

1
2 PLANNING BOARD FOR THE CITY OF CAMBRIDGE

3 GENERAL HEARING

4 Tuesday, June 1, 2010

5 7:00 p.m.

6 in

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

9 Hugh Russell, Chair

Thomas Anninger, Vice Chair

10 Pamela Winters, Member

11 H. Theodore Cohen, Member

Patricia Singer, Member

Ahmed Nur, Member

12 Steven Winter, Member

William Tibbs, Member

13
14 Beth Rubenstein, Assistant City Manager
for Community Development

15 **Community Development Staff:**

Les Barber

16 Roger Booth

Susan Glazer

17 Jeff Roberts

18

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P R O C E E D I N G S

HUGH RUSSELL: All right. Let's get started. This is a meeting of the Cambridge Planning Board. And the first item on our agenda is the update by Beth and maybe we should wait until everybody gets here, I don't know.

BETH RUBENSTEIN: Let's see, I think we can get started if you want.

HUGH RUSSELL: Okay.

BETH RUBENSTEIN: Thank you, Hugh. I was just anticipating the meetings for the rest of the summer. After tonight we'll be meeting on June 15th. And just for housekeeping, we have Ted not in attendance on the 15th. I don't know if anybody else has any news on that front. And then right now we are scheduled to meet July 6th and July 20th. And then August 3rd and August 17th.

Other news in the city, this week Susan

1 has been working with Ranjit in the Building
2 Department on a series of meetings on the
3 stretch code. And there's another meeting
4 coming up this week, Thursday, at one
5 o'clock.

6 The Ordinance Committee is continuing
7 to hold hearings next week, Wednesday, June
8 9th at five on the green zoning at 5:30 on
9 the 5.28 section of the Zoning Ordinance, and
10 then at six o'clock on the MDX Zoning about
11 more which we'll hear tonight.

12 And I think we've announced this
13 before, but I would love to announce it
14 again, that on Thursday, June 10th we're
15 going to hold the dedication of the new park
16 on the Riverside neighborhood on Western Ave.
17 and Memorial Drive. And I believe we're
18 starting the festivities -- I hope you all
19 received the invitation -- I think we're
20 starting at 4:30 and going until 6:00. And
21 of course the public is very much invited and

1 we hope you can attend.

2 This is CPA, Community Preservation Act
3 season. And next Tuesday on the 8th at six
4 p.m. is public meeting for the city to hear
5 from citizens on how they'd like to see CPA
6 money spent and distributed for the upcoming
7 fiscal '11.

8 And just continuing on with park
9 openings, the next week June 16th, in the
10 evening we'll be dedicating the renovating
11 Clement Morgan Park down on Columbia Street.
12 Another lovely job with Rob Steck (phonetic)
13 with the city and public, and the Board very
14 much welcome to join us for that.

15 And I think that takes us up to date
16 with the most of the city news.

17 HUGH RUSSELL: Okay. Thank you.

18 The next item on our agenda is the
19 review of the Board of Zoning Appeal cases.
20 And Roger is filling in for Liza.

21 ROGER BOOTH: Liza didn't find

1 anything that she knew for sure that would be
2 of interest. But if you have a case you'd
3 like me to pull out, we do have them here.

4 THOMAS ANNINGER: You all did
5 Cambridge Housing last week?

6 HUGH RUSSELL: Yes.

7 THOMAS ANNINGER: For those of us
8 that were not there, was that a positive
9 recommendation?

10 ROGER BOOTH: Yes, it was.

11 THOMAS ANNINGER: As requested?

12 ROGER BOOTH: Yes, I think the Board
13 felt it was an extremely excellent upgrade of
14 the existing building.

15 HUGH RUSSELL: The actual zoning
16 relief is pretty insignificant, but the
17 changes will be a huge improvement for the
18 people who are living there.

19 THOMAS ANNINGER: It's a tough
20 building.

21 PAMELA WINTERS: Definitely.

1 HUGH RUSSELL: Okay.

2 AHMED NUR: Thank you, Roger.

3 HUGH RUSSELL: So, now we wait
4 another seven minutes and start the next item
5 on our agenda.

6 (A short recess was taken.)

7 HUGH RUSSELL: Okay, let's begin.
8 The next item on our agenda is a public
9 hearing on the Boston Properties petition to
10 amend the MXD District to create a
11 Smart/Growth on the Underutilized area in the
12 vicinity of Kendall Square. And,
13 Mr. Rafferty, are you leading?

14 ATTORNEY JAMES RAFFERTY: Actually,
15 Mr. Cantalupa is going to start.

16 MICHAEL CANTALUPA: Good evening,
17 members of the Board. Mike Cantalupa with
18 Boston Properties. We're here seeking a
19 Zoning Amendment for the increase of 300,000
20 square feet in the MXD District as well as
21 two additional zoning changes which are borne

1 out of the fact that the development that's
2 proceeded in Cambridge. In fact, one related
3 to some Zoning FAR that's been granted by the
4 Zoning Board of Appeals. And the second
5 related to the calculation of open space in
6 the district.

7 What we'd like to do is present various
8 pieces of our Zoning petition. Jim Rafferty,
9 who I know you all are familiar with, will
10 talk about the particulars of this the Zoning
11 as it's been proposed. This is a proposal
12 that is being submitted largely in the
13 context of a growing life scientist company
14 in the Kendall Square area that we have a
15 relationship with. It is for a site that has
16 been previously -- actually, been approved by
17 the Planning Board for a Housing Special
18 Permit. And while this is a Zoning change,
19 because of the particularities of the
20 proposal we have studied on a fairly gross
21 level the massing of what we were proposing

1 as well as one issue I'm sure will be
2 relatively central to the Board is what are
3 the alternatives as this particular proposal
4 goes forward and where might the housing go,
5 so David Manfredi will talk about both of
6 those two issues.

7 Also with me here this evening is Alan
8 Fein who is deputy director and executive
9 vice president of the Broad Institute. The
10 growing life sciences organization that we
11 spoke of is in fact the Broad Institute would
12 be through -- is a tenant at Seven Cambridge
13 Center, actually pursuant to a building that
14 we built for the particular Zoning Board of
15 Appeals Variance that I talked about. Also
16 with me tonight is Rich Monopoly and Matt
17 Timlin with Boston Properties and Sandra
18 Shapiro who is here representing the
19 Cambridge Redevelopment Board. And Joe
20 Tumari (phonetic) is under the weather this
21 evening so he will not be able to join us so.

1 I think without any further adeu I'll ask Jim
2 to explain the particularities of the Zoning
3 Ordinance and the proposal and we'll go from
4 there.

5 ATTORNEY JAMES RAFFERTY: Thank you.
6 Good evening, Mr. Chairman, members of the
7 Board. For the record, Jim Rafferty on
8 behalf of the Applicant or the Petitioner in
9 this case.

10 The Zoning petition itself as the Board
11 is well familiar with the amendment process
12 begins with filing the petition in the city
13 clerk's office. One of the issues associated
14 with this petition was coming up with a name
15 for the petition. So, there was a name
16 selected that I think in retrospect has had
17 some implication -- it uses a term that has
18 certain implications that were unintended
19 when the name was selected. It's entitled
20 Smart Growth Underutilized area. And it
21 really was an attempt to create an area that

1 the petition would apply in a subdistrict, as
2 it were the MXD District, frankly because
3 Boston Properties didn't own all the land in
4 the MXD District and didn't want to run afoul
5 with the prohibition against rezoning of land
6 that you don't own. So what you see in the
7 district that's created not coincidentally
8 reflects the ownership boundaries of the
9 properties controlled by Boston Properties
10 and a name was given to it. And I think
11 we're starting to get some feedback on the
12 name. So we're certainly willing and make it
13 appropriate to consider alternative names.
14 Boston Properties tends to call itself BP,
15 but that name has been sullied as you know
16 for the last few weeks. So we'd going from
17 bad to worse if we called it the BP petition.
18 But at any event, that's what the name
19 implies.

20 The petition itself is actually fairly
21 straight forward, as I'm sure the Board

1 knows. The MXD District is somewhat unique
2 in that the gross floor areas in the district
3 are not established by FAR but actually have
4 a square foot threshold. And in this case
5 the square foot threshold for commercial
6 properties is 2.7, 2.7 million with a few
7 square feet left over. The Board might
8 recall a few years ago when city-wide
9 rezoning was occurring, that threshold, that
10 cap was increased for an additional 200,000
11 to allow for residential development. That,
12 but that again was limited to residential.
13 So in this case in some ways the language of
14 the petition took a look at how it was done
15 in that case and said, well, in its simplest
16 form it really is a petition that seeks to
17 move that to 2.7 by another 300,000. And
18 you'll hear a little bit about why that is.
19 But that's the first part of the petition.
20 There are two other parts.

21 If you read the petition, you probably

1 discern it was written by lawyers. The
2 second part of the petition addresses the
3 fact that at the time the Broad Institute
4 building was approved, it was a Variance that
5 allowed for approximately 60,000 square feet
6 in additional GFA because that exceeded the
7 cap. I'm sorry. That exceeded the cap, so
8 the thinking here was of the 300,000 to avoid
9 an interpretation down the road that the
10 60,000, when you move it up by 300,000,
11 you're starting at 230 as opposed to 300. So
12 to avoid any confusion, at least in the eyes
13 of us lawyers, we added a lot of language
14 that takes a few minutes to explain, but it's
15 nothing more than an attempt to say it's
16 300,000 net new and it doesn't get counted
17 against anything else.

18 And then the final piece in the text of
19 the decision involves the -- how the open
20 space lot area is calculated. And I would
21 suggest this is the most complicated portion

1 of the petition, but what it really seeks to
2 address is how the open space definition
3 currently exists in the district under
4 Article 14 and the complication created by
5 the presence of this private way that goes
6 through it. And so attached in the materials
7 that were hopefully delivered to your homes
8 at the end of last week is a slight plan that
9 shows how it would apply. There is, as I'm
10 sure you can glean from reading the petition,
11 there really is only one location in this new
12 subdistrict where a building of the size
13 contemplated by the Zoning could occur. And
14 when you look at what the open space
15 requirements are there, rather than change
16 the open space requirements, it was
17 determined that if that private way could be
18 -- that the areas intersected or divided by
19 the private way would not, would be allowed
20 to be included in the open space calculation.
21 It would keep things consistent with the way

1 the rest of the district defines open space.

2 So that's the third and final component. So,

3 those are the three pieces to the petition.

4 As I said, tonight we have Mr. Manfredi

5 to share with you two things essentially, the

6 -- what the massing might look like at this

7 location if the Amendment were approved. And

8 the second part of the conversation has been

9 as Mr. Cantalupa mentioned of course at this

10 location is currently the holder of the

11 Special Permit for a 200,000 square foot

12 residential building, and we've been asked by

13 City Council and by Community Development and

14 others well, what would it mean if this were

15 adopted? Does it mean that the opportunity

16 for housing in the district will be lost?

17 And the Boston Properties has identified

18 three locations that we'll share with you

19 briefly today where housing could accomplish,

20 but we wanted to make ut clear that this

21 isn't part of the zoning per se. It's not

1 part of the Zoning Amendment, nor is it
2 something that we're seeking to seek approval
3 of at this time.

4 In thinking about how to draft the
5 Amendment to the petition, there were two
6 ways frankly one could have done gone here
7 which was to seek a removal of the
8 restriction on the 200,000, that it be
9 limited solely to residential. The would
10 mean frankly, if we took that approach, the
11 opportunity for residential would be gone.
12 So the petition consciously avoids doing that
13 by doing 300,000 additional and leaves for
14 hopefully for another day, the opportunity to
15 construct under the 200,000 that is dedicated
16 exclusively to residential.

17 So thank you for your time and
18 Mr. Manfredi has a brief presentation.

19 MICHAEL CANTALUPA: Before David
20 gets up to present I want to mention two
21 things. One, while you're hear from the

1 Broad Institute about the proposal, we do not
2 necessarily have a business deal for the
3 building. And as a result, we've asked David
4 to think about the massing of the building
5 and its floor plan and condition and so forth
6 as a stand-alone building and something that
7 we may have to take out to the marketplace.
8 It's our hope and expectation that we will be
9 able to work out a business deal up the road
10 that will lead to the them occupying the
11 building, but until we actually have the
12 Zoning opportunity in place, we really don't
13 have the opportunity to talk specifics about
14 that.

15 The second thing that David will talk
16 about is the residential. And as I mentioned
17 earlier, the residential is the subject of a
18 Special Permit that was granted by the Board
19 several years ago and extended a number of
20 times. Part of the reason that we're
21 choosing to cut right to the chase and talk

1 to you about the residential is because we
2 know how important it is to the Board. And
3 it is not without significant effort that in
4 our trying to make the residential work in
5 its present location, that it has not been
6 built.

7 First of all, they spent the time and
8 energy to have the project permitted on a
9 Special Permit basis which is not an
10 insubstantial use of resources.

11 Secondly, we sought for an extended
12 period of time to partner with a residential
13 developer and actually came very close to
14 actually commencing instruction before the
15 world fell off the cliff a few years ago and
16 that opportunity went with it. So, as a
17 result, we did not develop the residential,
18 and that's where we find ourselves today with
19 the economy very much a similar situation as
20 it relates to starting such a project. So we
21 present these alternatives to show you that

1 we are committed to the notion of making sure
2 that residential in Cambridge effort is
3 viable and David will talk about some
4 alternatives, three alternatives that we have
5 for executing that.

6 DAVID MANFREDI: Good evening. My
7 name is David Manfredi from Elkus, Manfredi
8 Architects and I'm going to test your system
9 and see if I can pull it over. I will be
10 very brief and try to stand out of everyone's
11 way.

12 You know the site as Jim and Mike have
13 described it at Ames Street, Main Street and
14 Broadway. What we've simply done is to
15 diagram the massing of 300,000 square feet on
16 this site with a footprint of about 13,000
17 square feet at a height of 250 feet. And as
18 you have -- we all spent a lot of time
19 talking about a residential building on this
20 site, and you probably remember we configured
21 the parking structure in a generation before

1 that to accept that residential footprint.
2 What we're suggesting now is that in fact we
3 can do all the things that we promised on the
4 ground floor in terms of meeting the sidewalk
5 and contributing to the public realm, that we
6 then create four small floors that abut the
7 existing parking structure and then we span
8 over top of the parking structure. And so if
9 you look at the plan with Main Street, Ames
10 Street and the original Broad at Seven
11 Cambridge Center, that's a 13,000 square
12 footprint. And then the blue is the span
13 over the parking structure once we get to the
14 top of that structure. So if you look at it
15 in sections, this is all existing, parking
16 structure. This is building footprint that
17 would come down to the ground. And then as
18 soon as we get up to the fifth floor, we span
19 over the first bay of parking and we create
20 in this very diagrammatic massing diagram
21 equal floor plates of about 25,000 square

1 feet to a height of 250 feet. And that
2 equals our 300,000 square feet of total
3 petition here.

4 I'd like to say that we were smart
5 enough back then to know that column line
6 would land on that ramp and that would give
7 us a 25,000 square foot floor plate. If we
8 were that smart, we would have left ourselves
9 some room to actually let that column line
10 come through and we have to do some work in
11 that existing parking structure. But in fact
12 the metrics do make sense. The core comes to
13 the ground on those lower floors. We have
14 usable lab space from core to perimeter on
15 the Ames Street side of the building as well
16 as on the interior of the block.

17 When you look at it in massing diagram,
18 I don't want you to think for a moment that
19 there's any more here than a very simple
20 diagram, but we did spend a long time a
21 couple years ago talking about creating a

1 street wall, about what appropriate heights
2 and setbacks might be. All of that can be
3 accommodated, that kind of thinking can be
4 accommodated in the general metrics that I'm
5 describing. And then we have simply dropped
6 into a model, actually into a photograph, a
7 model of the massing looking from Main Street
8 down Ames Street towards Broadway as well as
9 looking back the other way with the residence
10 in our right, the massing and you can just
11 see the Broad beyond.

12 I will show you one floor plan which is
13 the ground floor plan that just demonstrates
14 how the building fits in its context. This
15 is the edge of the existing Broad, the edge
16 of the existing parking structure, and the
17 edge of the Residence Inn which is Six
18 Cambridge Center. And that 13,000 square
19 feet footprint would accommodate a core about
20 30 feet wide that would rise up through the
21 whole building and give us a lab planning

1 module of about 50 feet that would rise up
2 through the whole building and accommodate
3 similar kinds of uses as it addressed --
4 addresses the sidewalk as we had originally
5 anticipated with a residential building. And
6 similar kinds of square footage for retail or
7 restaurant space and lobby. And still
8 accommodate exiting the parking garage and
9 bringing people out onto the sidewalk, all of
10 which goes to making Ames Street a more
11 pedestrian friendly street. And that's
12 really the extent of our work to date on that
13 overall diagram to demonstrate how 300,000
14 square feet and 250 feet of height fits into
15 this -- onto this site and into this group of
16 existing buildings.

17 So the second part, obviously you know
18 that originally we had thought that there was
19 housing on this site and we have looked at
20 three alternative locations in Cambridge
21 Center to accommodate similar amounts of

1 housing. And, again, our drawings are not
2 meant to be an architectural proposal. You
3 will recognize them. I hope you'll recognize
4 them from the many discussions we had a
5 couple of years ago. We're just borrowing
6 some of those forms to demonstrate how this
7 might fit. But there's a couple of very nice
8 opportunities here. One is on Ames Street
9 where today if you go out there today, there
10 is the entrance to the Cambridge Center
11 parking structure, entrance and egress, and
12 there are loading docks. The opportunity
13 there, and you can see it again in sections,
14 that's the existing parking structure is to
15 build basically a half a floor plate that
16 comes down to the ground, get up above that
17 parking garage and then build a full floor
18 plate up to the height of the originally
19 proposed residential of 250 feet. And it
20 gives you similar kinds of numbers as we were
21 proposing on the opposite side of the street.

1 About 146,000 square feet of new construction
2 at that 250 foot height. What it does in
3 terms of urban design in public realm, it
4 actually really helps that side of Ames
5 Street. We would still accommodate the
6 entrance to parking. We would still have to
7 accommodate loading docks because those are
8 the loading docks of Five Cambridge Center.
9 But we get just enough footprint on the
10 ground that we can create active use. We can
11 make Ames a better street and we can
12 accommodate a similar amount of residential
13 as was originally proposed.

14 The second alternative is on Broadway.
15 It does a similar kind of thing. It comes
16 down to the ground in this case with very
17 little new construction, really just a lobby
18 that comes down to the ground, allows us to
19 kind of recast that perimeter as it meets the
20 sidewalk, and then build new construction
21 above the east parking garage. This is the

1 Marriott Hotel, Five Cambridge Center.

2 There's enough to mention like a ban over
3 that parking garage, bring new structure down
4 to the ground, so that building sits above
5 that parking garage. And you can see we fit
6 a similar sort of building at again at 250
7 feet into the site. And, again, it gives us
8 an opportunity to take a piece of the edge of
9 Cambridge Center which is kind of a
10 utilitarian edge and make it more active, put
11 a lobby on it, people coming in and out 24/7.

12 The third opportunity is on Main Street
13 and that's at Three Cambridge Center. And as
14 you know, this is the existing building with
15 the Coop in it and three floors of
16 residential above. And, again, we've looked
17 at a similar footprint, a similar residential
18 footprint. This could either be built over
19 the existing building over and through the
20 existing building, or this could be new
21 construction down to foundation so that along

1 Main Street Five Cambridge Center, Three
2 Cambridge Center, we would duplicate the base
3 program which is two levels of retail to
4 again activate the street. Three floors of
5 office and then residential above to 250
6 feet. Again, we end up in that same general
7 location of 194,000 square feet. We're about
8 in all of these schemes we're about eight,
9 nine thousand square foot floor plates which
10 give us a relatively slender building but
11 duplicate what we originally had proposed on
12 -- and what we call the residences at Seven
13 Cambridge Center. So the -- and in each of
14 these you can see the opportunity here. This
15 is already an active edge, already a retail
16 edge and doesn't have that same sort of
17 transformative character that these two sites
18 do, but in some ways this gives us very nice
19 passing views, accommodates some other goals
20 and having to do with Main Street. So there
21 are three, I think three legitimate

1 alternatives of how we can replace the
2 residential that would be lost by the
3 expansion of the Broad Institute.

4 ALAN FEIN: Good evening. I'm Alan
5 Fein, I'm the deputy director and executive
6 vice president of the Broad Institute. I
7 want to take a couple minutes to explain who
8 we are and to explain why this is an
9 important project for us and why we support
10 the petition of Boston Properties. The Broad
11 grew out of the Whitehead Institute centered
12 for genome research. It was the first to
13 sequence the human genome about a decade ago.
14 We had been in Cambridge and been in Kendall
15 Square for about 15 years and different
16 incarnations, incarnations. We became the
17 Broad Institute about five years ago with a
18 large donation from Eli and Edith Broad of
19 Los Angeles. We became -- we were governed
20 for about four years by Harvard and MIT and
21 lodged legally administratively with MIT.

1 And for a year or so now we've been an
2 independent non-profit research institute
3 dedicated to the study of human disease and
4 to hopefully find cures for human disease.

5 We have about 850 employees on the
6 various sites. We have about 1600 members of
7 our community which include people who --
8 it's 1600 people who actually have access
9 cards to our building. So there are people
10 who work with us frequently, who do projects
11 in our facilities, who come from Harvard or
12 from MIT or from the Harvard hospitals and
13 are collaborators of ours. We're growing at
14 about 20 percent a year. We have been for
15 about the last five years both in terms of
16 budget and for people. And growth is
17 projected to continue for quite sometime.

18 We currently occupy a number of sites
19 in Cambridge. One of our original buildings
20 was, and still is, 320 Charles Street in East
21 Cambridge. It's about 110,000 square feet.

1 It was originally a Budweiser warehouse
2 building and we converted it into lab space
3 and a little bit of office space. We have
4 four years remaining on that lease and we
5 have no extensions after that. We have a
6 small amount of space, about 20,000 square
7 feet on Fifth Street, a couple of blocks away
8 where we -- which we use as a storage
9 facility. We have 79,000 square feet at 301
10 Binney Street which is a recently constructed
11 building, and is still being rented out.
12 We're going to occupy that building in two
13 weeks. And that lease is for five years or
14 ten years if we stay for that duration. And
15 then we have a small amount of office space,
16 17,000 square feet at Five Cambridge Center
17 and that lease runs for just another year or
18 so.

19 Our main building is Seven Cambridge
20 Center. We've got 230,000 square feet. And
21 that's where our headquarters are and that's

1 where our primary research facility is.

2 So we have a couple of needs. One is
3 that we've got to replace the scattered
4 sites, short term leases that are going to
5 expire, and most of which will expire in the
6 four- to five-year period.

7 Secondly, we're growing and we need
8 more space. We'd like to keep that space in
9 Cambridge and consolidate it.

10 And thirdly we do want to consolidate.
11 The scattered site approach is problematic
12 for our research. There are experiments
13 which end up taking place in more than one
14 building. Material has to go back and forth.
15 People have to go back and forth. Since our
16 community -- groups, many people from the
17 other institutions they're travelling back
18 and forth not only from their own home
19 institution but Seven Cambridge Center or 321
20 Charles or 301 Binney. So the opportunity to
21 consolidate in one location is very

1 attractive to us. And we began conversations
2 with Boston Properties about this site which
3 is directly behind our current building at
4 Seven Cambridge Center.

5 It's -- as Mike said, we don't have a
6 business deal yet and we haven't gone into
7 any detail design or anything like that at
8 this stage. Obviously if we -- if the
9 permitting works well, then we'll be trying
10 to make a business deal very quickly. If it
11 doesn't, we'll find another location in
12 Cambridge hopefully in which we can either
13 consolidate or continue our scattered site
14 approach.

15 The current location is far better than
16 any of the others from our perspective,
17 however. First of all, it's directly across
18 the street from the MIT biology building, and
19 we have a lot of collaborators in this
20 building from the McGovern Institute and
21 Picower Institute and the Koch Center for

1 cancer research. As you know, it's a block
2 from the T. And a lot of our people come
3 from Longwood or MGH or Harvard Square. So
4 there's an ease right there, and that extra
5 little bit getting over is to Charles Street
6 or getting over to some other location in
7 Kendall Square would be problematic.

8 So we're strongly in support of this
9 petition. And if the permitting goes forward
10 and we're -- and Boston Properties is able to
11 build a 300,000 square foot building, we'll
12 work closely with them to try to make it work
13 for us.

14 Thank you.

15 HUGH RUSSELL: That's it? Okay.
16 Are there any questions by members of the
17 Board before we go to public testimony?

18 Seeing none, the next step is public
19 testimony. There's a sign-up sheet which Les
20 is bringing over to me now.

21 So I'll read off the names in order and

1 when you come up to the microphone, would you
2 give your name and address and help the
3 recorder with the spelling of your name.

4 First person is Steve Kaiser followed
5 by Mark Jaquith.

6 STEVE KAISER: Yes, my name is Steve
7 Kaiser, K-a-i-s-e-r. I live at 191 Hamilton
8 Street. I've distributed a short one-page
9 summary. I'm not very positive about the
10 Zoning proposal. I would like to
11 congratulate David Manfredi, though, for not
12 using PowerPoint. He did block the
13 presentation as far as the public so we
14 couldn't see it. There are certain aspects
15 of his suggestions and proposals that sort of
16 make sense. They might repair what I
17 consider the existing damage, architectural
18 damage at Kendall Square. It might make it a
19 better place, but I don't see any of that
20 coming through the Zoning. The Zoning
21 doesn't do that job. It tries to call this a

1 smart growth underutilized zone, and then
2 never defines it. There's no definition in
3 the Zoning as to what that is. How can they
4 be serious? And then the whole concept of
5 smart growth. The only one I ever heard was
6 from Doug Foye. And he said oh, that's when
7 all the kids in the area can walk to the
8 library. There's no library down here at
9 Kendall Square. And if the residential plan
10 goes through, there may be no kids. So I
11 don't see how they can define this the smart
12 growth in any context. It's very peculiar.
13 And in terms of being underutilized, good
14 heavens. I mean, all of this square footage
15 in the project and every site, every piece of
16 it is currently used according to the
17 original plan and the original Zoning. So it
18 hardly qualifies as underutilized. My final
19 concern is Boston Properties was part of the
20 ECaps process. Mr. Cantalupa attended many
21 of the meetings. And that was kind of an

1 agreement with the neighborhood as to how
2 much zoning -- how much development would be
3 allowed, what would be the tradeoffs. I
4 think a deal was arranged there. And here,
5 just like with Alexandria, the developers are
6 coming back, they want more. And my solution
7 to that is instead of giving them 300,000
8 more square feet, take away 300,000 square
9 feet from them because they violated the
10 spirit of ECaPs.

11 The alternatives here is within the MXD
12 District parking is not included in the FAR,
13 and yet that's a fundamental element in
14 city-wide zoning. So I think to make the MXD
15 District significant and inconsistent with
16 the rest of the Zoning in the city, I think
17 we should include all parking in FAR in the
18 MXD District.

19 One final comment, I realize the only
20 way the public can comment is during the
21 public testimony at hearings is, there

1 desperately needs to be a discussion among
2 this Planning Board about North Point about
3 the Green Line, about Lechmere, all of these
4 things. It is really reaching a sort of
5 crisis point in planning. And I don't know
6 how to open up that issue or request it or in
7 what format the discussion of that would take
8 place among the Board, but it needs to be a
9 very informal reflective -- many people
10 coming in and talking about problems,
11 solutions, whatever is going on because the
12 current North Point situation is the project
13 is dead in the water. So....

14 PAMELA WINTERS: Thank you, Steve.
15 That's -- thank you.

16 STEVEN KAISER: So, I simply urge
17 that the Board find some way to put that on
18 your agenda. Thank you.

19 HUGH RUSSELL: Next speaker with
20 Mark Jaquith followed by Heather Hoffman.

21 MARK JAQUITH: Good evening. Mark

1 Jaquith, J-a-q-u-i-t-h, 213 Hurley Street. I
2 have a letter I'd like to present to the
3 Board. I guess Roger's Liza to me and I'll
4 get that to Roger, and I'll get that to you.
5 I'd like to read the letter.

6 "Dear Sirs and Madams: I'm not here to
7 opposition to an allowance of an additional
8 300,000 square feet of commercial development
9 in the MXD District as governed by Article 14
10 of the Cambridge Zoning Ordinance. In fact,
11 I think the site proposed for this additional
12 building is one of the more appropriate sites
13 that we can come up with for this. The
14 context of the other buildings in this area
15 is good. I am asking that the Petitioner be
16 denied however. The reason is that there's
17 presently a series of commitments to our city
18 which have not been complied with. Section
19 14.21.4, No. 1 calls for an additional
20 200,000 square feet of residential
21 multi-family dwelling use. This has not been

1 built. I would ask it gets built before
2 they're awarded with an extra 300,000 square
3 feet. The open space requirement, which
4 again, I have gathered from what I've read,
5 that they are proposing zero additional open
6 space for their additional 300,000 square
7 feet. There is a roof garden park that's
8 part of the open space in this area, and it
9 is not as accessible to the public as it's
10 supposed to be. If a member of the public
11 chooses to enjoy this rooftop park located on
12 the Marriott garage on the weekend, when
13 obviously the public is most likely to choose
14 and have time to do so, he will get no
15 further than a locked door with printing on
16 it informing him that it is 'Open seven days
17 a week, sunrise to sunset.' This is clearly
18 not the case and this has been an issue for
19 years.

20 Section 14.23.2 states any noise,
21 vibration or flashing shall not be normally

1 perceptible without instruments at a distance
2 of 100 feet from the premises. The building
3 at 14 Cambridge Center has been in violation
4 of this section 24 hours a day for years. As
5 I said, I do not object to more building
6 here. But when there has been a consistent
7 pattern of unkept obligations and
8 non-compliance with the Zoning Ordinance, you
9 are obligated to ensure a demonstrated
10 commitment to compliance prior to any further
11 granting of additional development rights.
12 Good behavior may be rewarded. Bad behavior
13 should never be rewarded. I know that the
14 building at 14 Cambridge Center is not a
15 Boston Properties building, but it is in the
16 district, and I suggest that they get
17 together with their neighbors and see if they
18 can come up with something. In addition,
19 Broad's building at 320 Charles Street has
20 been putting out immense amounts of noise.
21 People have been complaining about that one

1 for years and I would ask that that also be
2 brought into compliance."

3 Thank you very much.

4 HUGH RUSSELL: Thank you.

5 Heather Hoffman. And following that
6 Charlie Marquardt.

7 HEATHER HOFFMAN: Hi. My name is
8 Heather Hoffman. I also live at 213 Hurley
9 Street. I would adopt the remarks of the two
10 speakers before me and I suspect that I will
11 agree with the speaker after me. East
12 Cambridge has been the cash cow for this
13 city. Kendall Square is one of the prime
14 examples of that. We get a whole lot of
15 pretty inhuman development that pays tons of
16 taxes, promises are made to us and they
17 aren't kept. The roof garden is just one
18 example. Noise is another. I'm lucky, where
19 I live I can't hear too much of the noise
20 from the Kendall Square area. I can hear
21 noise from other places that's also supposed

1 to be imperceptible at my house.

2 We can't keep rewarding people by
3 saying: Oh, you know, who cares that you
4 didn't keep your promises. We'll let you
5 have more and we know you'll keep your
6 promises now. It took the city standing up
7 to Mirant for us to get the boardwalk that
8 had been promised to us for years. And now
9 everybody's is really proud. It's heavily
10 used. Everybody loves it. But it was
11 because the city finally said no, you get
12 nothing else until you do what you promised.
13 And I hope that you will do this for this
14 request as well.

15 Thank you.

16 HUGH RUSSELL: Thank you.

17 Charlie.

18 CHARLIE MARQUARDT: I think I'm the
19 last person to go so I'll be brief. Charlie
20 Marquardt, M-a-r-q-u-a-r-d-t. 10 Rogers
21 Street, Cambridge.

1 I'll talk more to the granting of
2 additional space. Space in Cambridge is at a
3 minimum. We see it everyday. We see it when
4 people ask for additional development. We
5 see it when our buildings and our property
6 don't sell for less than they sold for a
7 couple years ago. Maybe a smidgen less, but
8 not a lot. It's been something that's helped
9 us. Now we the city keep granting these
10 additional exceptions for free. We get tax
11 revenue, but it's for free. Just a year ago
12 we finished the zoning, rezoning for
13 Alexandria. In return for that rezoning, the
14 city received some substantial inducements to
15 allow an additional 1.7 million square feet.
16 Here we're asking for an additional 300,000
17 square feet on top of an additional 200,000
18 square feet, all for basically the retention
19 of a great institution. I applaud that. I
20 understand their need to put everything
21 together into the same space. I applaud

1 that. But Boston Properties is getting
2 300,000 square feet there and some unique
3 potential for 200,000 square feet of
4 additional residential somewhere else.
5 Hopefully residential they can put some of
6 the people they can put to work in some of
7 these buildings, but again for nothing. If
8 you look at what happened over at Alexandria,
9 there's a pavement on a square foot basis
10 that goes into the city and into the affected
11 neighborhoods to bring something back. As we
12 continue to see these developments, whether
13 it be switching retail office or industrial
14 use or switching and building new buildings
15 in areas where we've had space reach its
16 maximum constraints, we have to think about
17 what that's worth to the city. What it's
18 worth to the rest of the people living around
19 there, not just the people who want to work
20 there, but the people who are going to be
21 there everyday, whether it's in a new

1 residential, the new commercial, the new lab
2 or anywhere else, but it's not free. It
3 comes at a cost to the people who live there
4 and it should come at a cost for the people
5 who want to develop additionally. And that's
6 all I want to say. Thank you.

7 HUGH RUSSELL: Thank you.

8 That's the end of the list. Are there
9 other people who wish to be heard at this
10 time?

11 (No response).

12 HUGH RUSSELL: I don't see any
13 hands. So shall we close the hearing to oral
14 testimony?

15 (All agreed).

16 HUGH RUSSELL: Okay. So now we can
17 discuss this. It's a recommendation to the
18 City Council.

19 I guess I would lead off with a
20 comment, that much of the testimony that
21 we've heard are issues that are not exactly

1 planning issues. They're public policy
2 issues. So in some sense I feel that we can
3 leave some of those considerations to the
4 Council without having to go into them in
5 detail, and if we -- so I don't, you know, I
6 think there are serious matters that were
7 brought up, but I'm not quite sure how they
8 relate to our function in the city.

9 PAMELA WINTERS: Hugh, I'm a little
10 confused about what the requirements are for
11 the MXD District for residential, how much
12 residential was required. I don't know
13 whether Roger or somebody --

14 HUGH RUSSELL: There was no
15 requirement for residential in the Zoning.
16 There was a lot of housing that was
17 permitted, but Boston Properties chose to
18 make all of the development commercial
19 development.

20 PAMELA WINTERS: Okay.

21 HUGH RUSSELL: And then when we --

1 if you remember in discussions ten years ago
2 where we said well, what would it take you to
3 do some more housing? And the answer was
4 well, we've got a site that we think we can
5 use it, but we don't have the flury issue
6 with it. That's where the additional 200,000
7 came from.

8 H. THEODORE COHEN: Hugh, if you
9 know, of the 2,770,000, 300,000 square feet
10 has that already been developed?

11 HUGH RUSSELL: Mike.

12 MICHAEL CANTALUPA: Yes, most of it
13 had been, yes.

14 H. THEODORE COHEN: Well, most being
15 close to that number? 100,000 short, 200,000
16 short?

17 MICHAEL CANTALUPA: It think there
18 was about 100,000 square feet short of that
19 excluding the residential --

20 H. THEODORE COHEN: Excluding the
21 200,000.

1 ATTORNEY JAMES RAFFERTY: Which is
2 not in 2.7.

3 H. THEODORE COHEN: Right. So
4 you're about two-million, six.

5 MICHAEL CANTALUPA: Yes.

6 HUGH RUSSELL: So why not use that
7 unused development?

8 ATTORNEY JAMES RAFFERTY: We knew
9 you would ask that. We have the answer.

10 MICHAEL CANTALUPA: The square
11 footage for that is actually limited to north
12 of Broadway.

13 THOMAS ANNINGER: To what?

14 MICHAEL CANTALUPA: To north of
15 Broadway. Which is really on what's referred
16 to as the Biogen campus.

17 THOMAS ANNINGER: That's what I was
18 thinking. In the curve where they didn't
19 build. That's where that was going to go.

20 MICHAEL CANTALUPA: Exactly.

21 ATTORNEY JAMES RAFFERTY: And the

1 urban renewal plan, want to explain that?

2 MICHAEL CANTALUPA: That's what I
3 was saying. So, it's limited to north of
4 Broadway, which really only leaves it to
5 parcel 2 which is currently referred to as
6 the Biogen campus.

7 THOMAS ANNINGER: Plus I guess it's
8 not enough for what you're talking about.

9 MICHAEL CANTALUPA: No, it's clearly
10 not enough.

11 THOMAS ANNINGER: To meet Broad's
12 requirement.

13 MICHAEL CANTALUPA: That's correct.

14 THOMAS ANNINGER: Can I make a
15 comment?

16 HUGH RUSSELL: Go ahead.

17 THOMAS ANNINGER: I guess what I'd
18 like to focus on a little bit is the planning
19 issues that Hugh's talking about. I'd like
20 to understand or be reminded what the height
21 of the residential building was going to be

1 and compare that to what you're talking about
2 now so I can get a sense -- I mean, one way
3 of looking at this if we put aside the --
4 it's simply a change of use to a building
5 that's -- that could not be used, so you were
6 telling us, for residential, and it has a use
7 that is useful to the Broad Institute,
8 somebody we want to promote. So I'd like to
9 compare what we had to what we're -- what
10 you're thinking about now.

11 DAVID MANFREDI: It's the same 250
12 feet. When we were here (inaudible) for the
13 residential it's the 250 feet. That's what
14 we're proposing for the Broad use. And it's
15 also the height we're proposing on those
16 alternative residential sites so that's
17 the --

18 THOMAS ANNINGER: So I guess the --

19 HUGH RUSSELL: The building's a bit
20 thicker.

21 THOMAS ANNINGER: It was a thinner

1 building to deal with the 200,000 versus
2 300,000.

3 DAVID MANFREDI: Correct.

4 ATTORNEY JAMES RAFFERTY: I think
5 one way of saying it, can you explain the
6 difference of the floor plate? This building
7 extends further off the garage.

8 DAVID MANFREDI: Let me move over
9 here. I'll try to get out of my wrong way
10 here. No, wrong one.

11 The facade on Ames Street is in the
12 exact same place it would have been for
13 residential building. And in fact, the
14 length of it is, I think exactly the same.
15 It's at least certainly approximately the
16 same as Jim suggested. The difference is the
17 depth. And that's the difference between the
18 200,000 and the 300,000. In order to create
19 a lab plate at 25,000, our residential plate
20 was slightly less than 12,000 it was about
21 half that size. So the difference in mass is

1 to the interior of the block.

2 THOMAS ANNINGER: Okay.

3 I guess the other issue that is hard to
4 talk about is the likelihood of ever seeing a
5 residential building in one of those three
6 sites. They all seem to be alternatives, and
7 we can talk about pluses and minuses of each
8 one of those. You're not asking us to choose
9 amongst those?

10 ATTORNEY JAMES RAFFERTY: No.

11 THOMAS ANNINGER: So that's an open
12 ended -- these are possibilities, but I'm not
13 sure I see a great incentive for you to even
14 build residential there anymore. Somehow
15 something has changed. You had a chance to
16 do residential and you came close to it as we
17 know because we saw David Manfredi's
18 building. And you really did go into it.
19 Not just to get a permit but you designed the
20 building. What can you tell us that might
21 make us think you were really -- your heart

1 was really in doing residential as well?

2 MICHAEL CANTALUPA: A couple of
3 things. I guess I'd like to say, well, I
4 guess as it relates to the building that was
5 special permitted, as I mentioned, we did not
6 -- we don't go into Special Permit likely.
7 In that particular instance we had a business
8 deal with somebody, and actually the building
9 was drawn to construction documents before
10 the economy fell out from underneath us. And
11 that actually came at significant expense.
12 As it relates to at least two of these sites,
13 the site that fronts on Ames Street and the
14 site that fronts on Broadway, I would submit
15 to you that the condition that existed or
16 exists for the special permitted site, which
17 is to penetrate the garage with all or a
18 portion of the floor plate is the same exact
19 condition that exists on either one of these
20 two sites. Further, I would suggest to you
21 that because this is merely shifting the FAR

1 from what was -- what we refer to as the west
2 parcel to the east parcel, the only real
3 premium cost associated with that are
4 actually the costs, and this is not --
5 neither one of them are uncomplicated sites
6 to build on. They're both fairly
7 complicated. The premium cost associated
8 with building these buildings are really
9 those costs to penetrate the garage. So
10 there's not that there's any significant land
11 cost. So I would say for at least two or
12 three of these sites the same condition
13 exists as when the Zoning was originally
14 granted for the Ames Street site that was
15 special permitted.

16 And the site on Main Street is
17 different. It is the site of an existing
18 operating building, but it also is a site
19 that has some fairly unique characteristics
20 associated with it today. First of all, the
21 building is vacant from an office standpoint.

1 And so there are opportunities for us to
2 structure leases that would allow us to
3 commence development, and we don't know
4 precisely, but there is a fairly high
5 likelihood that we could be in similar
6 circumstance with virtually all the building.
7 And that is different in that it is an
8 existing asset that would either need to be
9 demolished or added to. However, there's
10 significant additional density that we're
11 talking about between the 100 that is there
12 and the potential for 200, the virtual
13 tripling of the density on that site. So I
14 think there are cases to be made that the
15 incentives are there for us to pursue the
16 development of those sites.

17 HUGH RUSSELL: I guess I'd comment
18 that this housing is going to be expensive
19 and they're comparable products with
20 comparable rents or sales prices for condos
21 in the city, you can't do it right now, but

1 it has been possible to do it in the past and
2 so it's not out of the question that it would
3 be possible to do it in the future.

4 THOMAS ANNINGER: I guess I'd like
5 to hear a little bit more discussion -- I'll
6 just say a few more things -- on these
7 alternatives. I'll allow myself to at least
8 tell you what my preferences would be, even
9 though that's for free and probably won't
10 have a lot of influence. To me the Main
11 Street site, which you say is the most
12 complicated, is the one that I would put last
13 on my list because I think that Main Street,
14 the way that it is now, is not bad. It
15 really is the -- of those three streets,
16 Ames, Broadway and Main, I think Main is the
17 least problematic and probably the one that
18 feels the best and it feels, I think, quite
19 good with its relatively low heights along
20 that whole street. And I think a big, tall
21 building there would change the balance in a

1 way that I think would be unfortunate. My
2 favorite site is the Main Street site -- the
3 Broadway site, because picking up a little
4 bit on what Steve Kaiser said, I think
5 there's a lot of architectural damage in that
6 area. And I think that perhaps the one that
7 I like the least is what is the hotel, the
8 Moshovski building (phonetic) if I'm not
9 mistaken. A very uneven but talented
10 architect who I thought did a terrible job
11 there all along there, all the way to the
12 corner. And the best thing that could happen
13 to mitigate that is to put something next to
14 it to dilute the impact of that building
15 which now stands alone and doesn't do a very
16 good job on that street. So I think you can
17 improve Broadway dramatically. And Ames
18 would be my second choice. But I think the
19 trouble with Ames is if you do a brogue, tall
20 building across the street, it's going to get
21 kind of tall and dark on both sides of Ames

1 and starts to, to me, to just sensing it, it
2 feels congested to me on Ames. Ames is kind
3 of narrow, the light is kind of dark. I
4 think two tall buildings, one on either side
5 is not a plus. So my first choice would be
6 Main. My second would be Ames. I keep
7 saying it wrong.

8 My first would be Broadway, second
9 Ames, and last would be Main Street.

10 When I talked to Hugh, he came out
11 differently so you'll see I'm afraid some
12 different choices. But at least there you
13 have what I'm thinking.

14 I think it's very important that we
15 help consolidate Broad in that area. And I
16 think that's the major consideration here.
17 And I thought the reasons that the deputy
18 director gave us were convincing. I really
19 had no doubt whether it has to be quite that
20 size and quite that massing, I'm not sure.
21 One of the problems with the MXD area is that

1 if I'm not mistaken, we won't see this
2 building even after Zoning. MXD buildings
3 don't come to us except there was one
4 exception to it, and that was the residential
5 building and that was because I think when we
6 added that as a requirement, we added
7 something for the Planning Board to take a
8 look at it, but that doesn't apply to any of
9 the other buildings. So, this is in a sense
10 our last chance at it unless we try to add to
11 this Zoning, some sort of a provision saying
12 that just like for the residential building,
13 you might have to come back to us for that
14 one, too. And I would like that to be
15 floated as an amendment that might improve
16 this proposal. But otherwise, I'm -- because
17 of the need and the desire to keep this area
18 at the cutting edge, and I think the Broad
19 Institute is a very much a part of that, I'm
20 leaning towards thinking this could be a
21 Zoning proposal that I could support.

1 WILLIAM TIBBS: Forgive me if you
2 touched on this before I came in because I
3 was a little late. Can you explain the
4 rationale for the smart growth underutilized
5 zone?

6 HUGH RUSSELL: That was explained as
7 a mistake.

8 WILLIAM TIBBS: Okay.

9 HUGH RUSSELL: Fancy legal terms.

10 ATTORNEY JAMES RAFFERTY: A bad
11 choice.

12 WILLIAM TIBBS: But could you just
13 clarify just a little just for me, thanks.
14 You don't have to repeat the whole thing, but
15 just explain what was the mistake about it.

16 ATTORNEY JAMES RAFFERTY: It was
17 later learned that the particular description
18 that didn't -- the notion was to create a
19 subdistrict with the MXD because Boston
20 Properties doesn't own all the property of
21 the MXD District. So the district was

1 created, and it was thought it would be wise
2 to give the name and kind of like naming a
3 boat or naming a restaurant, different names
4 got tossed around. The one that got settled
5 on had implications in other sections of
6 Chapter 40 that raised some heckles. And had
7 we had more foresight and run it by some
8 people in Community Development before the
9 name was attached, it probably wouldn't have
10 got that far. So it was something that we
11 have learned from that mistake, and to the
12 extent it's relevant, it's been suggested it
13 could be the Ames Street Subdistrict. It was
14 just an attempt to delineate a specific area
15 within the MXD District and give it a name.

16 WILLIAM TIBBS: Thank you.

17 HUGH RUSSELL: Yes, Steve.

18 STEVEN WINTER: You know, perhaps at
19 some point we could think of the name
20 Rafferty World.

21 ATTORNEY JAMES RAFFERTY: That would

1 be Manfredi World.

2 STEVEN WINTER: Find some common
3 ground.

4 Hugh, I think I agree with you that
5 there's been a lot of policy issues here and
6 maybe less Zoning issues here. But I also
7 hear very much what my colleague here says.
8 In Cambridge we are very thoughtful about
9 development. We do that. That's clear. And
10 it's also clear that it's the job of the
11 public sector to set the preconditions for
12 the private sector to thrive. And I think we
13 do both of those things very well. I think
14 the critical -- there's a critical issue
15 here, which is we need to keep businesses
16 like the Broad Institute in Cambridge, and we
17 need to do the things that we can do
18 creatively and thoughtfully to keep them
19 here. We can't let them move out of town.
20 We need to keep them here. That is really
21 critical. And I balance that with -- I heard

1 I think four people come up from the
2 neighborhood and say that existing agreements
3 between developers in East Cambridge and the
4 community are not in place or not in
5 compliance or ignored.

6 And I guess my question I'd like to ask
7 Beth, how do we track that kind of data or
8 information whether or not agreements with
9 developers that have come through this Board,
10 how do we track whether they are agreements
11 that are in compliance?

12 BETH RUBENSTEIN: You're asking a
13 very big question. We certainly look at our
14 permits and check in to see that people are
15 doing what they should be doing.
16 Occasionally folks in the community remind
17 us. Boards like the Planning Board remind us
18 occasionally when things aren't happening
19 when they should be. Certainly there are a
20 lot of commitments out there. And, you know,
21 we don't have a list of each one on it, but

1 it's really a combination of those two
2 things.

3 STEVEN WINTER: Okay. And given
4 that, I -- I'm ready to support the changes
5 in the Zoning that would allow this to
6 happen, but I also feel that we need to
7 somehow become a little more organized or a
8 little more careful about how we are watching
9 these agreements go into the years. I listen
10 very carefully when people come -- when
11 residents come up and say nobody is doing the
12 agreements. Now it may or may not be true,
13 but we need to listen to it very carefully.
14 And as a Board, we need to make some
15 recommendations to the City to make certain
16 that that's not happening.

17 HUGH RUSSELL: Pam.

18 PAMELA WINTERS: Steve, are you
19 talking specifically about the residential
20 here and -- are you talking about the
21 residential in terms of us not doing the

1 residential portion of this or making sure of
2 that? Because I'm wondering if we can make
3 that an addition if we do decide to okay
4 this.

5 STEVEN WINTER: Well, I feel that
6 the Proponent has made the commitments and
7 has the track record to show the Board within
8 the bounds of the professional environment.
9 I think the proponent is going to do what he
10 says. So that's where I am with that. Am I
11 being too oblique?

12 PAMELA WINTERS: No, I'm just
13 concerned, I guess, about the residential and
14 whether or not that should be a condition if
15 we do decide to approve this, that's all.

16 HUGH RUSSELL: I would not amend to
17 that because it might be a condition that
18 would make it impossible to do anything.

19 PAMELA WINTERS: Oh.

20 HUGH RUSSELL: Right now it's
21 extremely difficult to finance residential

1 properties. And so if you make it a
2 condition, essentially a developer isn't
3 under control. You're making a condition
4 which he cannot influence the way banks are
5 making decisions.

6 PAMELA WINTERS: Okay. Good to
7 know.

8 HUGH RUSSELL: So, you know, they're
9 using whatever influence they can, but it's a
10 very complicated financial situation out
11 there now.

12 ATTORNEY JAMES RAFFERTY: Mr. Chair,
13 I might remind the Board that this very same
14 discussion occurred about ten years ago when
15 the issue on the ECaPs came up about this.
16 And one of your wiser members who now has the
17 lofty title on this Board, concluded that the
18 way to have housing done would be to create
19 an incentive to do it. And that's where the
20 200,000 square foot amendment came from. It
21 was frankly not in the ECaPs proposal, and it

1 was something that came about as a result of
2 a conversation here, and it nearly worked.
3 The conclusion was well, we'll put that out
4 there and the mass and the demand and the
5 economics will some day warrant it and that's
6 what will bring a project before us. And
7 that's exactly what happened in the case of
8 Seven Cambridge Center. As Mr. Cantalupa
9 noted it almost got built. I had dealings
10 with the affordable housing people in working
11 out the affordable housing calculations. It
12 was very close. So this petition would leave
13 those economic incentives in place and
14 hopefully the day would come that this type
15 of housing that was contemplated there would
16 go with these other locations. That's what
17 Mr. Russell said is quite true, the
18 requirement that would have it built would
19 have the effect, it would prevent the
20 anticipated Broad expansion. Because it
21 would -- the economics don't justify that.

1 PAMELA WINTERS: Okay. Thank you
2 for clarifying that for me. Thanks.

3 HUGH RUSSELL: Bill.

4 WILLIAM TIBBS: I guess I want to
5 jump onto that, your last comment, which is,
6 and first let me say that I'm in general
7 agreement with the proposal I think. So, but
8 does this extra 300,000 in a sense
9 de-incentivize to 200? I mean, because I
10 guess I've watched literally every building
11 in this area be built. Not necessarily on
12 the Board, but, you know, just literally I've
13 watched it. But I just wonder if you make it
14 200,000 wasn't needed assuming for the
15 reasons being said, by us going ahead and
16 saying okay, you get 300,000 is that in a
17 sense it's okay, a good deal. It's kind of
18 built out and we're kind of done with this
19 now. So I'm just interested in, I guess my
20 feel is that I, too, would like to see the
21 Broad stay. I, too, would like to encourage

1 that to happen, but I just -- I'm just not
2 sure that what happened with the 200, which
3 did indeed, which you did find enough
4 incentive from a developer's sense to proceed
5 with is just now going to cap the thing off
6 and say okay, we're done, we got all the
7 potential out of this that we can.

8 Particularly given that all of these are
9 tough sites and you said they're not tough
10 from a relative perspective, but just given
11 the problems, I just wonder if we're just
12 going to lose that opportunity.

13 HUGH RUSSELL: I guess my sense is
14 that that's the point of showing the
15 alternatives.

16 BETH RUBENSTEIN: Exactly.

17 WILLIAM TIBBS: Yes, but I guess my
18 feeling -- I'm not encouraged by the
19 alternatives, I guess because it's a question
20 more to the developer and to sort of what --
21 how will they be -- what's their incentive to

1 do anything in those alternatives given that
2 you're going to have a nice FD 300,000 gross
3 square feet that you currently don't have
4 now?

5 HUGH RUSSELL: I guess your point is
6 to -- if Boston Properties only owned a
7 single project, we're only developing in
8 Cambridge, you know, they might be thought of
9 as somebody who might sit back and say okay,
10 we're done. But this is a national developer
11 with national scope that has, you know.

12 ATTORNEY JAMES RAFFERTY: There's an
13 analogous situation that BP is involved in
14 now that Mr. Cantalupa can share with you
15 just to that point of Mr. Tibbs.

16 MICHAEL CANTALUPA: My earlier
17 comments tried to suggest the exact same set
18 of circumstances that almost worked on the
19 Ames Street side, that Special Permit I think
20 exists with at least two out of the three
21 sites that at least we are proposing the

1 alternatives. And I think Hugh's comments
2 are well taken.

3 We had a similar circumstance at the
4 Prudential Center where Zoning was created in
5 a very difficult site that required us to
6 penetrate a garage and to take actually what
7 was largely underutilized street and in this
8 environment we're actually are very, very
9 close to pulling the trigger and being able
10 to develop that site. I've noted that this
11 building is also developed by Mr. Manfredi
12 who seems to develop virtually everything in
13 Cambridge and Boston these days. If you're
14 familiar with the Prudential Center at all,
15 and I'll try and do the same thing as David
16 in terms of pointing the microphone. So the
17 Lord and Taylor building is located right
18 here in the corner of the where the Lenox
19 Hotel is. And we had what somewhat would
20 determine an underutilized street. We had an
21 entrance to the garage. We have the loading

1 dock entrance to the Shaw's Supermarket that
2 was built on Huntington Avenue, and the
3 opportunity was created through the Zoning to
4 incent us to add housing. So the same
5 dialogue we're having with you we had with
6 the Boston Redevelopment Authority. And we
7 have a business agreement in place with --
8 that's very public actually. It's with
9 Avalon Bay Communities, to develop
10 approximately 200 residential units on Exeter
11 Street.

12 So, our anticipation is we'll actually
13 break grounds. David, you're actually
14 drawing this building right now. And the
15 anticipation is that we'll -- once we take
16 down a piece of Lord and Taylor building,
17 we'll actually be under construction in 2011.
18 So, at the end of the day we're all
19 capitalists and if the incentives are there,
20 we will use every opportunity we can to take
21 advantage of what's in place in the Zoning.

1 So, I just thought that would be a useful
2 example as to what we can accomplish.

3 HUGH RUSSELL: Yes, Ted.

4 H. THEODORE COHEN: Well, I think
5 the last comment was exactly the point I
6 wanted to make. That I don't think we are
7 disincentiving the residential. I think the
8 market has done that at the moment, and that
9 when the market comes back for residential
10 and they have the capacity to do it, it will
11 occur when it becomes, you know, monetarily
12 worthwhile. And I think at the moment, as
13 Hugh's indicated to get money to build
14 residential is very difficult. And that we
15 want to promote the Broad Institute and the
16 life science development of the whole area.
17 And I think the opportunity for them to have
18 these two buildings together utilizes the
19 space very well. And that additional 200,000
20 capacity which they've had but never had to
21 use, there are alternatives, and they may all

1 be difficult sites, but at some point they
2 may be economically feasible. And, you know,
3 my only comment about this really is that
4 it's a big building. And I've never been
5 opposed to big buildings, but that one is
6 very large for that particular site. And I
7 know this is just a concept at the moment,
8 but wondering whether it may be a little bit
9 lower and a little bit deeper would be better
10 for the site. And I don't know what that
11 means in terms of structure and whether it's
12 feasible or not, but my concern is that it is
13 a big building.

14 HUGH RUSSELL: Tom.

15 THOMAS ANNINGER: Can I ask
16 Mr. Rafferty to comment on the question I
17 raised about public process for this building
18 going forward coming before the Planning
19 Board and how you would deal with that with
20 this Zoning proposal?

21 HUGH RUSSELL: I take it if there

1 are others of the Board that think this is a
2 desirable thing. We would just like to know
3 how that would fit into the --

4 THOMAS ANNINGER: Just so it's clear
5 to everybody on the Board, if I'm not
6 mistaken, as this proposal stands now, there
7 would be no public process at all for this
8 building?

9 ATTORNEY JAMES RAFFERTY: Well, I
10 think, no, at all is slightly more. But the
11 reality is, and you are correct that the
12 petition in its current form does not seek to
13 change the current permitting protocol for
14 buildings in the MXD District. Which means
15 they're not subject to Article 19, project
16 review Special Permit, but for the exception
17 of the 200,000. There is a process that the
18 CRA goes through, a design review, approval
19 process but it's certainly not -- it is not
20 as in the nature of a public hearing like
21 this, but they do have public meetings and

1 opportunities for people to speak. But the
2 petition as I said, doesn't change the
3 underlying permitting protocols which for the
4 MXD District do not include the Article 19
5 project review.

6 MICHAEL CANTALUPA: Can I just add,
7 just so we're specific, everything obviously
8 that Jim said is accurate, but we have
9 permitted and designed 15 buildings and three
10 parking garages there, some of which you may
11 appreciate, some of which you may not. But
12 they have also been with the participation
13 generally of the CDD staff. There's a
14 participant on the design review. And also
15 there's a representative or there has been a
16 representative of the Planning Board that's
17 participated in those design reviews in the
18 past. So, it's not without input from the
19 Planning Board. It may not be the full
20 Planning Board, and part of the reason I
21 introduce that is because I think the time it

1 may take to get through a process like this
2 may be an issue. And so, we do have a
3 process that but for the residential as
4 you've noted, we haven't deviated from it.

5 THOMAS ANNINGER: Well, it still
6 doesn't quite answer the question.

7 HUGH RUSSELL: Right. And I guess
8 my sense is we've got a staff that can maybe
9 answer the question and has to make a
10 recommendation as to how if we are clear,
11 what we want to do, then I think we may have
12 to ourselves come up with that answer. I'm
13 concerned that the redevelopment authority
14 process essentially hasn't been an active
15 process for quite sometime. As far as I
16 know, the last -- who was the last Planning
17 Board representative?

18 WILLIAM TIBBS: I don't remember. I
19 was going to ask.

20 BETH RUBENSTEIN: I believe it was
21 Kevin Benjamin.

1 THOMAS ANNINGER: I substituted with
2 him and I can endorse on what Hugh just said,
3 it was a non-process. We were really
4 unwelcome.

5 ROGER BOOTH: If I may differ having
6 gone to all those review sessions. The
7 existing Broad building actually went through
8 that review process and there were quite a
9 few changes that were made as a result of
10 that process. So, I don't know -- I can't
11 remember the meeting that you were referring
12 to, but I would submit that the process is --
13 has been meaningful.

14 WILLIAM TIBBS: Are you talking
15 about the Board's representation or are you
16 talking about you as staff?

17 ROGER BOOTH: Well, I've been
18 participating as staff, and we had Kevin
19 Benjamin at the meetings for over several
20 years. And so I think we need a new Planning
21 Board representative at this point, but I do

1 think that can be --

2 MICHAEL CANTALUPA: And that was the
3 last building that was built.

4 BETH RUBENSTEIN: Right.

5 THOMAS ANNINGER: I guess the
6 question I'm still asking is why can't we
7 have the same provision that we have for the
8 residential for this building?

9 ROGER BOOTH: Well, I can't answer
10 that. I'm just speaking for the process and
11 supporting it as having been a good one.

12 HUGH RUSSELL: So, it seems to me
13 there may be three different ways have been
14 thought of.

15 One is to ask the Council to require a
16 Chapter 19 permit. It adds more steps in the
17 process. It makes the process more
18 difficult.

19 The second thing is to make sure that
20 the Planning Board representative is fit into
21 the present process. And I mean, that

1 doesn't require any action in the sense that
2 except for whoever makes that appointment, to
3 make that appointment at the appropriate
4 time.

5 The third might be the kind of thing we
6 often do at Harvard, which is we ask for a
7 sort of informal non-binding review before
8 the entire Board. So they bring the project
9 to us at an early stage when the drawings
10 are, you know, beyond the block model, but
11 before they're committed to every detail and
12 show to us, and we talk to them, and so it,
13 it's a -- it doesn't require a permit. It
14 just requires them to come. That's something
15 that they could agree to do formally or
16 informally. I guess my own preference would
17 be for that kind of a solution where we have
18 the opportunity to see and comment, but that
19 we don't set up a revised process for this
20 building. As long as I'm talking, I might as
21 well sort of give you all of my comments.

1 I thought that Tom's analysis of the
2 pluses and minuses of the housing sites was
3 pretty insightful. And while it's not before
4 us, it seems to be those kinds of
5 considerations that will have to be made.
6 And again, it would be nice to just have this
7 Board, if there are real choices to be made
8 between those, and it sounds like there are
9 real choices, that we could have it be heard
10 on what our feelings are about them at the
11 point when the project starts up again.

12 I think I agree with my colleagues that
13 retaining or providing the additional space
14 for the Broad Institute makes sense. I was
15 looking to see if 650 Main Street, which is
16 also permitted and is close enough, but it's
17 about four blocks away. And I think that
18 doesn't meet the proximity requirements that
19 Broad would like to have. I mean, they're
20 doing important work on the cutting edge.
21 And I think we have a certain responsibility

1 to assist in whatever way we can. I thought
2 David's comment that the actual frontage, the
3 massing fronting Ames Street, was about the
4 same as the project that we approved. The
5 blank things with lines on it always seem
6 more massive than buildings with balconies
7 and right to them. And if you note, the
8 existing Broad building is a fairly lively
9 building. So its impact will be amazingly
10 similar. Of course there would be yet
11 another one of that same -- if the housing
12 does go forward or when the housing does go
13 forward.

14 So, I think we need to -- I think we're
15 all pretty much agreed upon a favorable
16 recommendation. The real question is the
17 design review and how much more we want to do
18 on that.

19 THOMAS ANNINGER: Can you remind me
20 what the design review is? What model are we
21 using for the residential 200,000? Is it the

1 one where they just show it to us or is it
2 more formal than that? Is it an Article 19?

3 BETH RUBENSTEIN: It's Article 19.

4 THOMAS ANNINGER: I don't see why we
5 wouldn't use that as a model for this one.

6 HUGH RUSSELL: Beth, do you have a
7 comment?

8 BETH RUBENSTEIN: I was going to
9 comment. It's certainly up to the Board what
10 you want to recommend to the Council. I
11 think if you do decide to formally recommend
12 that this additional 300,000 square feet
13 undergo Article 19, that it's at least a
14 question outlined to the Law Department as to
15 whether that changes the Zoning Petition
16 sufficiently that it might require
17 re-advertisement. I'm not- sure, I don't
18 know the answer to that, but I think that
19 question needs to be posed because it wasn't
20 in the original proposal.

21 WILLIAM TIBBS: Rather to the

1 question, Hugh, that you asked, I think the
2 non-binding review I think is -- I agree with
3 you, that I think that's a reasonable idea.
4 It does two things:

5 One, it allows us to see in particular
6 it's helpful;

7 But, two, it does at least give one
8 Board member who does participate in the
9 process a sense of how the whole Board feels
10 as opposed to having any one of us as
11 individuals that they're speaking as
12 individuals. So I think, I think that's
13 helpful for me.

14 HUGH RUSSELL: Okay, Steve.

15 STEVEN WINTER: I concur.

16 PATRICIA SINGER: As do I.

17 HUGH RUSSELL: Ahmed, did you want
18 to speak?

19 AHMED NUR: Yes, I also concur. I
20 wasn't part of the original. I just wanted
21 to know one really positive thing about Broad

1 moving in there in terms of residential
2 versus as opposed to -- is the traffic. I
3 wasn't aware if there was any traffic
4 analysis done as to the impact. I know it's
5 right on the Red Line, but the 1600
6 professors possibly or Alan says maybe from
7 MIT and Harvard, was that one of the reasons
8 why you chose this particular location, close
9 to the subway and close to the institutions?

10 ALAN FEIN: Yeah, the subway's very
11 important. It's not 1600 professors
12 actually, but it's people from their labs and
13 a number of professors. The location near
14 the subway is important, and in particular
15 people are coming from MGH so it's just one
16 subway stop or Longwood which is one
17 transfer.

18 AHMED NUR: Sure.

19 ALAN FEIN: We're not going to need
20 any more spaces that are already in the
21 garage for staff. That doesn't require any

1 additional space for us than are currently
2 built in the garage.

3 AHMED NUR: Right. And that was my
4 second point, is that I'm in favor of this
5 and support this amendment special efforts
6 over the garage between the 12 and the
7 existing 25-story buildings. I think that
8 would be great. Thank you.

9 HUGH RUSSELL: Okay. Pam.

10 PAMELA WINTERS: Also, I was
11 wondering are there any shuttle buses that
12 are going to be going back and forth in
13 between MGH and MIT and so forth?

14 ALAN FEIN: There already are some.
15 They're used now. Wherever we have a
16 concentration of people coming at a
17 particular time, it's predictable. We run
18 shuttles. It's not always that predictable,
19 and it's not always a concentration of
20 people, but we do what we can with the
21 shuttles.

1 PAMELA WINTERS: Thanks.

2 PATRICIA SINGER: I think one of the
3 things that we're forgetting is that this is
4 a request to change Zoning, and although we
5 have sense of what might come afterwards, we
6 should really look at it absent this extra
7 knowledge and look at it as a pure Zoning
8 play. And it's a pure zoning play. It
9 actually makes sense to me.

10 HUGH RUSSELL: Okay. Tom, do you
11 want a last word on the question of the
12 process?

13 THOMAS ANNINGER: Well, I guess I
14 would start by asking one more time how you
15 feel about the differences in process and
16 what weight Article 19 might mean to you as
17 opposed to something that I don't fully
18 understand the parameters of, but something
19 perhaps less formal, maybe even less, less --
20 well, I guess it would be public, but it
21 wouldn't have quite the same Special Permit

1 process that we're used to, and that most of
2 the people around here have been working
3 around for so long and you were willing to go
4 through for the residential. Are you --

5 ATTORNEY JAMES RAFFERTY: I think
6 that would be the property owner's position.

7 THOMAS ANNINGER: That would be fine
8 with me whoever wants to answer it.

9 MICHAEL CANTALUPA: Actually, just
10 as it relates to the residential, I'm not
11 sure that Article 19 review is actually our
12 choice. I think it was successful and it
13 produced a very good design, but that was
14 part of the -- I think the ECaPs Zoning
15 changes. I -- as I've sat back and thought
16 about the dialogue you're having, I'm more
17 than willing to come back and present and
18 have those comments come from the Planning
19 Board funnel through your representative that
20 sits on the site advisory group. I think
21 largely for me it's one of processing of

1 time. We are on a schedule to try and meet
2 the Broad's occupancy requirements. And so
3 it's really more -- and to be quite honestly
4 it's at-dwelling process as well because we
5 do have agreements and obligations and other
6 development agreements with other
7 redevelopment authority. And so I think it
8 would be a more smoother and more efficient,
9 and maybe most importantly a more timely
10 process if we could gather your input through
11 informal review and follow them through your
12 representative and CDD staff.

13 THOMAS ANNINGER: Well, I don't
14 think we're talking about the same thing.
15 Maybe we need to have you tell us one more
16 time just what you had in mind, Hugh.

17 HUGH RUSSELL: Well, I think it
18 actually clarification, was it Bill who said,
19 you know, that that at the time of the design
20 review process that's going on before the
21 redevelopment area, it would come to us so

1 that all of us could comment on the project.
2 We would probably look at the Chapter 19
3 urban design criteria as sort of a checklist
4 of the things we would be interested in
5 knowing about, because I think we've had some
6 confidence that those are the right questions
7 to be asked. And that way whichever one of
8 us became the person sitting on the formal
9 process, they would be informed by everybody
10 having commented. And so I think that's what
11 I'm thinking about. The timing has to be
12 worked out. I'm not quite sure how the CRA
13 process works. How many meetings there are.
14 What stages they go on. But, you know, some
15 -- I'm sure there's a way to work the visit
16 to the Planning Board at the appropriate
17 time.

18 THOMAS ANNINGER: Well, it sounds to
19 me like we would not have much influence
20 except to our comments over the building, but
21 I don't think it would have quite the same

1 influence that Article 19 does. I'm
2 reluctant to go into my one experience that I
3 had sitting as a representative, but it was
4 not a good one. It was an extremely
5 unpleasant experience that I went through,
6 and I remember that as an example of why I
7 don't want to see that again.

8 ATTORNEY JAMES RAFFERTY:

9 Mr. Chairman, if I may be permitted to make a
10 suggestion on this issue. There does exist
11 within the Zoning Ordinance a design
12 consultation process; small project review or
13 large project review, which is done at the
14 staff level. And the suggestion here is
15 perhaps I spoke to Mr. Booth, Mr. Cantalupa,
16 perhaps if the Board were looking to have
17 some input to have a design consultative
18 process done at the Planning Board level,
19 there's an exchange of ideas before the
20 building gets started. There's a lot of give
21 and take. It's a noticed hearing. It's

1 often held in this room with abutters and
2 others get invited. It's done at the staff
3 level. There's nothing to say of the type of
4 review that you were discussing in the
5 Harvard context couldn't be memorialized here
6 by way of an Amendment that would add that
7 design consultative review to be done at the
8 Planning Board level as opposed to the staff
9 level. That's an assistance in your
10 deliberations. I thought I would make that
11 suggestion.

12 HUGH RUSSELL: Thank you.

13 I mean, I think I'm hearing what Tom is
14 saying is that there is meaningful design
15 review which is the kind of things that
16 happen before this Board, and the teeth is
17 that we're going to give you a permit. If
18 you ignore us, we won't give you the permit.
19 And I've been involved in other design review
20 processes on both sides of the table where
21 you say, okay, we got to go in and we got to

1 make this show, we got to tell people that
2 stuff, but we don't have to do anything we
3 don't want to. And that's when you're on the
4 Board side of the table. It's not
5 particularly fun depending on what the people
6 -- depending on the attitude. Now, these
7 people are not on a quantity to us they've
8 come -- true, we have not been reviewing only
9 the single project in this CRA District, but
10 we're dealing with all of these people and I
11 think we have good working relationships and
12 I believe they will come to us in good faith
13 and listen and take our comments, you know,
14 and implement them if they have merit. Our
15 processes have not been contentious in the
16 design review, but it is true that because
17 we're granting the permit, there was a
18 difference of power there. I think from a
19 public -- I think what we're worried about is
20 that we don't have confidence in the CRA
21 process at this -- in the year 2010. It

1 hasn't taken place for some years and so
2 that's our concern. I don't think we want to
3 rewrite the whole district process, but we'd
4 like to make -- and I think the -- the review
5 that Mr. Rafferty suggested would probably
6 accomplish most of what we want.

7 So, I think we need a motion to send a
8 favorable recommendation to the City Council
9 with a request that the staff work out a
10 recommendation for some consultant design
11 with the Planning Board reviewing the
12 designing process.

13 WILLIAM TIBBS: So moved.

14 PATRICIA SINGER: Seconded.

15 HUGH RUSSELL: All those in favor?

16 (Show of hands.)

17 (Russell, Singer, Nur, Winter,
18 Winters, Cohen, Tibbs.)

19 HUGH RUSSELL: Opposed?

20 THOMAS ANNINGER: I guess I'm not
21 opposed. I might have added to the

1 recommendation that the Council give some
2 thought to what that level of review process
3 ought to be and whether it might make sense
4 to take the identical process that is already
5 in the Zoning Ordinance for the extra 200,000
6 and apply it to the extra 300,000. I think
7 it's already in there and I find it a little
8 strange to come up with yet another model for
9 300,000 as opposed to the 200,000. I don't
10 know why they just wouldn't take that one.
11 And so I would have liked to have seen that
12 as I mentioned, possible approach in our
13 recommendation and let them decide.

14 HUGH RUSSELL: You want your vote
15 recorded?

16 THOMAS ANNINGER: Well, I think what
17 we're typically talking about is how to
18 structure the recommendation to the Council
19 and not how to structure the vote.

20 HUGH RUSSELL: Yes, but the vote is
21 what's before us now.

1 THOMAS ANNINGER: Well, I still am
2 going to ask the question. And this is
3 getting -- I know this is belabored more than
4 usual. Sometimes we have, in these
5 recommendations, a more complex than a simple
6 one proposal. Sometimes we offer options or
7 at least thoughts for consideration and
8 that's not on the table?

9 HUGH RUSSELL: That's not the motion
10 that's on the table.

11 H. THEODORE COHEN: The motion was
12 voted on.

13 WILLIAM TIBBS: We voted. We're
14 just looking for your response to the vote.

15 HUGH RUSSELL: I mean, we don't
16 draft -- this Board does not draft or approve
17 the drafts or recommendations, the staff does
18 that. And so that hearing this discussion,
19 and they will respond appropriately to what
20 the discussion was. And, again, I would ask
21 how do you wish to be recorded on the vote?

1 THOMAS ANNINGER: I will support the
2 motion, but you've heard my comments.

3 HUGH RUSSELL: Okay. Thank you.

4 Okay, we've made our vote. We'll take
5 a break now and try to get back here about
6 nine o'clock.

7 (A short recess was taken.)

8 * * * * *

9 HUGH RUSSELL: Okay, let's continue
10 on the next item on our agenda is to amend
11 the City Council Petition Section 5.28.2.
12 And are you going to explain this to us, Les?

13 LES BARBER: I think that means me.

14 This is a City Council Petition
15 reflecting a desire to potentially capture
16 some additional housing in the future. And
17 it is an Amendment to a section of the
18 Ordinance that was created in 2001 in the
19 city-wide process. An Amendment which
20 granted incentives, bonuses to permit the
21 conversion of non-residential buildings --

1 actually citywide, but the principle focus
2 was buildings that were located in
3 residential districts. Buildings that
4 typically, like school buildings or
5 industrial buildings, were very large,
6 couldn't easily be converted to housing under
7 the base district Zoning regulations. So it
8 provided incentives that made it economically
9 possible and efficient in converting these
10 buildings to residential use.

11 The particular provision that the
12 Amendment in the Petition deals with is a
13 requirement that the building be originally
14 constructed as a non-residential building.
15 So the bonus provisions are not available to
16 a structure which may have been constructed
17 as a residential building, and subsequently
18 reused for some other use and then is
19 proposed to be reconverted back to housing.

20 The proposal is to grant these bonuses
21 for an additional set of buildings which were

1 originally constructed for residential use,
2 but which have been in institutional use and
3 that makes a reference to the institutional
4 section of the use table for a minimum period
5 of ten years, in which case if it were
6 proposed to reconvert to housing, the bonuses
7 that are available in the section could be
8 applied. And there are a number of waivers
9 or bonus incentives.

10 The principle one probably would be the
11 one that determines the number of units, not
12 by the lot area per dwelling unit or the lot
13 size, but rather the size of the structure.
14 And it's a formula where you divide 900 into
15 the square footage of the structure, and that
16 gives you the number of units that are
17 allowed. So that particular provision allows
18 very large buildings that, under the base
19 Zoning, might only have one or two units
20 allowed in them because of the size of the
21 lot, might have four, five, six or seven

1 units allowed because of this bonus formula.

2 So that's the essence of the proposal.

3 WILLIAM TIBBS: Question. Can you
4 give some examples of buildings that fall
5 into this category, into that industrial use
6 of ten years?

7 LES BARBER: I actually have done a
8 little chart which because I've been away for
9 a few days recently, isn't actually complete.
10 You'll notice there's a footnote that is not
11 relevant, it's the wrong footer. I mean,
12 it's the wrong footer, not the footnote. And
13 what I've done here is identify a number of
14 sites that would fall under this category and
15 indicates the base district, the number of
16 units that the base districts would allow,
17 and then the number of units that would be
18 allowed should the Amendment pass. The first
19 set of lots on Kirkland Street and Sumner
20 Road are a group of buildings that were owned
21 or are owned now by the Jesuits and have been

1 put up for sale and I think have been sold
2 and were one of the instances that prompted a
3 consideration of this proposed amendment. So
4 you'll see there are four lots there.

5 They're all continuous. And in fact you
6 wouldn't treat them as individual lots but
7 you would treat them as a single lot, and the
8 combined lots analysis is how they would be
9 treated. But it would be useful -- it's
10 illustrative to see how each individual site
11 would be treated under this provision.

12 You can see the number of units that
13 are permitted under 5.28 are significantly
14 greater than is the case under the base
15 zoning. The base zoning being Residence B
16 which is fairly restrictive.

17 The Trowbridge Street site is the
18 former location of the Lincoln Land
19 Institute. That's in a C-1 Zone. So as you
20 see here the bonus is less significant on
21 this particular lot.

1 33 Garden Street is a former residence
2 use for institutional use for a long, long
3 time. It's at the corner of Garden and
4 Linnaean Street now owned by the music school
5 Longy School.

6 And there again in the Residence B
7 District and the base zoning would allow four
8 units, and the application of this provision
9 would allow 11 units.

10 113 Brattle Street is the new location
11 of the Lincoln Land Institute. A very large
12 building. In the end the A-1 District if you
13 -- depending on how you subdivide the lot,
14 there are a variety of provisions which apply
15 in the A-1 District. You might get four or
16 five units out of that site if you could
17 subdivide into separate lots. But the
18 application of 5.28 would allow up to
19 something like 20 units of the existing
20 building.

21 STEVEN WINTER: Mr. Chair --

1 LES BARBER: And there are many
2 other instances. The universities owned lots
3 of buildings that were previously residential
4 buildings. It would technically be subject
5 to this. Many of them were in very high
6 density districts where the incentive may
7 have no particular value.

8 STEVEN WINTER: I'm sorry, I didn't
9 mean to come in before you were finished.

10 LES BARBER: That's all right.

11 STEVEN WINTER: The 113 Brattle
12 Street is used as an example; is that right?
13 There's no, the Lincoln Land Institute is not
14 selling the property.

15 BETH RUBENSTEIN: Right.

16 LES BARBER: No, no.

17 STEVEN WINTER: That you we know of.
18 It did turn over a few years ago as you
19 recall.

20 Les, I guess I have a couple of
21 questions, but I want you to maybe confirm

1 what I'm thinking which is that one of the
2 outcomes of this change would be in
3 neighborhoods like Brattle Street
4 neighborhood where it's all single-family
5 homes or neighborhood -- other neighborhood,
6 and there's an institutional use building
7 that's being returned to private use. What
8 we're doing is we're adding a little variety
9 and a little differentiation in the kind of
10 housing that's now provided in that
11 neighborhood which is what Cambridge is all
12 about. That's what we like. So am I on the
13 right track here?

14 LES BARBER: Well, the consequence
15 would be there would be a different set of
16 housing options on a few selected lots in
17 certain neighborhoods that are not available
18 now.

19 STEVEN WINTER: Got it. And an
20 example of this would be the Lincoln School
21 outside of Porter Square towards Arlington

1 which was a school and now has been
2 subdivided, it's that kind of building.

3 LES BARBER: The Lincoln?

4 STEVEN WINTER: I'm sorry, the old
5 Lincoln Public School.

6 LES BARBER: The one on Walden?

7 STEVEN WINTER: Yes.

8 LES BARBER: Yes. Which was
9 converted, and I'm not quite sure now which
10 set of provisions it was converted under.
11 But yes, certainly.

12 STEVEN WINTER: So, you know, when I
13 get a good feeling for this, because I feel
14 like if buildings are going to turn from
15 institutional use, that they have been for
16 many years, we're making an option to make,
17 you know, maybe smaller units or studio units
18 or units that younger people can afford or
19 whatever it is, we're doing. Or older people
20 want to live in. I like the idea that we can
21 create diversity in housing within our

1 existing footprint of buildings. I like
2 that.

3 HUGH RUSSELL: Okay, we remind the
4 Board that we also have a public hearing.

5 WILLIAM TIBBS: Yes.

6 HUGH RUSSELL: You may want to
7 choose whether you want to speak --

8 WILLIAM TIBBS: I'll wait until we
9 do the public hearing.

10 HUGH RUSSELL: Let's go to the
11 public hearing then.

12 LES BARBER: Did anyone sign up?

13 HUGH RUSSELL: I don't know.

14 Does anyone wish to be heard on this
15 matter?

16 LES BARBER: No one signed up.

17 HUGH RUSSELL: Okay. No one.

18 I'll ask again, does anyone wish to be
19 heard?

20 HEATHER HOFFMAN: Hi. My name is
21 Heather Hoffman. I live at 213 Hurley Street

1 and I had not seen or heard about this
2 proposed Amendment before this meeting, but
3 the one thing that I can offer is that some
4 of the most contentious developments I can
5 think of have been conversions of
6 institutional or commercial buildings into
7 residential structures where the residents
8 find the proposal incredibly dense compared
9 to what they're living in, and also that they
10 really violate privacy. Now, with something
11 like this, I can't make any predictions
12 whatsoever, and I doubt that any of you can
13 either. But I think that you might want to
14 think about that and think about what you
15 might be doing to the neighborhoods that are
16 already very dense. I am probably living in
17 East Cambridge and not going to shed a single
18 tear for people on Brattle Street for people
19 who are really upset that are going to have
20 four units now next to them. But there are
21 plenty of other places where these buildings

1 might be where the results might not be so
2 nice for people. So I hope that you'll at
3 least consider that this is -- this doesn't
4 happen in a vacuum. There are people around,
5 and they might deserve a little privacy and
6 not all of a sudden have a whole lot of
7 people living next-door. Thank you.

8 HUGH RUSSELL: Thank you. Does
9 anyone else wish to be heard?

10 (No response).

11 HUGH RUSSELL: Then, I would move
12 that we close the hearing to public
13 testimony.

14 And I'd like to just in some way follow
15 up on what Heather just said. It seems to me
16 that there are criteria built into the
17 Ordinance. And the question I would propose,
18 does this change the criteria? Should we
19 recommend that in these instances there are
20 other considerations?

21 The criteria is one is privacy. And

1 the second is about on-street parking. In
2 addition, of course, the general criteria
3 that apply to any Special Permit apply.

4 Bill.

5 WILLIAM TIBBS: I guess I'm
6 following up on both of you in that sense
7 both Heather and you, Hugh. I guess when I
8 was thinking, I was playing the devil's
9 advocate, but the more I think of it even in
10 the regular Ordinance when we talk about
11 structures like schools and stuff or
12 commercial buildings being converted, one of
13 the big issues that come before us with the
14 people in the public is the density and how
15 the density does or doesn't fit. And I'm
16 just wondering, I don't know how much
17 research staff has done, but I'm just
18 wondering are there circumstances where the
19 number of units that this would allow just
20 wouldn't be appropriate given that it was a
21 residential use before? And I think just

1 Broadway, look at how many of the houses on
2 Broadway currently -- I mean, you can just
3 imagine any house along there which tends to
4 be used for commercial use. I think the
5 building right across the street from us
6 might be one, if my memory serves me right.
7 And would this actually give them more units
8 than -- are there circumstances where the
9 base zoning is okay if it was a residence to
10 go back to where it was. Or is indeed the
11 purpose of this really trying to put more
12 density in the areas via different mechanism
13 than we would have. And so I guess I'm not
14 sure -- I'm just asking the question that I
15 thought of. I can imagine, I think of Lesley
16 taking one of its buildings in a residential
17 neighborhood and deciding for whatever reason
18 they want to sell it. And then you have this
19 one building that allows a lot more units in
20 it than anything else around it or it was
21 originally designed to have. So I'm not

1 against it, I'm just -- that's a question I
2 ask I guess, and is there some -- and if
3 there's some criteria that we can use that
4 would at least help us sort that out? So
5 it's a -- yes, have you thought of that?
6 Because the staff, it's a City Council
7 Ordinance, but did you have to draft the
8 language or did they draft the language?

9 LES BARBER: We responded to a
10 Council order with some language which
11 happens to be this language.

12 WILLIAM TIBBS: Okay. And have you
13 thought about that at all?

14 LES BARBER: It's understanding the
15 full ramifications, I think is an
16 investigative project which we didn't
17 undertake. I think it's not too simple to
18 encompass all of the potential properties
19 that might be subject to this provision. So,
20 we haven't undertaken a comprehensive review
21 of all institutionally-owned properties and

1 then determine whether they were originally
2 built as residential and played out the
3 consequences. But I would suspect there are
4 many sites which would be a surprise and
5 would generate --

6 PAMELA WINTERS: Contention.

7 LES BARBER: -- contention and
8 issues.

9 PAMELA WINTERS: Les, how did this
10 come about the City Council? Like, was there
11 a particular building or what prompted them
12 to --

13 LES BARBER: I think it was the
14 proposed sale of the Jesuit properties which
15 prompted the interest in seeing if the city
16 could, through their various programs,
17 potentially acquire properties and introduce
18 some affordable units in other locations in
19 the city where we don't often have that
20 option because of property is either too
21 expensive or not available. So this was --

1 and since that cluster of buildings had been
2 used institutionally, this was a logical
3 approach.

4 PAMELA WINTERS: That's the one on
5 Kirkland?

6 LES BARBER: The Kirkland Street
7 property, yes.

8 HUGH RUSSELL: I think some part of
9 the complexity is that I would guess that
10 none of the buildings that are on your list,
11 Les, were built before -- after 1924.

12 LES BARBER: Yes.

13 HUGH RUSSELL: So they're all built
14 before zoning came in. And they may or may
15 not have conformed to the 1924, the 1943 or
16 the 1961. So when you say Lesley, their
17 structures -- there are places that probably
18 Lesley owns that were zoned C-2 30 years ago
19 or zoned C-1, you know, 20 years ago and now
20 are zoned Residence B. The formula that's in
21 the Ordinance in some vague way corresponds

1 to Residence C-1, 900 square feet per unit.
2 C-1 used to be one unit for every 120 square
3 feet of land. FAR ratio of 0.75. You run
4 the math. It means you can have 900 square
5 foot units. C-1 has now been reduced in its
6 permitted density and it's part of the
7 city-wide process. But I think that's in a
8 sense, that's where that number came from was
9 -- it was also 900 square feet as a gross
10 area, maybe end up as a square foot
11 one-bedroom apartment or maybe, you know, an
12 average between a small one bedroom and a
13 small two, would come up with that same. So
14 these are not tiny units. And they're not
15 enormous. So I feel quite confident that if
16 somebody proposed a 113 Brattle Street, 21
17 units, there would be people who lived nearby
18 that would have a lot to say about that. But
19 if, you know, if 40 Kirkland Street which is
20 apparently a pretty large house had, you
21 know, 9 or 10 or 12 people living in it, it

1 was probably designed for more people living
2 there initially. And the problem is going to
3 be those cars.

4 PAMELA WINTERS: That's what I was
5 thinking of.

6 HUGH RUSSELL: And the criteria is
7 what is the impact on on-street parking?

8 LES BARBER: I think the Kirkland
9 Street lots look strange because they're
10 zoned Residence B. I suspect had they been
11 -- and they might indeed have been not too
12 long ago, zoned Residence C-1, the number of
13 units allowed in that zoning district would
14 have allowed a fairly efficient reuse of
15 these buildings as they had been when they
16 were built. The Brattle Street instance is
17 really substantially a rezoning of a site to
18 the density and use that would be quite a
19 novelist on that street where, you know, you
20 have very large single-family houses and the
21 zoning is intended to maintain that

1 particular environment.

2 HUGH RUSSELL: Although the floor
3 area ratio is actually quite close to the
4 permitted floor area ratio.

5 LES BARBER: Right.

6 HUGH RUSSELL: It's only slightly --

7 LES BARBER: And you could actually
8 subdivide that lot to about four. If you got
9 the dimensions right, you could have four
10 individual lots conforming to the A-1
11 District requirements.

12 The A-1 District only allows one
13 principal residential use on building -- on a
14 lot. So in order to get the four or five
15 units indicated there, you'd have to
16 subdivide and then convert an existing
17 one-family to two-family which is a lot.

18 WILLIAM TIBBS: And, Hugh, the
19 Trowbridge example sort of justifies what you
20 just said. It's the C-1, only adding one
21 more unit. This thing does that. So I guess

1 the question is do we feel comfortable with
2 that at this point in time or is there some
3 other criteria that we would suggest that
4 would give us some leeway or should we --
5 because any way you look at it, it basically
6 allows through this mechanism a C-1 type
7 zoning in any zone. And if -- I just, if
8 we're comfortable with that, I guess that's a
9 question I'm still scratching my head on. I
10 would be interested in some of our colleagues
11 have to say about that.

12 HUGH RUSSELL: Steve.

13 STEVEN WINTER: Hugh, can I clarify
14 what our decision is? What the point is for
15 our decision here?

16 HUGH RUSSELL: We're giving our
17 advice to the City Council.

18 STEVEN WINTER: That's it, okay.

19 AHMED NUR: Well, Hugh, to answer
20 your question, Kirkland Street off -- you've
21 said -- you've asked the question of you

1 wonder what it would do to the street
2 parking. I live right next to 67 Kirkland
3 Street. And it's on-street parking plenty.
4 With having said that, I think it's a great
5 idea. I would recommend the City Council to
6 approve the Amendment for -- I'm in support
7 of it, for converting these old buildings
8 back to residents, especially for affordable
9 housing. I think it's a great idea.

10 HUGH RUSSELL: I was always outraged
11 by the Lincoln Institute land policy on
12 Trowbridge Street. It's like, can't they
13 look at themselves and say does it make good
14 land policy to take a residence, I mean, and
15 use it for this kind of a use in a
16 residential neighborhood? But I don't know
17 whether -- actually, I don't know the history
18 of the building. I don't know what the use
19 was before the Lincoln Institute. And now
20 it's a branch of the University of Madrid I
21 believe.

1 H. THEODORE COHEN: Well, I'm not
2 sure how I come out on this, but it does make
3 a hash of the concept of Zoning that we have
4 various districts and things are allowed in
5 the various districts. I mean, I think the
6 Ordinance as drafted addresses a situation
7 where something in a residential district was
8 built as a non-residential use. This allows
9 for things that were built for residential
10 use in residential districts that presumably
11 mimicked everything around it simply because
12 it went out to institutional use for ten
13 years, when it comes back to suddenly be
14 totally different from everything else in the
15 district. And there is nothing in here that
16 requires that it be affordable housing. So
17 well, maybe that is a, you know, admirable
18 goal. If it seems to me that it sort of is
19 undermining the concept of residential zoning
20 and, you know, I'm not sure whether it's a
21 good or a bad idea, but I think we will get

1 people to say, well, Lincoln Land Institute
2 or Jesuits or someone else turned this house
3 that was there for 50 years into something
4 else for ten years and now it's suddenly
5 going to become the equivalent of a boarding
6 house or a multi-family residence in a single
7 or two-family residence district and I'm not
8 quite sure why we should allow that.

9 HUGH RUSSELL: Pam.

10 PAMELA WINTERS: So I don't see
11 anything on here that addresses parking for
12 the criteria, the changes.

13 WILLIAM TIBBS: The very last one.

14 BETH RUBENSTEIN: The very end.

15 PAMELA WINTERS: Oh, I'm sorry. I
16 missed that.

17 So in other words, then the same number
18 of parking spaces, they would require the
19 same number of parking spaces as they would
20 normally?

21 LES BARBER: Recent changes to the

1 parking provisions of the Ordinance mandate
2 that every dwelling unit created have its own
3 parking space.

4 PAMELA WINTERS: Okay.

5 LES BARBER: There have been
6 previously provisions in the parking article.
7 And when you were making conversions, you
8 could work out a formula where you could
9 create dwelling units and not actually
10 provide the one-to-one parking.

11 PAMELA WINTERS: Right.

12 LES BARBER: So the 5.28 section is
13 simply saying that through this process we're
14 actually increasing substantially the number
15 of units on the lot. And while each one of
16 those has to provide a parking space, that
17 additional parking is likely to have impacts
18 that would not have been the case had the
19 building been used at the density allowed in
20 the district. So that's one of the impacts
21 that the Board is taking into account; the

1 increasing density of dwelling units and the
2 increasing density of parking that's being
3 provided.

4 PAMELA WINTERS: So then in other
5 words, potentially it could cut down on the
6 open space if they had to put in more parking
7 spaces?

8 LES BARBER: In fact, the provisions
9 say that you can, the only open space that
10 you're required to have is the open space
11 that's left over after you provide the
12 required parking. Understanding in its
13 original conception that we will in all
14 likelihood have very big buildings on small
15 lots with not a lot of space left over and
16 the design to provide additional parking is
17 conflicted with the desire to have the open
18 space. So the tradeoff was you put in the
19 parking, you're required to have -- and
20 what's left over is (inaudible) that's one of
21 the relaxations of regulations as parking

1 space that's one of the conversions.

2 WILLIAM TIBBS: I think you just hit
3 upon another reason why the original, you
4 know, the original Zoning really had a
5 specific building type or issues that, you
6 know, we felt it was thought that you might
7 have bigger buildings on smaller lots. I
8 mean, who knows, if it was originally
9 designed as a residence and had side yards
10 and back yards and front yards, and open
11 space. So it's a different -- it's just not
12 as simple as just saying we just don't have
13 another type in here. I just wonder about
14 that.

15 PAMELA WINTERS: It could get
16 asphalted over for the parking.

17 H. THEODORE COHEN: Another
18 question. If the university owned a house
19 and used it for residential purposes for ten
20 years, would that have been considered an
21 institutional use?

1 LES BARBER: Not necessarily. It
2 could very well have continued to be a
3 residential use. But you'd have to -- it
4 would mean a Zoning interpretation of what
5 the use was.

6 H. THEODORE COHEN: I mean, what I'm
7 getting at is that I know Harvard acquires
8 houses and rents them or sells them to
9 faculty members and they continue to use as a
10 single-family house.

11 LES BARBER: The fact that they're
12 owned by a university does not necessarily
13 mean that it's not still a residential use.

14 H. THEODORE COHEN: Okay. Just
15 because they own it doesn't make it an
16 institution.

17 LES BARBER: But the Jesuits
18 probably are considered -- you know, there
19 are various group home categories in the
20 religious sections so they might have been
21 considered a monastery. There are a variety

1 of options there that would have made those
2 particular uses institutionalized as opposed
3 to residential.

4 HUGH RUSSELL: Steve.

5 STEVEN WINTER: When I first moved
6 into my neighborhood which is the Agasi
7 (phonetic) neighborhood there was a lot of
8 single-room occupancy buildings. A lot of
9 SROs. And they were filled with perfectly
10 respectable and interesting people. That was
11 the case for a long time. These were, you
12 know, retired merchant seamen or people who
13 had lost a spouse or, you know, it was a very
14 respectable kind of living. And I get
15 excited if we have an opportunity to pursue
16 something like that, to add a new kind of
17 housing into Cambridge. And it, I guess, you
18 know, I think we need to be careful that
19 we're not shutting down options. Not we,
20 that we as a city aren't saying gee, we don't
21 want that kind of a crowd in Cambridge

1 anymore because we're all upper middle class
2 people now. And we don't want that anymore.
3 Even if it's inadvertent.

4 However, the parking issue is really
5 troubling to me. I'm not sure that we can --
6 I'm not sure that one can go that way, but
7 also say we'll accommodate all the parking
8 that will come from that. I have to say that
9 I'm a little flummoxed about where to go with
10 this.

11 HUGH RUSSELL: Two comments: The
12 gross floor area, I've done as an architect
13 about a dozen SROs so I know quite a bit
14 about this. The gross floor area in an SRO
15 ranges from anywhere maybe 250 to 500 square
16 feet a unit depending on whether they have
17 private kitchens or private baths or
18 whatever. So this lineup is a perfect
19 provision and this Ordinance is not going to
20 generate SROs. So I guess my question is
21 should we recommend a third criterion that

1 would address the change of the character and
2 use of the open space around the building so
3 that it is no longer consistent with what you
4 find in the neighborhood? Now that's a very
5 broad statement that I think that's too
6 broad.

7 WILLIAM TIBBS: I agree.

8 HUGH RUSSELL: But maybe it has to
9 be very specific about, you know, setbacks
10 from abutters and the like. And presumably
11 the parking goes in, it has to be the
12 dimensional standards of the Ordinance, but
13 it's only a five or ten foot setback from a
14 property line. It seems to me that whoever
15 is granting this permit ought to be able to
16 look and say wait a minute, you're ruining it
17 for everybody else and you've got to do
18 something else. Maybe that means you go and
19 say well, you can't convert it to create
20 eight units because those eight units will
21 generate parking spaces and those eight

1 parking spaces are ruining things. Maybe you
2 ought to make it only six units. I mean, I
3 heard two different opinions on the subject
4 of whether it's a good idea in like a
5 Residence A neighborhood to change the use
6 from one- or two-family to multi-family even
7 if the structure wasn't changing. And I
8 don't know what I would think. I think it
9 would depend very much on the facts. I mean,
10 the Lincoln Institute is a busy place these
11 days. It would be a less busy place if it
12 were divided up into 20 dwelling units. So,
13 I'm just sort of babbling here. I don't
14 quite know the answer. I mean, we can -- our
15 recommendation could be that we want to
16 encourage the staff to look at some of the
17 unintended consequences, including the loss
18 of open space.

19 STEVEN WINTER: Yes.

20 WILLIAM TIBBS: Yes.

21 PAMELA WINTERS: Good idea.

1 HUGH RUSSELL: And a change in the
2 profound change in residential character.

3 PATRICIA SINGER: 5.28.23 says that
4 you have to meet the yard requirements of the
5 underlying district. So I mean, I think
6 there probably are unintended consequences
7 that we can't figure out from this, but some
8 of the things we're talking about do seem to
9 be addressed.

10 HUGH RUSSELL: Well, it's a
11 two-phase thing. It says any existing yard
12 is grandfathered. But if you put an addition
13 on, then it's going to be a conforming
14 addition. And here we're thinking well,
15 maybe the un-intending consequence is that
16 nice green yard turns into a parking lot.

17 PATRICIA SINGER: I think then
18 perhaps it's a drafting thing because I don't
19 read that that's possible. So maybe the
20 underlying Ordinance language is not clear.

21 HUGH RUSSELL: Okay, well, that's

1 something that we can ask Les and Roger to
2 think about.

3 BETH RUBENSTEIN: The Board also has
4 the opportunity to pass on the variety of
5 opinions about this, the goals of this change
6 which -- you know, what we've heard here,
7 that it's admirable to try and create more
8 housing options and to perhaps bring more
9 dense housing to parts of the city that don't
10 have it. At the same time, expressing
11 concerns that you might have Zoning that
12 seems a little checkered in that residences
13 in the same zone might in fact be treated
14 differently based on the last views. I think
15 it's also an option to just communicate that
16 variety of concerns.

17 PATRICIA SINGER: Anecdotaly I was
18 at the Agasi's Neighborhood Council meeting
19 for this Jesuit conversion came up for
20 conversation, and one woman in particular was
21 adamantly opposed to the sale and conversion,

1 that I think may -- that I now understand
2 might have been the basis for this. And the
3 two handfuls of people who were in the room
4 basically said, you know, my language not
5 theirs. But you're being a hypocrite. If
6 this were somewhere else, you wouldn't
7 object. But because it's next to you that
8 you're objecting. So, I don't know if they
9 had given it nearly as much consideration as
10 we have, but certainly the neighborhood there
11 was not concerned. And, again, one of the
12 questions that came up as Ahmed came up was
13 parking. And on my way walking home, I mean,
14 I found ample parking, that anybody who was
15 willing to walk half a block, would not be
16 inconvenienced. But, you know, if this -- we
17 were making this same conversation about
18 Mellen Street and Lesley's property, the
19 parking would really be an issue. And so we
20 go back to the core public policy question
21 of, you know, do we want to encourage cars in

1 the city? Are we putting bump outs and speed
2 bumps to discouraging cars in our city? So,
3 I do think that some of this has spillover
4 that we don't quite anticipate in reading
5 just this very brief change, and that makes
6 me a little hesitant. And I think going back
7 to what Ted said almost at the very
8 beginning, there are basic zoning maps for a
9 reason. And to just sort of say oh,
10 willy-nilly because the institute has used
11 it, we don't have to pay attention to zoning,
12 seems a little inconsistent. And I would
13 think, Tom, that you actually would have
14 strong feelings about this just listening to
15 the last conversation that we had.

16 HUGH RUSSELL: Nothing. We're not
17 required to act tonight. And so maybe it
18 makes sense for us to think a little more
19 about this.

20 PAMELA WINTERS: Do we have a date?

21 STEVEN WINTER: Hugh, if I could, I

1 think we've all been very thoughtful about
2 putting this stuff on the table and I feel
3 comfortable with you asking the staff to put
4 something together for us to review.

5 Anybody else?

6 HUGH RUSSELL: Well, I mean that's
7 one approach. But we actually can go, and we
8 have in the past, spent a lot of time trying
9 to work up, you know, more concrete
10 suggestions. I can't say which approach is
11 actually more effective in the Council. It
12 is an advisory opinion. So I thought if we
13 discussed it with greater clarity and then we
14 ought to take the time to do it. If we think
15 it's not, we're not going to get any much
16 farther. Then I think the approach can be to
17 send our notes along, know that the staff has
18 heard our comments, and when it comes up for
19 discussion at Council, they'll be able to
20 have done more thinking about it and advise
21 the Council.

1 PATRICIA SINGER: Since I can't
2 think of anything more specific, then I would
3 ask the staff to do -- I'm not sure what
4 questions I would ask them to research. I
5 can't in my mind's eye visualize this into
6 some sort of Excel spreadsheet where I would
7 say, you know, think about yards, think about
8 parking, think about this, think about that.
9 I can't come close to what that spreadsheet
10 would look like. So, I'm thinking that maybe
11 it's just too broadly written and it needs to
12 be rewritten. Although we may support what
13 we believe the intent to be. Even though I'm
14 not sure we know what the intent is.

15 WILLIAM TIBBS: I would agree with
16 you. I think we have to spend sometime in
17 terms at what's already been done which is
18 looking at unforeseen circumstances and see
19 what's the best language or criteria or tool
20 to avoid that. And I don't think we've done
21 that. But, I -- but Ted's comments, which is

1 I think the fact that it's residential, going
2 back to residential, just opens up for me a
3 can of worms. But I think the underlying
4 idea seems reasonable to me, but I would
5 agree, I'm not quite sure what the
6 circumstances are. So I would have a -- and
7 I think the -- and in the original Ordinance
8 was written very specifically to the type of
9 structures that it dealt with, and I think
10 this is way too broad without some more
11 careful thought as to what the intent could
12 be. So I'm sure they could be very positive
13 results and there could be very unforeseen
14 results. So I would agree that I think just
15 expressing our concerns would probably be
16 enough for me at least.

17 HUGH RUSSELL: And I think again,
18 Heather reminded that there are cases that
19 are contentious. And I think in virtually
20 every case a contentious aspect in all the
21 units, it's the formula. And what happens is

1 the institutions put these properties up for
2 sale, developer reads the Ordinance and says,
3 I have a reasonable expectation of getting
4 whatever units are using that 900 square foot
5 figure and their analysis of the building and
6 their analysis of the market. And they've
7 come forward with a proposal. They wanted to
8 reduce the contention, you'd make that number
9 bigger than that would reduce the price the
10 property sold for, and presumably some of
11 them would be less likely to go to housing as
12 a result of that because other uses might, as
13 I said, they'd say, well, you know, I just
14 should go and get a Variance to use it as a
15 something else.

16 H. THEODORE COHEN: I actually think
17 that a Variance is probably the correct
18 route. That if it wants to be returned to a
19 residential use, that somebody who is
20 thinking about purchasing it or is thinking
21 about selling it ought to go to the ZBA and

1 explain why I think this should be instead of
2 a single-family or two-family, it should have
3 five units or ten units, and, you know, let
4 the debate be, you know, with the abutters
5 who can explain why they agree or disagree
6 and rather than having a formula. I'm very
7 uncomfortable with the idea that simply
8 because it was an institutional use, that now
9 they are a different category who can do
10 something that no one else in the city can
11 do.

12 PAMELA WINTERS: And I think that
13 Ted's suggestion is fairer. I think in terms
14 of looking at what's fair, to me, that sounds
15 more reasonable. So I do agree with you,
16 Ted.

17 WILLIAM TIBBS: I just want to
18 remind us that even on those things like the
19 affordable housing bonuses that we give,
20 almost every affordable housing project that
21 comes before us is, you know, typically has

1 the unit size dropped based on because it's
2 so contentious. So I think this doesn't
3 necessarily do anything to give any more
4 clarity there.

5 HUGH RUSSELL: Okay. I'm not
6 hearing a strong sense that we want to dive
7 in and try to rewrite this Ordinance
8 properly. So I think our option is to ask
9 the staff to forward comments to the City
10 Council encompassing a full range of the
11 comments that were made.

12 BETH RUBENSTEIN: I think that's
13 reasonable.

14 HUGH RUSSELL: So all in favor of
15 that idea?

16 (Show of hands.)

17 HUGH RUSSELL: Opposed?

18 (No Response.)

19 HUGH RUSSELL: Unanimous.

20 (Russell, Anninger, Tibbs, Winters,
21 Winter, Nur, Singer, Cohen.)

* * * * *

HUGH RUSSELL: Next item on the agenda. Planning Board case 249, 126 Charles Street, a Special Permit to convert an existing office building to eight units of housing.

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chairman, members of the Board. For the record, James Rafferty on behalf of the applicant. Richard Glanz from Glanz Properties. He's the owner of 126 Charles Street. A very timely Special Permit application in lieu of your previous discussion.

This building wouldn't be affected by the Petition because it never had a life other than as a commercial building. So, in this case the building is in a Residence C District, but was constructed pursuant to a Variance as an office building. Mr. Glanz purchased the building about five years ago.

1 It has had a single office tenant in it since
2 the time of his acquisition. That tenant is
3 concluding the tenancy, and Mr. Glanz feels
4 that it would be a building that would lend
5 itself nicely to residential. The site is
6 distinguished by the fact that the building
7 is built out to three sides. It's set as far
8 into the lot as it can go. It's on the rear
9 lot line, and it's on the two side lot lines.

10 It presents a few challenges for
11 residential conversion. Chief among them
12 being the amount of light, air into the
13 units. The floor plan itself will allow for
14 this conversion because the egresses are in
15 place, the corners of the building contain
16 stairways, there's an elevator in the
17 corridor in the rear. And the scheme is to
18 construct two dwelling units per floor. The
19 first floor dwelling units are slightly
20 smaller because they need to accommodate the
21 hallways, if you look at the floor plan. The

1 opportunities really here are to treat the
2 lot a little more gently than the current use
3 does. The proposal would involve the
4 reduction of the number of parking spaces
5 from 12 to 10. The introduction of some
6 green space. Some trees would be added.

7 The site does have two large trees in
8 front of the building now, and we can show
9 you a picture of them. But the trees give
10 new meaning to the term tree house. They
11 really do. They're nice trees, but in
12 another year or so they will be raking the
13 leaves from inside the building. So the --
14 and of course it's a north facing elevation
15 there. So the only light that comes in from
16 that direction and it's somewhat modest to
17 begin with.

18 So the site plan itself, while it
19 remains unchanged, the orientation of the
20 parking in front remains but with the
21 introduction of some pathways. There's some

1 green space, it's really intended to make the
2 building a little more harmonious with
3 residential abutters. It has an immediate
4 residential building to its left. And on the
5 two other sides it has commercial parking
6 lots.

7 So Mr. Glanz -- you can see in
8 elevation, the initial submission was a
9 little bit more ambitious in terms of changes
10 of the elevation. At the moment the thinking
11 had been to consider a roof deck on this
12 building. And as the Board has undertaken
13 deliberation on the new green building
14 proposal, Mr. Glanz is giving some thought to
15 a way to the outcome of that and see maybe
16 whether the roof here, he could get a roof
17 deck by creating a green roof depending on
18 the fate of that.

19 The alterations of the building itself
20 would be quite modest. The building facade
21 is distinguished by three sets of windows.

1 They're good size windows. They're only 18
2 inches off the floor. The middle band of
3 windows would have the middle of those
4 windows eliminated in order to create a
5 demising wall between the two units. And
6 David Neilson, the architect, can walk you
7 through those changes tonight. He's present
8 with us. But suffice it to say, that
9 represents about the sum change in the
10 building, the elimination of those windows in
11 the form and appearance of the building
12 remain largely unchanged. The units
13 themselves take advantage of the formula and
14 represent what the Petitioner believes to be
15 an appropriate residential project for its
16 location and for its surroundings. There
17 will be nice one-bedroom units intended to
18 add to the housing stock in the area and
19 return the building to a conforming use,
20 which is a multi-family residential use
21 already permitted in the district.

1 So we could have Mr. Neilson walk you
2 through some of the details, and Mr. Glanz
3 will be happy to answer any questions as
4 well.

5 DAVID NEILSON: The changes are
6 going to be actually quite minimal from the
7 exterior. We will be relo -- we will remove
8 the two trees that are about 12 inches or 14
9 inches from the building, and we're going to
10 relocate them to the right side of the
11 property away from the abutting residential
12 building. We'll have two trees and then a
13 smaller probably blossoming fruit tree at the
14 front of the building.

15 The exterior, revised elevation shows
16 the existing building that is hidden behind
17 the trees. And where it's simply going to
18 remove the middle window through the building
19 and leave the rest of it as is. We'll be
20 replacing the windows with energy efficient
21 units. The entryways stay at both ends.

1 We'll put new wood entry doors. The changes
2 to the building are on the interior where we
3 create two similar built units side by side.
4 Again, north facing. And we tried to design
5 the units where they're not sort of hotel
6 rooms, they're on the smaller side, but they
7 do have entry halls, ample closets and
8 washer/dryers and decent size kitchens and
9 living areas that do not have bathrooms or
10 protruding doors into them. It's designed to
11 look more like a small house.

12 And then as we go upstairs, the units
13 become studios on the ground floor and then a
14 one bedrooms upstairs. And the upstairs plan
15 here, you can see again, we're abutting the
16 property lines on three sides, so we only
17 have opportunity to get light on the north
18 face. So the units are quite simply laid
19 out.

20 PAMELA WINTERS: Can I ask you what
21 sort of trees they are? I'm just curious.

1 DAVID NEILSON: The current trees?

2 I don't know.

3 RICHARD GLANZ: I thought that they
4 were a --

5 PATRICIA SINGER: They look like
6 towering pears to me.

7 RICHARD GLANZ: I was going to say
8 pear trees.

9 PAMELA WINTERS: How tall are they?

10 RICHARD GLANZ: They're almost to
11 the fourth floor.

12 PAMELA WINTERS: You're planning to
13 remove the trees, did you say?

14 RICHARD GLANZ: We're replacing the
15 trees.

16 DAVID NEILSON: We're replacing
17 them.

18 WILLIAM TIBBS: You did say move?

19 DAVID NEILSON: Did I say move?

20 PAMELA WINTERS: You did say move.

21 ATTORNEY JAMES RAFFERTY: You mean

1 remove.

2 DAVID NEILSON: We'll remove and
3 replace.

4 PAMELA WINTERS: Okay.

5 HUGH RUSSELL: Any other questions?

6 This is a public hearing. We'll go on
7 to the public testimony portion. Does anyone
8 wish to be heard on this case?

9 Charles.

10 CHARLES MARQUARDT: Thank you.
11 Charlie Marquardt, 10 Rogers Street. I may
12 not have had as many questions, but I know
13 this is an oversight that Mr. Rafferty didn't
14 come to our East Cambridge planning team.

15 ATTORNEY JAMES RAFFERTY: We're
16 coming.

17 CHARLES MARQUARDT: Oh, you're
18 coming?

19 ATTORNEY JAMES RAFFERTY: They
20 dumped us because of the meeting on Lechmere.
21 We're going next week.

1 CHARLES MARQUARDT: I have a few
2 questions that will probably get covered
3 there.

4 Noise, I think that needs to be a big
5 consideration in this. Not just noise
6 created by this to the new neighbors to the
7 east, but also noise from the parking lots,
8 and the development that's going to go on
9 beyond behind them from Alexandria. They
10 back right up into the Bent Street not too
11 far away from what will be a big set of
12 industrial buildings.

13 We look at plantings. I think
14 Ms. Winters noted that there's some beautiful
15 trees there. Hopefully they'll be replaced
16 with trees that will be some equal size as
17 opposed to small trees --

18 PAMELA WINTERS: That's not going to
19 happen.

20 CHARLIE MARQUARDT: I thought it's
21 not going to happen. Those eight foot, and

1 people need to understand that's going to be
2 coming.

3 Will this be one of our first redesigns
4 with the stretch code or is it not large
5 enough? As I imagine, we'd have its building
6 permits by July 1st. And he mentioned energy
7 efficiency for the windows. But are there
8 other things that we could do? This building
9 seems to have a big shell around it. So what
10 can we do to take advantage of the roof? Can
11 we put a white roof or a green roof, whatever
12 happens to work. But if we put a roof deck,
13 I feel for the poor neighbors again to the
14 east who will go from having an office use to
15 having a use that is 24 by 7 with a roof deck
16 and a whole lot more cars. Right now they
17 have a parking lot that's basically vacant,
18 soon to be filled with cars from eight units.
19 But I also do want to put in a plug that is
20 also a nice place to put potentially a couple
21 of Zipcars. And that would be a great place

1 to take the Zipcars off the streets and get
2 some additional revenue for the applicants.

3 And the final question was on energy
4 efficiencies. That's really the focus, how
5 can you make that building look inefficient
6 be efficient?

7 HUGH RUSSELL: Heather, are you
8 raising your hand?

9 HEATHER HOFFMAN: Yes. Hi, my name
10 is Heather Hoffman, still at 213 Hurley
11 Street. The thing that got me to stick
12 around was this cryptic notation on the
13 agenda. This proposal will also require a
14 BZA Variance for additional gross floor area.
15 Additional gross floor area tends to get my
16 attention. And I have not heard a single
17 word about what that means. I heard
18 something that suggested the building wasn't
19 going to change. And if it's not going to
20 change, then where is the additional gross
21 floor area coming from? Unless it's coming

1 from this proposed roof deck which I can --
2 well, I know that Mr. Rafferty knows this,
3 roof decks are fought vigorously in my
4 neighborhood. A certain developer wouldn't
5 be in all the trouble that he's in had he not
6 built the roof decks that were turned down
7 five to nothing by the BZA.

8 And I also note as Charlie did, that
9 because of scheduling, this, in addition to
10 the MXD hearing has left the neighborhood
11 with no information because they have not had
12 a chance to come talk to us. It made it
13 really hard for us to give a very good
14 comment to you because we hadn't heard
15 anything and we hadn't had a chance to ask
16 any good questions of the developers. And I
17 know that it was not a slight. I know that
18 it was just scheduling issues, but it is a
19 problem because you don't know everything, we
20 don't know everything. We help each other by
21 making comments. And we can't make informed

1 comments unless people have been to talk to
2 us. Thank you.

3 HUGH RUSSELL: Thank you.

4 Is there anyone else wishing to be
5 heard?

6 KATHERINE HADLEY: Hi, my name is
7 Katherine Hadley (phonetic) and I actually
8 live right next-door to this building. And I
9 did speak to the developers here. And I just
10 want to say that we are a little concerned
11 about any kind of roof deck as far as the
12 noise. It's a very close housing --
13 extremely close to our building, and we're on
14 the third floor. So we're very concerned
15 about the noise. We're concerned about the
16 coming and going of the cars, because I mean
17 essentially we were right next to a business
18 and now -- the business was there from nine
19 to five. Nothing on the weekends. And now
20 all of a sudden that's going to change with
21 eight to ten cars, you know. And we're just

1 a little concerned about where this is going.
2 That's all I have to say.

3 HUGH RUSSELL: Okay. Thank you.

4 Anyone else wishing to be heard?

5 (No response).

6 HUGH RUSSELL: So I have a
7 suggestion to make as to the process. That
8 we don't try to make a decision tonight.
9 That we ask them to come back after they've
10 had the meeting with the neighborhood and
11 maybe the proposal will change somewhat as a
12 result of that meeting. Maybe certain things
13 will be clarified, for instance, the --
14 obviously the roof deck is going to be
15 discussed. And I don't think we particularly
16 want to substitute our judgment on a matter
17 like that for the effected parties. And
18 we're under no particular pressure to make
19 this decision tonight. We do have another
20 item on the agenda. So I think in such a
21 case we would probably want to set out any

1 concerns we had, anything people want the
2 applicant to address before they came back or
3 any studies we want to see made. That's a
4 reasonable procedure to go in that direction.

5 WILLIAM TIBBS: That sounds
6 reasonable to me.

7 PAMELA WINTERS: Same here.

8 WILLIAM TIBBS: I do have a couple
9 of questions.

10 HUGH RUSSELL: Okay. Go ahead.

11 WILLIAM TIBBS: Could you explain
12 the extra gross square footage?

13 ATTORNEY JAMES RAFFERTY: It would
14 be in the roof deck if it were pursued. As
15 Ms. Hoffman noted, it's not an integral
16 element of the design. It's an issue I knew
17 the Board was dealing with. I advised
18 Mr. Glanz at the moment not to pursue it
19 until we see how the green roof met up. In
20 any way it would be a BZA issue. It was seen
21 obviously as a nice amenity for the

1 residents, but we're very mindful of the
2 impact on the abutters. If it didn't have
3 the necessary support from the abutters, it
4 wouldn't fair well at the BZA anyway. But
5 that's what the GFA is.

6 HUGH RUSSELL: Okay, Steve.

7 STEVEN WINTER: Just one comment. I
8 recommend a little due diligence on the
9 Zipcar question to see if in fact there are
10 Zipcars in the neighborhood or not. And I
11 think that would be an interesting addition
12 if you could have a Zipcar there based on the
13 standards and protocols that that business
14 uses to place them.

15 HUGH RUSSELL: Ahmed.

16 AHMED NUR: So, Hugh, I agree with
17 you that we should probably wait until they
18 meet up with the neighbors.

19 However, Mr. Rafferty, have you met
20 with the abutters that just spoke before us?

21 RICHARD GLANZ: I've met with some

1 of the abutters in the same building that
2 these two ladies live in.

3 AHMED NUR: Thank you.

4 HUGH RUSSELL: I guess my comments
5 are that it seems like a reasonable proposal
6 to me. It seems clearly presented. And I
7 think the issues are the ones to be brought
8 up in the neighborhood meeting. And I don't
9 really want to bring anything else to the
10 table.

11 STEVEN WINTER: I concur.

12 HUGH RUSSELL: So then I would say
13 that we have no questions beyond the one that
14 you proposed with the Zipcar. And then we'll
15 postpone making a decision and we'll go on
16 the agenda as the usual manner.

17 BETH RUBENSTEIN: Hugh, is the
18 hearing closed or is the hearing still open?

19 HUGH RUSSELL: I would like to leave
20 the hearing open because I think -- I mean,
21 as a matter of credit, we'll actually want to

1 hear people's response when they come back.

2 So we might as well just leave it open.

3 BETH RUBENSTEIN: Okay. Very good.

4 HUGH RUSSELL: Okay.

5 We'll take a short break while they set
6 up.

7 (A short recess was taken.)

8 * * * * *

9 HUGH RUSSELL: The last item on our
10 agenda is the review of the Alexandria draft.

11 The first question is do you know the
12 Board members that are voting on this case?
13 Bill said he wasn't.

14 BETH RUBENSTEIN: Voting members are
15 Hugh Russell, Tom Anninger, Pam Winters,
16 Ahmed Nur, Steve Winter, Ted Cohen.

17 HUGH RUSSELL: Okay.

18 THOMAS ANNINGER: How many is that?

19 BETH RUBENSTEIN: That's six.

20 THOMAS ANNINGER: So I could go and
21 you'd still be fine.

1 HUGH RUSSELL: Maybe you should make
2 a motion and then you can go.

3 THOMAS ANNINGER: Where's
4 Mr. Rafferty?

5 HUGH RUSSELL: I thought we'd take
6 the first one up trying to vote the final PUD
7 decision and then if we have time and energy
8 to go on to the Zoning review. I don't know
9 if it's too promising on the later, you know,
10 frankly.

11 What we need to accomplish is we need
12 to vote on the final decision which has been
13 drafted for us. If you can make a motion.

14 THOMAS ANNINGER: Did you have any
15 discussion at all?

16 HUGH RUSSELL: No, there was no
17 discussion the last time.

18 THOMAS ANNINGER: There were some
19 actually substantial changes to the building.

20 HUGH RUSSELL: We're not talking
21 about the building. We're talking about the

1 PUD decision.

2 THOMAS ANNINGER: Okay. I see what
3 you're saying. By PUD and Article 19.

4 HUGH RUSSELL: No. Separating the
5 two. These are two separate matters.

6 THOMAS ANNINGER: But the --

7 ATTORNEY JAMES RAFFERTY: It's a
8 single decision.

9 THOMAS ANNINGER: The decision has
10 got both of them in there.

11 HUGH RUSSELL: Okay.

12 THOMAS ANNINGER: But I don't know
13 if we're going to slice the --

14 HUGH RUSSELL: Okay. Then we can't
15 do it then. Then we've got to address --

16 ATTORNEY JAMES RAFFERTY: No, no.

17 THOMAS ANNINGER: So, what's the
18 problem?

19 ATTORNEY JAMES RAFFERTY: Just like
20 the -- I mean, the design review component of
21 the Article 19 can be done as part of the

1 design review under the PUD, but the decision
2 is written in a way it tracks the North Point
3 decision.

4 THOMAS ANNINGER: That's right.

5 ATTORNEY JAMES RAFFERTY: Which is
6 the decision contains a PUD Special Permit in
7 and an Article 19 Special Permit. It then
8 leaves for a later determination, a design
9 review under both of those permits.

10 HUGH RUSSELL: Right. Okay. So I
11 was right in the first place. We don't have
12 to look at the design changes at 100 Binney
13 Street.

14 ATTORNEY JAMES RAFFERTY: In fact,
15 it might be suggested that the sequence is
16 just the way you suggested it, which is you
17 grant the PUD. You approve the decision
18 which grants the PUD in the Article 19, and
19 then time and energy permitting, you go on to
20 design review of the 100 Binney Street
21 building. And that design review will be

1 occurring in the context of the PUD Special
2 Permit and the Article 19 Special Permit.

3 BETH RUBENSTEIN: Right.

4 HUGH RUSSELL: Okay, this discussion
5 is good evidence of the way we should be
6 adjourning soon.

7 BETH RUBENSTEIN: Hugh, if I can
8 just sort of summarize where we're at since
9 this is a project we've been looking at over
10 a long period of time. After the last
11 discussion, the Board asked us to draft a
12 decision, which we do as a group, all of us
13 participating, the chief drafts person being
14 Jeff Roberts but with participation by the
15 whole staff. And we did share a draft with
16 the development team, and we have had some
17 conversations back and forth on really minor
18 matters of emphasis. And really what is
19 before us now is the draft that the Planning
20 Board received in the mail, along with the
21 one page set of changes. We didn't want to

1 keep reissuing the draft. So it's really the
2 draft, if you will, as amended by the page
3 with the yellow highlights. And I think it's
4 fair to say where we stand right now the
5 development team and the staff both felt
6 comfortable with both the substance and the
7 form in which the decision was expressed.

8 THOMAS ANNINGER: Can you tell me
9 where that page that you just described --

10 BETH RUBENSTEIN: We gave you a
11 copy.

12 PAMELA WINTERS: Beth, you e-mailed
13 this to us, did you not?

14 BETH RUBENSTEIN: Yes.

15 THOMAS ANNINGER: The Chair has just
16 gotten one.

17 H. THEODORE COHEN: The draft of
18 5/17 is that the one?

19 BETH RUBENSTEIN: Everyone who needs
20 to get one, we have copies.

21 HUGH RUSSELL: This is all standard

1 tweaking of language to make sure things are
2 absolutely clear and there's no substantive
3 change to what we see as still clarifying.

4 THOMAS ANNINGER: While we're
5 talking about updates and yellow
6 highlighting, just one question about the
7 decision. You referred to materials dated
8 March 15, 2010. Is that the latest?

9 STEVEN WINTER: What page are we on?

10 THOMAS ANNINGER: Page 17 under
11 dimensional and programatic conditions,
12 second line. Is March 15th the latest?

13 BETH RUBENSTEIN: Yes.

14 THOMAS ANNINGER: Because whatever
15 we received subsequent to that is just design
16 review changes that do not affect this?

17 BETH RUBENSTEIN: That's right.

18 THOMAS ANNINGER: I see.

19 BETH RUBENSTEIN: That's the sort of
20 standing set of documents to which this
21 decision refers.

1 THOMAS ANNINGER: Okay. That was my
2 question.

3 HUGH RUSSELL: Are there other
4 questions?

5 H. THEODORE COHEN: I just have one
6 question. On 12.56 on page six where it
7 talks about the LEED standard, will this
8 change at all if the Zoning we discussed at
9 the last meeting adopted?

10 BETH RUBENSTEIN: No.

11 HUGH RUSSELL: That's basically
12 consistent with the Zoning.

13 H. THEODORE COHEN: That's what I
14 thought.

15 HUGH RUSSELL: Okay. Somebody like
16 to make a motion?

17 AHMED NUR: I have a question.

18 HUGH RUSSELL: Sure.

19 AHMED NUR: On this yellow No. 2, I
20 guess I need a little clarification on this.
21 Halfway down it says here, Parking and

1 Transportation Department to seek approval
2 for implementation of such changes from the
3 Massachusetts Department -- or agency having
4 jurisdiction over the intersection. We're
5 talking about the two left turns. So, what
6 agencies can that be? And it says if
7 approved, that you'll implement the design
8 changes.

9 BETH RUBENSTEIN: You know, I think
10 what we're trying to anticipate there is that
11 sometimes there are changes in the
12 organization of state government and what
13 might be under the jurisdiction of MDC one
14 day might be under PCR another day. So I
15 think we're really just trying to anticipate
16 changes that we're not really expecting that
17 that might happen.

18 AHMED NUR: Okay. Thank you.

19 PAMELA WINTERS: The lawyers were
20 doing their job.

21 HUGH RUSSELL: I think it's a pretty

1 simple motion which is to adopt the decision
2 as the vote of the Board and to grant the
3 permits that were requested.

4 THOMAS ANNINGER: When we last
5 talked, Hugh, you were not very strong on the
6 idea of just incorporating by reference. So
7 I thought you wanted conclusions at least on
8 how we got there, but I'm happy to do it the
9 way you want to do it.

10 HUGH RUSSELL: I mean, because this
11 does state all those findings and all those
12 conclusions. So we are voting on the
13 decision, we are saying those are our
14 findings, those are our conclusions.

15 THOMAS ANNINGER: I can do it either
16 way. I can summarize it.

17 STEVEN WINTER: Are you looking for
18 a motion?

19 HUGH RUSSELL: We're looking for a
20 motion?

21 THOMAS ANNINGER: I'll give it a --

1 STEVEN WINTER: Please.

2 THOMAS ANNINGER: It will be longer
3 than that because I'm jet lagged so I might
4 say more than I want to say.

5 STEVEN WINTER: Well, if I can go
6 ahead then, it's really -- what we're trying
7 to do is accept the draft decision for the
8 final development plan approval; is that
9 correct?

10 PATRICIA SINGER: As amended by the
11 yellow page.

12 STEVEN WINTER: As amended by this
13 sheet with the yellow highlights. I'm sorry,
14 did I do it, Hugh?

15 BETH RUBENSTEIN: Will you be
16 granting the PUD Special Permit and the
17 project review Special Permit?

18 HUGH RUSSELL: And we would be
19 making the findings as written in the draft
20 decision.

21 STEVEN WINTER: So the Planning

1 Board grants the requested Special Permits
2 for the PUD final development plan and for
3 the project for the Special Permit subject to
4 the conditions and limitations here.

5 HUGH RUSSELL: Okay. On that
6 motion. All those in favor?

7 STEVEN WINTER: Do we get second?

8 H. THEODORE COHEN: Second.

9 STEVEN WINTER: Any comments?

10 HUGH RUSSELL: All those in favor?

11 (Show of hands.)

12 HUGH RUSSELL: Six members voting in
13 favor.

14 (Russell, Anninger, Winter, Winters,
15 Cohen, Nur.)

16 H. THEODORE COHEN: My only comment
17 is I think they did an exceptional job, the
18 staff, of pulling together a very lengthy and
19 complex discussion.

20 ATTORNEY JAMES RAFFERTY: We think
21 so as well.

1 HUGH RUSSELL: It was nothing out of
2 the ordinary for our staff.

3 STEVEN WINTER: I concur with that.
4 And I particularly like to recognize that
5 Jeff Roberts did a lot of this work and it
6 was outstanding.

7 THOMAS ANNINGER: This business
8 about having a separate design review, do we
9 want to have them come back for that?

10 HUGH RUSSELL: Sure.

11 THOMAS ANNINGER: I have to admit
12 tonight is a long night and I'm happy to go
13 home. It takes more than five or ten minutes
14 I would be surprised.

15 HUGH RUSSELL: I don't feel prepared
16 A, and I don't believe they are in desperate
17 need to go ahead and start this building so
18 that the delay does not impose a hardship on
19 them. I'm really tired, I can't really
20 address it. You said you're jet lagged.

21 ROGER BOOTH: They actually enjoy

1 coming here.

2 THOMAS ANNINGER: And waiting
3 outside.

4 HUGH RUSSELL: Right. So I mean, we
5 could request that the next time they come,
6 they get up in the front of the agenda rather
7 than in the back of the agenda.

8 ATTORNEY JAMES RAFFERTY: We were
9 two weeks ago, but you guys weren't ready for
10 us.

11 HUGH RUSSELL: And we apologize for
12 that.

13 AHMED NUR: I won't be here for the
14 next meeting July 20th.

15 THOMAS ANNINGER: When would they
16 come?

17 BETH RUBENSTEIN: We have a meeting
18 on June 15th and then we have meetings on
19 July 6th and 20th.

20 THOMAS ANNINGER: I will not be here
21 on July 6th.

1 ROGER BOOTH: There just have to be
2 five members, and it doesn't have to be the
3 same Board for the design.

4 HUGH RUSSELL: I think everybody
5 wants to weigh in.

6 ATTORNEY JAMES RAFFERTY: Could we
7 be first on June 15th.

8 ROGER BOOTH: Our typical procedure
9 is to have hearings first and then we can
10 certainly meet first after that.

11 BETH RUBENSTEIN: It has to be
12 advertised. We have three public hearings on
13 the 15th. And those have already been
14 advertised.

15 H. THEODORE COHEN: I am not here on
16 the 15th.

17 HUGH RUSSELL: Well, would you
18 rather do it tonight?

19 THOMAS ANNINGER: I would.

20 AHMED NUR: Let's do it tonight.

21 BETH RUBENSTEIN: Do you want to

1 take a two-minute break or do you want to
2 keep going?

3 HUGH RUSSELL: I want to keep going.

4 DAVID MANFREDI: Shall we begin? I
5 will be very, very brief. You have the
6 package in front you that is the PowerPoint,
7 but I'll go through it just on the printed
8 page.

9 We had a very, I thought, thoughtful
10 review for the design proposal, the last time
11 we were here and the Board urged us to --
12 I'll paraphrase to edit or ideas specifically
13 to consider 100 Binney in the context of the
14 park as well as in the context of Binney
15 Street to perhaps be a little less aggressive
16 with the certain elements, and we had a
17 number of diverse comments regarding color.

18 You're looking at a -- the first sheet
19 should be the overall site plan. And this is
20 the way we had shown this to you many times
21 in the context of Binney. But if you turn

1 the page, you'll see that what we've done is
2 we've kind of reoriented and expanded our
3 frame of reference and evolved here in our
4 orientation so that the park is in the center
5 of the drawing. And you look at the building
6 site relative to the park, and that's
7 actually an interesting reorientation. We
8 are building the fourth wall of the park.
9 And I think Mr. Russell spoke very eloquently
10 about the other three buildings which are
11 all, I believe, very good buildings by very
12 good architects. Our situation is a little
13 bit different. Our site is asymmetrical to
14 the park, and our response I think should
15 recognize that. And I think there's also the
16 opportunity to have a certain, a more dynamic
17 quality to this building. The other three
18 buildings are very handsome, very tailored
19 buildings. And as the fourth piece, while we
20 may have been too aggressive, I'm going to
21 suggest that we can be a little more dynamic.

1 If you go to the next one, you'll see
2 that we have dropped the building in and you
3 can see that 100 kind of slides passed the
4 park and is asymmetrical to the park. You're
5 going to see a plan and you're going to
6 wonder why I'm presenting a plan again. What
7 we did was -- you caused us, in a good way,
8 to go back and look at the building
9 holistically. And what we did was -- and I
10 think where the greatest disconnect and the
11 greatest source of comment from the Board was
12 that the Binney elevation, the north
13 elevation and the park elevation were not
14 sufficiently related and coherent. And where
15 we went back to find that relationship was in
16 the basic metrics of the building. This is a
17 science building. It's a lab building.
18 Everything in this building is planned is
19 planned on a ten foot, eight module which
20 breaks down to a five foot, four module.
21 That red grid that you see over the plan is

1 actually a five foot, floor module. It's an
2 office module and it works as a lab module.
3 We actually had changed the plans slightly
4 since you've seen it last. And in fact that
5 module actually works all the way around the
6 building. The building is a little bit
7 narrower than it was before overall basically
8 on that same side. If you look at the ground
9 floor plan, it is -- and we're now caught up
10 on the slides. It is, the ground floor plan
11 is basically the same with the block lobby,
12 the orientation for parking and for loading.
13 But you'll notice on your typical upper floor
14 plan the building is more regular on its
15 south side and on its west side, and we've
16 kind of had this folded plates on the south
17 and west side. And we have simplified that
18 and as you go up through the typical office
19 course.

20 So let me take you to the modular
21 system and this will explain, I hope,

1 everything that we've done. The building is
2 based on this ten foot, eight module and that
3 is the basic building block of lab buildings.
4 It might be 11, it might be 10, 10. But
5 typically it is ten, eight and our floor to
6 floor heights are 14, six. If you look at
7 whether it's an office module or a lab
8 module, that breaks down into five foot,
9 four. If we're making offices, that means
10 we've got ten foot, eight offices or 16 foot
11 offices. Our lab benches are ten, eight,
12 ten, eight, ten, eight. And that's basically
13 the system of the building.

14 In our north elevation on Binney, we
15 were on that ten foot, eight module and broke
16 that down into five, four and then we created
17 this kind of vertical etched glass element
18 that is three feet wide. And that's the
19 elevation that I think that we got a very
20 positive response from.

21 What we've done on the south elevation

1 is take the same building metrics and
2 reinterpreted them to recognize the solar
3 orientation. So the south side of the
4 building is brick clad, brick in panels. On
5 that same basic five foot, four module,
6 meaning we could find something opaque, a
7 panel or a mullions every five foot, four on
8 center. But we've maintained that two floor
9 expression, 14, six and 14, six. So we've
10 gained two floors. And we take -- rather
11 than taking the envelope all the way around
12 the building, we've taken the proportional
13 system around the building but allowed that
14 proportional system to be interpreted in
15 different ways. So, if you look at before
16 and after. Before on the north side is
17 really not a lot of difference. The only
18 real change is that we've eliminated this
19 kind of exterior terrace space which I think
20 people found odd, and we've eliminated it.
21 We have not eliminated the color. We spent a

1 lot of time studying color, and I'm here to
2 tell you with great conviction that we like
3 the colors in the building. They may not be
4 our final colors, but we believe in the color
5 of the building. That's a big building.
6 That it helps reinforce what we're trying to
7 do in massing which is to create a kind of
8 datum in 75 feet which comes right out of our
9 zoning. It helps separate the rest of the
10 building from the rest of the building and it
11 will help to animate the building. So, if
12 you look at the new proposed elevation, on
13 the north side it is really very similar.
14 And it is based on that ten foot, eight
15 module and that ganging of two floors.

16 If you look on the south side, it's
17 very different. Before we were a very
18 horizontal expression. We were very
19 different than the north side of the
20 building. Now we've taken that proportional
21 system that I've described and we've

1 reinterpreted it in -- basically in brick and
2 in panels. And so we've also eliminated the
3 big picture window that I think you quite
4 unanimously viewed as being overly aggressive
5 to the square.

6 We still want to get, and I think this
7 shows up best in our prospectus, but we still
8 want to orient the device of the square, we
9 want to recognize the square. But rather
10 than being -- projecting from the face of the
11 building this now actually recedes from the
12 face of the building. The other thing I'll
13 point out is that we're actually now, our
14 entire building envelope is more energy
15 efficient as we have recalculated for our
16 energy modeling, our entire building envelope
17 and we've got a slightly more efficient
18 envelope.

19 We've brought this color to the south
20 side of the building. And, again, in fact we
21 probably, since you saw us last we've added

1 colors to the building, but I think we've
2 made it more a coherent system or color. If
3 I go to that south elevation, this is the
4 proposed elevation, again, part of that
5 overall proportional system. So now if you
6 look at the east and west elevations, you
7 look at before you can see that this is the
8 east elevation, that skin, that curtain wall
9 skin came around and made a reveal and made a
10 quite a drastic transformation. Now it finds
11 that same reveal, but it simply -- and,
12 again, as I say, it reinterprets how that
13 proportional system is on the building. Same
14 thing happens on the west side of the
15 building. So the horizontal is gone and this
16 ganging of floors and this vertical
17 proportion is carried around the building on
18 the east side and on the west side. By the
19 way, the penthouse has remained exactly the
20 same as the last time you saw it. So we have
21 revised our perspectives with respect to the

1 west of Binney Street. And this may be the
2 most telling view where those two edges
3 really come together in a three-dimensional
4 view. I hope it's apparent what we've tried
5 to do is really make connection around the
6 building at the same time not only
7 recognizing the different solar orientations
8 but allowing the building to perform in
9 different ways to its different orientations.
10 The view, this is again a similar view that
11 you saw last time, slightly modified in the
12 color as well as the removal of that terrace.
13 And then in some ways, I think this is the
14 most telling view. I don't think I'll ever
15 forget Mr. Russell's simile the last time we
16 were here. So I want to remove all memory of
17 that and -- but suggest that there's still
18 the desire to orient this facade on this, on
19 the park. And to recognize it in the
20 building and give it a sort of centering
21 device. There is a change in plane here from

1 the brick to the glass. I'm going to ask
2 Mark -- of three feet. So it's significant.
3 The glass will, I mean the brick will return.
4 This glass pane will be a real shadow and
5 there will be a real sense of a plane behind.
6 The plane of the glass behind. I should
7 point out that this plane of glass and this
8 plane of glass are the same, so we've taken
9 this detail from the north side of the
10 building and brought it to the south side of
11 the building. Repeatedly there are a number
12 of instances where we've -- I think we've
13 edited our architectural vocabulary
14 significantly.

15 I will take Chris Matthews from Michael
16 van Valkenburgh's office who is not here
17 tonight. But I will very quickly address
18 some of the issues that you had raised with
19 regard to landscape. We have in the plan,
20 it's a little bit hard to see, but because
21 they're very small, but Chris's office -- and

1 Lisa is here if we have any specific
2 questions, but we have relocated some of the
3 benches in order to avoid some of the
4 conflicts where there were benches facing
5 benches restricting the flow of pedestrians
6 through the through-block connection. So
7 that if you look, if you look very carefully,
8 it's a little bit more evident in your
9 printed plans although it's very small, we've
10 eliminated a tree. They have eliminated a
11 tree in order to help that flow. And maybe
12 most importantly they have added bike racks
13 at 41 Linskey in order to accommodate that
14 connection to the -- to our transit hub here.
15 Remember we have 67 -- a minimum of 67 bike
16 storage racks within the building itself. So
17 there have been accommodation and location of
18 the benches. There's also -- we have
19 addressed in language our exterior lighting
20 will be sustainable in terms of its overall
21 operations.

1 Also in the package that we've
2 submitted to you was a new LEED score card
3 where you can see -- I think we anticipate at
4 this point in time comfortably achieving a
5 LEED certification. And there is also a
6 report from Cavanaugh Hitachi regarding
7 acoustics now more specific to the design of
8 the building that the height of the penthouse
9 screen and to our ability to live up to our
10 commitments that are in the PUD approval.

11 Thank you.

12 HUGH RUSSELL: Pam.

13 PAMELA WINTERS: I'm really happy
14 with the changes, particularly the removal of
15 that large window on the north side. The
16 large square window. So I'm really happy
17 with what you've done.

18 DAVID MANFREDI: Okay. Thank you.

19 AHMED NUR: Is there a public
20 testimony to this?

21 HUGH RUSSELL: No.

1 This is a consulting process. And all
2 we need do is say "Yes, I like it." Or
3 "There's some more next time you look at it,
4 look at something else."

5 STEVEN WINTER: Mr. Chair.

6 HUGH RUSSELL: Yes.

7 STEVEN WINTER: In the consultative
8 spirit, I think this project looks real good
9 right now. I think the feedback's been
10 incorporated. I think, you know, sometimes
11 as painful as it is, I think the projects
12 always look better when there's thoughtful
13 perspective added and it's addressed
14 thoughtfully by the proponent. I think we
15 look real good here. I think I'm happy with
16 this.

17 HUGH RUSSELL: Tom.

18 THOMAS ANNINGER: I was one of those
19 who objected in particular to the south side
20 you may recall, and I'm very happy with the
21 way it looks. I'm thinking the elimination

1 and the change of the line instead of that
2 big, you call it aggressive window, is a
3 plus. I just want to say in general I think
4 you've shown yourself to listen as well as
5 anybody does to what we're saying and to take
6 the best of what we do say. It isn't the
7 best always, but what you take from us is
8 often excellent. You did it with a Mount
9 Auburn post office. You did it with this.
10 You did it on Bay State Road I think it was.
11 You've done it a number of times, and I think
12 we're very lucky to have a chance to work
13 with you.

14 DAVID MANFREDI: Thank you, Tom.

15 HUGH RUSSELL: Ted.

16 H. THEODORE COHEN: I think it's a
17 far superior design, too, and I appreciate
18 that. I have a couple of questions.

19 On the east and west elevations, is the
20 penthouse larger now than it was or is that
21 the way it --

1 DAVID MANFREDI: It's the same. If
2 you go back -- go to the comparisons, it
3 should -- it's the same.

4 H. THEODORE COHEN: It's the same.
5 It appears bigger.

6 DAVID MANFREDI: Nothing has
7 changed. It does appear bigger, I agree with
8 you.

9 H. THEODORE COHEN: Okay.
10 And is there a rationale or is it
11 simply design that the glass facade is taller
12 than the brick facade?

13 DAVID MANFREDI: You're referring to
14 right here?

15 H. THEODORE COHEN: Yes, right
16 there. And, well on both sides I guess.

17 DAVID MANFREDI: No, there is not a
18 rationale. You know, what I believe is
19 driving that at the moment, but you make a
20 very good point, is brick modules. And our
21 desire to use the current wall as part of our

1 protection system around the perimeter of the
2 roof. But I'd like to -- you make a very
3 good point. I'd like to find a way to make
4 those equal. It does feel a little
5 uncertain.

6 H. THEODORE COHEN: I would feel
7 better if they were equal. But, you know, if
8 you had some energy efficiency reason, I'd
9 accept it.

10 DAVID MANFREDI: No. No good
11 reason.

12 H. THEODORE COHEN: Okay.

13 HUGH RUSSELL: We'll think about
14 that. Because in some ways I think I like
15 the fact that they're not a ruler. Each one
16 has its own logic. If you tell me that it
17 doesn't. I mean, proportion is a very
18 important part of this in that in the taking
19 the same idea, a proportion, and using it
20 differently on the south and the north is
21 terrific. So it may be just the person who

1 drew that said, I just want that height
2 because this feels that it's the right
3 height, in both cases and it's different.

4 I mean, this is in my view it's a very
5 large building, it's breaking new ground in
6 design and so that, you know, I look at that
7 rendering and it looks like it's a wonderful,
8 exciting addition to the city that it's a big
9 building and it's not afraid to be big, but
10 it's still at the same time there's -- it
11 breaks down in scale from the largest
12 elements down to the size of it being
13 admittedly that's what I was taught to do
14 when I was in school 50 years ago, but you
15 know, I think we're going to take great pride
16 in this building and we hope the developers
17 can manage to find somebody who wants to live
18 there once you build it.

19 My reaction to the slot facing the park
20 is maybe you can be a little stronger. I
21 don't know how. Just, I don't know.

1 ROGER BOOTH: What could be
2 stronger?

3 HUGH RUSSELL: The slot. Maybe
4 there's some --

5 THOMAS ANNINGER: The vertical
6 shaft.

7 HUGH RUSSELL: The vertical shaft.
8 Maybe there's something color wise that
9 happens. Maybe it happens inside in terms of
10 the window treatments. I don't think it
11 quite meets the level of detail that the rest
12 have. It's just now, but I think it's a very
13 kind of intuitive comment. I'm not asking or
14 requesting any more that you keep thinking
15 about it and I know you're going to do that
16 anyway.

17 DAVID MANFREDI: Right.

18 HUGH RUSSELL: The building that I'm
19 going to cite is the Harvard Cowperthwaite
20 dorm.

21 THOMAS ANNINGER: That's a good one,

1 too.

2 HUGH RUSSELL: Which you may
3 remember looked a little plain when we looked
4 at it. I'm wondering. And now it's built,
5 it's gorgeous detail.

6 STEVEN WINTER: Where is that dorm?

7 HUGH RUSSELL: It's on Cowperthwaite
8 Street across from Dunster House.

9 ATTORNEY JAMES RAFFERTY: Who
10 designed that building?

11 HUGH RUSSELL: It's a building
12 appropriately modest in its context still to
13 one who knows how buildings are put together,
14 it look just wonderful because it's been done
15 so thoughtfully and so that's going to happen
16 to this building and then in a few years how
17 it's going to come out.

18 DAVID MANFREDI: Thank you.

19 THOMAS ANNINGER: I misspoke on the
20 when I said Bay State Road. What is that
21 road along Alewife that goes --

1 ATTORNEY JAMES RAFFERTY: New
2 Street?

3 THOMAS ANNINGER: No, that big road
4 into a dead end.

5 ATTORNEY JAMES RAFFERTY: Cambridge
6 Park Drive.

7 THOMAS ANNINGER: Is that what it
8 is? Cambridge Park Drive. That's a building
9 that never has gone anywhere.

10 DAVID MANFREDI: Correct.

11 THOMAS ANNINGER: But that too had
12 its moments particularly at the rooftop.

13 DAVID MANFREDI: Yes. But we're
14 still waiting for that one.

15 THOMAS ANNINGER: Good.

16 STEVEN WINTER: Mr. Russell.

17 HUGH RUSSELL: Go ahead.

18 STEVEN WINTER: In my rush to be
19 consultative I did have two things that I
20 wanted to say. We really got a nice
21 collection of public spaces here. This is

1 really lovely and I want to make sure that I
2 say that. And I know that you took some
3 advice about opening up this corridor here,
4 but I think that's just going to be a
5 terrific open public space. I'm a fan of
6 urban landscape. Urban landscape is very,
7 very important to me. So is the Grand
8 Canyon, but urban landscape is very important
9 to me. I wanted to point out that this, that
10 Hugh mentioned earlier, that this particular
11 perspective and view, I think this is really
12 going to be one of the most important parts
13 of the building. I don't think the rendering
14 really does it justice. I don't think the
15 rendering really shows what it's going to
16 look like. But I think that's going to be a
17 very, very exciting part of urban landscape
18 and I wanted to point that out.

19 DAVID MANFREDI: Thank you.

20 HUGH RUSSELL: Ahmed.

21 AHMED NUR: Well, I concur with my

1 colleagues and I must admit when Hugh and Tom
2 started to criticize the design of the
3 building the south elevation, I just said you
4 know, let Roger worry about the design. But
5 I'm glad that they actually mentioned it
6 because I really like the vertical things
7 instead of the horizontal spandrels. I
8 really like the vertical in the south
9 elevation as well as the curving as opposed
10 to this recessed setback on the southwest
11 corner. That curve comes around the corner.
12 That looks really good. So yes, I like this
13 building much better.

14 HUGH RUSSELL: So is that the last
15 phrase of summary of discussion? Are we
16 complete?

17 Thank you very much.

18 DAVID MANFREDI: I do have to say I
19 really believe this is a better building and
20 it's a better building for the input we
21 received here. And as you said, it causes

1 you to think again and go back again and
2 that's how buildings get better. So thank
3 you.

4 HUGH RUSSELL: Thank you.

5 ATTORNEY JAMES RAFFERTY:
6 Mr. Andrews wanted to be permitted one
7 minute.

8 THOMAS ANDREWS: Yeah, let me ask
9 you very much for your -- what David said,
10 your attention to detail, your careful
11 thoughtfulness that you've given here because
12 it has made a better building and this will
13 be a great building when we build it.
14 Hopefully we'll build it soon. So I did want
15 to thank you all for your efforts and I also
16 wanted to thank your staff, particularly Beth
17 and your team who worked with us for hours
18 and hours and hours on this and done a great
19 job molding, really a nice zoning package and
20 Special Permit that is, you know, tightly
21 written and really spells out what we want to

1 do and what we hope to be able to do there.
2 And also gives the city the protections it
3 needs so that we can work with you. So it
4 was a great process and I thank you all for
5 helping.

6 HUGH RUSSELL: As I say, we to the
7 extent we have any power on this Board it's
8 the power to say yes to good ideas, to good
9 proposals, and we hope this proposal is an
10 example of that process.

11 ATTORNEY JAMES RAFFERTY: Thank you.

12 HUGH RUSSELL: We're adjourned.

13 (Whereupon, at 11:00 p.m.,
14 the meeting adjourned.)
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C E R T I F I C A T E**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

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

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

I further certify that the testimony
hereinbefore set forth is a true and accurate
transcription of my stenographic notes to the
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IN WITNESS WHEREOF, I have hereunto set
my hand this 28th day of June 2010.

Catherine L. Zelinski
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