the side
19 yards in the C-1 that would exclude
20 projecting eaves or other unenclosed porches
21 or other features that are otherwise allowed

1 to push into a setback in other districts.

2 We did raise one question in terms of
3 the bay windows. If a bay window can project
4 three and a half feet into the minimum seven
5 and a half foot minimum side yard setback,
6 that could result in, you know, a window that
7 was four feet from the property line and the
8 Planning Board can figure out whether that
9 seemed to be an issue of concern. In other
10 districts that is similarly allowed. I mean,
11 it's allowed.

12 And then the final piece has to do with
13 consistency with just existing zoning
14 language. If you go to the last page, page
15 five of our memo, it shows a way in which
16 that minimum setback could be included as a
17 footnote to the table of dimensional
18 requirements that we feel would make it more
19 consistent with the way setbacks are defined
20 elsewhere in the Ordinance as opposed to
21 putting it within the general regulations for

1 setbacks which is where it's been proposed by
2 the current petition.

3 Happy to answer any questions.

4 PAMELA WINTERS: Do you know who
5 Campbell Ellsworth is who wrote us a letter
6 that was just handed out a moment ago?

7 CAMPBELL ELLSWORTH: That's me.

8 PAMELA WINTERS: That's Campbell
9 Ellsworth?

10 THOMAS ANNINGER: That's you?

11 CAMPBELL ELLSWORTH: Yes, sir. I
12 submitted that to Liza earlier.

13 PAMELA WINTERS: I've got to say in
14 skimming this quickly, I think this is a
15 letter that deserves some answers. And if we
16 don't have to decide this tonight, I would
17 love to have somebody consider what
18 Mr. Ellsworth is saying because I think it's
19 very thoughtful and it says a lot of things
20 that I'd like to know more about.

21 STEVEN WINTER: I'm not sure it's

1 fair to have the staff read that tonight.

2 THOMAS ANNINGER: No, I'm not
3 suggesting that we have to read it now.

4 STEVEN WINTER: I know you're not.
5 I'm just saying that it could be that this is
6 a good time to pause and digest that
7 information.

8 Charles, I look to you for that.

9 THOMAS ANNINGER: Well, maybe we
10 don't need to decide this tonight.

11 WILLIAM TIBBS: Even though I think
12 quite frankly think for me it seems straight
13 forward enough, that I would be interested in
14 hearing your comments. But it depends on
15 what everybody else says.

16 CHARLES STUDEN: I would like to
17 suggest that the petition before us, which is
18 what we're supposed to be discussing and
19 possibly making a decision on, and I believe
20 be rather elegantly solved and thanks to the
21 Community Development Department, I like this

1 footnote idea rather than as you suggest, you
2 know, making a change to the language as was
3 proposed originally, because it makes it
4 consistent with the way it's handled
5 otherwise in the Zoning Ordinance. And I,
6 again, Mr. Ellsworth was asking for -- is he
7 asking for a five feet if not seven feet, six
8 inches.

9 THOMAS ANNINGER: Well, his concern
10 is something that --

11 AHMED NUR: I think it's in terms of
12 projections.

13 THOMAS ANNINGER: -- is the
14 projections.

15 WILLIAM TIBBS: Its projections.

16 H. THEODORE COHEN: Oh.

17 THOMAS ANNINGER: I'm at a
18 disadvantage because I was not at the first
19 hearing.

20 WILLIAM TIBBS: Yes, yes, I think we
21 should talk about the idea of projections.

1 Go ahead.

2 H. THEODORE COHEN: Well, I would be
3 opposed to any change that includes a ban on
4 projections where it is not prohibited
5 anywhere else.

6 WILLIAM TIBBS: Correct. And --

7 H. THEODORE COHEN: There seems to
8 be no rationale whatsoever --

9 WILLIAM TIBBS: I agree.

10 H. THEODORE COHEN: -- to create one
11 zoning distance where projections, and I
12 think the comment, you'll end up with boxy
13 buildings. When the projection -- I think
14 one of the reasons for the projections is
15 that does it allow for architectural
16 variation? And it allows, you know, and I
17 think most of all Zoning Ordinances do allow
18 for projections in the side lot line. So,
19 you know, if we get rid of that concept, then
20 we're down to should there be a minimum? And
21 I guess if there is one in every other zoning

1 di strict, then questi on why i t' s di fferent
2 here is not clear to my mi nd. Al though I am
3 sti ll concerned about the fact that we wi ll
4 make so many bui ldi ngs non-conformi ng, and
5 that i t' s just going to, you know, whi ch, you
6 know, any zoni ng change does. But I thi nk,
7 you know, for whatever reason thi s has
8 hi stori cal ly had no si de l ot -- no si de
9 setback, and there are a l ot of bui ldi ngs
10 that I assume do not, woul d not compl y wi th a
11 new I guess even fi ve feet, fi ve and seven
12 and a hal f.

13 WILLIAM TIBBS: And as you sai d i t' s
14 not that we don' t have them, but i t' s just
15 the formul a.

16 JEFF ROBERTS: Ri ght. Just to
17 respond --

18 WILLIAM TIBBS: Whi ch woul d make i t
19 l ess than seven and a hal f i n some case.

20 JEFF ROBERTS: Ri ght, to respond --
21 yes, the formul a setbacks i n most cases

1 provide for an average setback on these lots
2 that's fairly generous. So a property that
3 only has a seven and a half foot setback is
4 very likely to still be non-conforming
5 because the actual required setback may be
6 eight feet, ten feet or more. And this would
7 just deal with those cases where you were
8 proposing to build a building or add to a
9 building where you were using what's referred
10 to by many architects is the multiple plane
11 calculation where you have a building that
12 has the different parts and maybe an unusual
13 shape where a part of -- a part of the
14 building can go close to the property line.
15 And if another part of the building is set
16 further back from the property line, so that
17 the average is a formula to calculate the
18 average it turns out to adhere to the formula
19 setback. So it's hard to -- I guess the
20 short answer, it's hard to say how many new
21 buildings would be non-conforming because of,

1 because of this regulation. But, it would
2 probably be some, but very likely would, very
3 likely wouldn't be many, because many of
4 them, many of the buildings that encroach
5 into that seven and a half feet would already
6 be non-conforming under the formula.

7 CHARLES STUDEN: I'm also persuaded
8 by what you point out here that the seven and
9 a half feet is consistent with the minimum
10 setback and similar residential zoning
11 districts such as the Residence B and
12 Residence C District in terms of just the
13 rationale for why seven and a half feet. And
14 then the notion that we do it would be a
15 footnote seems fairly logical.

16 WILLIAM TIBBS: And then since we're
17 saying we're keeping the same formula such
18 that at no point can you be closer than that
19 which to me makes sense.

20 From my perspective I was really
21 concerned about the unintended, you know,

1 ci rcumstance.

2 THOMAS ANNINGER: That' s right.

3 WILLIAM TIBBS: And that I think
4 that you, in my mind, you had hit upon, in
5 your memo, a lot of the things that could be
6 uni ntended. You know, the bay windows, the
7 other things. So that I just found thi s very
8 helpful and indeed it just sounded very
9 i nformati ve. And to me the idea of a simple
10 footnote to me just seems like it' s a very
11 reasonable and rational e thing to do. And it
12 sounds like that' s what you were saying, too,
13 Tom, you don' t make, you don' t make
14 recommendati ons but what you' re saying if
15 it' s not -- thi s isn' t an onerous change in
16 any way or form. In a lot of ways it brings
17 a little more consi stency wi th the zoni ng.
18 And I' m inclined to, like you are, Charles,
19 I' m inclined to recommend their suggesti on to
20 do thi s as a footnote. That' s where I am at
21 I east. Anyone el se?

1 PAMELA WINTERS: And to do away with
2 No. 2? You exclude No. 2?

3 WILLIAM TIBBS: When you say No. 2.

4 PAMELA WINTERS: The projections
5 from wall plane of the building.

6 CHARLES STUDEN: No.

7 WILLIAM TIBBS: Or maybe we should
8 specifically talk about those predictions in
9 the bay window. I agreed with you, Ted, if
10 we don't restrict them elsewhere in the code,
11 I don't see why we would do it here.

12 PAMELA WINTERS: Right.

13 WILLIAM TIBBS: If we allow those
14 projections in the minimum in all other
15 places, then I think that should be okay.

16 CHARLES STUDEN: They're exempt from
17 setback requirements.

18 H. THEODORE COHEN: Well, I think
19 the CDD's proposal does not address -- it
20 just says --

21 WILLIAM TIBBS: It just notes.

1 H. THEODORE COHEN: No closer than
2 seven and a half feet. And then the rest of
3 the Ordinance would apply which says that
4 projections are not counted in the setback.

5 PAMELA WINTERS: Because it's a
6 footnote and not in here? Is that the
7 distinction?

8 JEFF ROBERTS: The distinction is
9 that it's --

10 THOMAS ANNINGER: And not in the
11 table?

12 JEFF ROBERTS: Right. The
13 distinction is really more where it appears.
14 So the petition says that within the section
15 that describes setbacks in general, that
16 additional points should be added to say that
17 in a Residence C-1 district, the side yard
18 shall be less than seven foot, six inches
19 applying to any plane or projection from the
20 building. So it would be -- really be
21 treating these particular setbacks and those

1 particular districts in a way that's unique
2 from any of the rest of the districts. The
3 alternative suggestion is to really define it
4 where all other setbacks are defined. And,
5 therefore, the general setback regulations
6 would continue to apply the same way in C-1
7 as they do everywhere else.

8 THOMAS ANNINGER: I was at a
9 disadvantage because I wasn't here for the
10 hearing. So this must have been a question
11 that was asked, but why was it in all the
12 other districts higher than C, more
13 restrictive than C-1, why was it left out of
14 C-1?

15 JEFF ROBERTS: Actually the way it
16 was explained, so the formula setback applies
17 in C-1 and districts that are more dense than
18 C-1 in terms of residential districts. The
19 straight number numerical setback applies in
20 Residence C, Residence B, Residence A. And
21 so the question is really that not that it

1 applies in all other districts, but that it
2 applies in, for instance, Residence C but not
3 in Residence C-1.

4 THOMAS ANNINGER: Do you know why
5 they drew the line there?

6 JEFF ROBERTS: I don't.

7 MARK BOYES-WATSON: Res C is not
8 used to have the minimum seven foot, six.
9 That was added to Residence C which was
10 created as a downsize for C-1. So previously
11 all the Res C Districts were just the
12 formula. And actually everything that is
13 zoned more densely was just the formula. But
14 as a sort of slight modification of it's like
15 SD-2. Like a modification. The C-1 that was
16 all over Cambridgeport was changed to C and
17 at that moment they introduced the seven foot
18 six minimum. But that's the precedent. This
19 footnote thing is to do with prohibiting the
20 projections which isn't -- a minimum setback
21 statement it goes right in the table. The

1 footnote is all to do with the projections
2 which is a lunar type thing because even Res
3 A and Res B has the projections. So I
4 think --

5 WILLIAM TIBBS: We're not doing
6 that.

7 MARK BOYES-WATSON: That footnote is
8 a really bad thing. It shouldn't be there.
9 It forbids all projections whether it's the
10 language in the code or as a footnote.
11 Either way it's a bad idea.

12 PAMELA WINTERS: We're not doing
13 that.

14 MARK BOYES-WATSON: I think there's
15 some confusion there. That's what the
16 footnote means to do the projections. The
17 statement of minimum setback is just like
18 it's done in the Res C which is stated right
19 in the table, I believe.

20 H. THEODORE COHEN: It's actually
21 what CDD is proposing now is a different

1 footnote which would allow the formula and
2 then have a footnote but in no case be less
3 than 7.6. And is silent as to projections so
4 presumably with the exception for projections
5 elsewhere in the Ordinance would still apply.

6 MARK BOYES-WATSON: It presumably
7 attract exactly for Res C which is exactly
8 that which is the minimum without changing
9 any of the other line.

10 WILLIAM TIBBS: Exactly.

11 JEFF ROBERTS: That was the intent.
12 And I can look more closely to be sure that
13 that would be the effect.

14 THOMAS ANNINGER: I think that would
15 be a good idea.

16 WILLIAM TIBBS: So are we, I don't
17 know, Steve, you look like you were about to
18 say something, but are we ready to make a
19 suggestion?

20 STEVEN WINTER: I'm okay.

21 WILLIAM TIBBS: So I think we're

1 proposi ng that you -- we fol low your
2 recommenda ti on and do the footnote as what we
3 recommen d to the ci ty coun ci l .

4 THOMAS ANNIN GER: Provi ded it does
5 what we thi nk it does.

6 JEFF ROBERTS: Ri ght. So the
7 recommenda ti on, ju st to lay it out to be
8 clear, so the recommenda ti on is to recommen d
9 that a seven and a hal f foot mi ni mu m setback
10 be i ncl uded al ong wi th the formul a or as i n
11 addi ti on to the formul a setback and Resi dence
12 C-1, but that it woul d not apply to
13 proj ecti ons and as descri bed i n the
14 Ordi nance.

15 THOMAS ANNIN GER: Yes.

16 AHMED NUR: Can you ju st cl ari fy few
17 one thi ng for me? Are we tal ki ng about a
18 setback faci ng Mai n Street or between
19 properti es?

20 JEFF ROBERTS: Thi s woul d actual ly
21 rel ate to si de yard setback whi ch is between

1 bui l di ngs, between the sides of bui l di ngs.

2 THOMAS ANNINGER: From the lot line?

3 JEFF ROBERTS: From the lot line,
4 yes.

5 AHMED NUR: Okay. So on this it
6 showed that stairs ten feet from the
7 foundati on, four feet hi gh, how wou ld the
8 fi re department get by that or are you sti ll
9 sayi ng from the edge of that stair seven
10 foot, si x or 7.5 from the property line?

11 JEFF ROBERTS: That may be a
12 bui l di ng code questi on wi th regard to access
13 and egress for emergencies. But I can look
14 i nto that. There are regul ati ons that were
15 brought up by the peti ti oner earli er on that
16 there are concerns about safety, bui l di ng
17 code and safety regul ati ons regardi ng the
18 mi ni mum di stance between two bui l di ngs. And
19 I thi nk that, so thi s i s actual ly the
20 di stance between the lot line and the
21 bui l di ng.

1 AHMED NUR: That's what I'm worried
2 about. Is the side entrance to this house
3 and the side entrance to this house are
4 exempt from the setbacks, and all of a sudden
5 the two of them --

6 H. THEODORE COHEN: That's the way
7 it is everywhere.

8 WILLIAM TIBBS: That's the way it is
9 now. Those two things work together and
10 you --

11 AHMED NUR: Okay.

12 JEFF ROBERTS: If that were to
13 present a building code violation, that's
14 another set of standards.

15 AHMED NUR: Thank you.

16 WILLIAM TIBBS: I think we're done.

17 PAMELA WINTERS: Meeting adjourned?

18 WILLIAM TIBBS: Meeting adjourned.

19 (Whereupon, at 9:45 p.m., the
20 Planning Board Meeting Adjourned.)
21

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