

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE
GENERAL HEARING
Tuesday, October 25, 2016
7:00 p.m.
in
Second Floor Meeting Room
344 Broadway
Cambridge, Massachusetts

H. Theodore Cohen, Chair
Catherine Preston Connolly, Vice Chair
Hugh Russell, Member
Mary Flynn, Member
Steven Cohen, Member
Louis J. Bacci, Jr., Member
Thacher Tiffany, Associate Member

Community Development Staff:

Jeff Roberts
Suzannah Bigolin
Swaathi Joseph

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H. THEODORE COHEN: All right, good evening, everyone. Welcome to the October 25th meeting of the Planning Board. We have a pretty full agenda this evening so we'll start with the update from Community Development Department.

JEFF ROBERTS: I'll take that. Jeff Roberts Community Development Department.

Just to quickly go over the calendar of what's coming up. I'll just go through some things in chronological order.

On October 27th, that's on Thursday, there will be a hearing on the proposed municipal outdoor Lighting Ordinance as well as a hearing on proposed Zoning changes that are associated with and sort of ancillary to that proposed municipal ordinance. There's also, it's not a

formal Zoning proposal but there will be a hearing tomorrow on what's being referred to as short-term rentals which are people's ability to rent out parts of housing units on sites like Airbnb or air-B0 for short-term occupancy. And that's been an ongoing discussion at City Council. Again, it's not a Zoning Petition, at this stage, but I'm just mentioning it because maybe it will make its way to the Planning Board.

On November 1st, the Planning Board, that's next week, the Planning Board has two public hearings lined up: One is on the City Council Zoning Petition to change the Medical Marijuana Zoning. You'll be getting a CDD report on that shortly.

And then the Planning Board on November 1st will also have a hearing on the zoning component of the proposed lighting changes.

On November 9th the Ordinance Committee will have its hearing on the proposed Medical Marijuana Zoning changes.

On November 14th, that's a Monday, the City Council will be having a roundtable discussion on the Envision Cambridge process. That's the citywide plan. But then the Envision team will be back here at the Planning Board on November 15th, the next day, to do an update on that process with the Planning Board.

After that on November 15th we have public hearings on the Mass. and Main residential development proposal in Central Square.

And currently there is a Zoning Petition that's been filed that relates to changes to the Zoning Overlay requirements in Central Square. It's been filed by Central Square Business Association, and we're tentatively looking at

November 22nd for that hearing, although it's not been finalized yet.

We do have Planning Board meetings about every week after that and we imagine they'll be pretty full agendas.

H. THEODORE COHEN: Okay, thank you.

So the first matter on our agenda this evening is Riverside Rezoning Petition to rezone the existing Residence C-1 to Residence C within the area bounded by Franklin and River Street and Putnam Ave.

To just to give you a little bit of background for those who don't know. First of all, the Planning Board's role in rezoning petitions is to review it and to have a public hearing and then make a recommendation to the City Council. It is the City Council that ultimately decides whether to change Zoning.

So, anybody who wishes to speak will have an opportunity to speak at this hearing. I think the Ordinance Committee has already had a hearing, I think it has been continued, and that the matter presumably will go before the City Council and you may have opportunity to speak again there.

This is a re-filed petition. It was before the Planning Board several months ago, and at that time the Board made a recommendation against it being adopted for a variety of reasons; one of which was a strong recommendation that a neighborhood conservation district be created to deal with some of the issues.

The matter has been re-filed and is back before us to consider whether there have been any changes or any possible changes to a petition and we'll see where we go from there.

The petitioner is ready to make a presentation?

MAGGIE COMPHER: Hi, thank you for taking the time to rehear our petition. My name is Maggie Compher, and I live at 31 Kinnaird Street with my partner and our two 17-year-old boys. We have lived there for over 20 years.

DAVID COHEN: My name is David Cohen. I live at 37 Kinnaird Street.

MAGGIE COMPHER: And how long have you lived there?

DAVID COHEN: About 40 years.

MAGGIE COMPHER: So we were here in the spring to present our petition signed by over 100 residents of Riverside who were in support of the petition. At that time the Planning Board did not recommend our proposal but suggested what we wanted was a neighborhood conservation district.

We also heard opposition of the petition from the community, and the concerns included affordability, exclusion, and the housing shortage.

Following the Planning Board meeting last spring, the petition was presented to the City Council Ordinance Committee, which you had mentioned, and the Ordinance Committee found value in the petition and they asked for CDD staff to provide input.

And then the summer came and time ran out, but the petition was re-filed in early September, and the CDD has since put together an analysis which they have shared with us.

We also, then, as you said, went to the City Council Ordinance Committee for another presentation of the re-filing.

As you will see in our presentation, we

have addressed the neighborhood conservation suggestion and other concerns aired at the next meeting.

Okay.

DAVID COHEN: The main theme of this presentation is preservation of green space. Green space is not just an aesthetic thing and it is good to look at, but the main point here is that we get a lot of services from green space in terms of dealing with water, heat in the summer, and permeability of the land surface. So we think it's a very valuable thing to preserve and it's not something to be taken lightly in light of a future predictions of climate change.

So to reiterate, our goals are to preserve open and green space, reduce loss of permeable surfaces, maintain the water drainage performance in Riverside, and for the future to

mitigate the urban heat island effect which is affecting our city.

We want to limit in-fill development, especially in back yards, preserve privacy of abutters, and recognize Riverside's unique current high density in Cambridge.

MAGGIE COMPHER: So why this came to be that we -- the thought that we really needed to address this and get some help with preserving our neighborhood from in-fill, some of these pictures we're gonna go through quickly and explain how they've impacted our neighborhood.

So there's a few properties that we're just gonna highlight, but there are, you know, about five others which we will not address at this time, but -- and some of this speaks to the affordability that some of the community had complained about that this petition would prevent

people from being able to afford renting and properties within the, within the area. But what we want to show you is that in fact what we are trying to prevent is the high rise in cost in Riverside, and this is one example of that.

So this property on 11 Kinnaird Street used to be one dwelling and it's on almost a 5,000 square foot lot. It was bought in 2014. The property was purchased for 1.2 million, and that was for the almost 5,000 square foot lot. And then in the developer bought it and he -- there was a lot of complications with this property, but ultimately he rebuilt the home that was sitting on the property and then he built another dwelling in the backyard. And in 2015, you know, with the two properties they were sold for a total of 2.9 million.

And this is a picture of --

DAVID COHEN: This is an aerial view of that same property. And the main point to take away here is that the green space in the back of the property is gone. Those trees are gone and so we've lost those services of the green space.

MAGGIE COMPHER: And a lot of the space in between the two properties is hardscaped and not permeable.

And this is a lot on Jay Street, 51-53. And this, again, where there was one dwelling on the unit -- on the lot, and the owner tore down the lot -- tore down the dwelling and rebuilt two dwellings, one in the backyard. And, again, as you can see it's all hardscape with almost none permeable surfaces.

DAVID COHEN: And regarding the affordability issue there are houses near this that are more traditional two and three deckers

that can handle multiple families, these are high priced and handle basically one family each.

MAGGIE COMPHER: For 1.6 million.

DAVID COHEN: And this is another aerial view just showing the -- this was captured on Google Earth showing the lot as it stood after the removal of the original structures, and any green space is gone in the back there. And you can see kind of comparable older structures on either side with green space in the back, particularly those large trees.

MAGGIE COMPHER: And imagine that the second dwelling in the backyard, imagine that in the backyard with the abutters on either side and behind the house and the impact on them.

DAVID COHEN: This is a structure on Franklin Street, a large structure goes right up to the sidewalk. There was a tree there that

been there for quite a long time, and I just happened to be walking by that day and I saw the tree coming down in real time and snapped a few pics of that. So we are losing trees as well. Just, you know, it's just happening and we're losing these services.

MAGGIE COMPHER: And this is 33 Kinnaird Street. It's an example of where there was a thread of in-fill in the backyard of this property which was bought in the summer of 2015. The new owner wanted to build to the maximum allotment which meant that they would have built well into the backyard of this property. And what's unique about this home is that it is one of seven homes on this side of Kinnaird, on that side of Kinnaird where all of the homes, the back sides of the homes are all flush, meaning that they have pretty decent back yards, every single

one of them, which of course is wonderful for all the abutters around. And so this new owner came in and really wanted to build out the back of the property, which according to the Zoning would be his right. Unfortunately he did need some Variances. But what happened was that the neighborhood really came together because this was very disconcerting to them, and worked for over a year trying to work with this owner to keep him from building into the backyard. But, you know, wishing for him to build up and back just a little bit to not impede on the neighbors. He actually took it to the BZA and he did not -- he was not afforded the right to do what he wanted to do. He has since come back to the neighborhood and is -- because this is a single home, he is now going to build a single home three stories high, 2300 square feet with an

accessory dwelling in the basement and he's going to the BZA on Thursday for this.

And this is, this is in Riverside. It's actually not in the core that we're talking about today, but we do want to show you that this lot what had one home on it and a beautiful garden, lots of green space, the property was bought. Now there are three condos on it. And these are two of the condos which are rather large and, you know, there's a lot of hardscape now. And this is, you know, just really impacts the neighborhood taking away the green and open space that originally was there.

DAVID COHEN: And here's an aerial view of that same lot. It's a 6,000 square foot lot. You can see the large amount of green space there, and that is basically gone at this point. And it's a clear example of developers not really

considering environmental needs and -- of our neighborhood. It's insensitive. That's the way we see that.

Okay, now we're going to do a few slides on climate change which was one of the -- one of the themes here. This proposal is not only compatible with climate change response, it is necessary to mitigate the expected impacts of climate change.

This is from a study that was done, the CCBA study climate vulnerability assessment, and the main takeaway here is that we do need the resilience of sufficient vegetative coverage, tree canopy, and green infrastructure to mitigate the ongoing climate impacts in Riverside and Cambridge as a whole. Any time we lose green space it's not a good thing.

This is a map from that report. The red

triangle just shows Riverside. And the two icons there, one refers to flooding potential and the other one refers to vulnerable populations which we do have in Riverside basically populations that cannot deal with things like flood risk and heat waves, extended heat wave, etcetera.

Similar graphic showing the potential in the future for extended heat waves, increasing temperatures, and increase in the urban heat island effect which is a significant concern for all of Cambridge, not just Riverside. So that is just a universal message.

This is just another map of heat index scenario. The dark red is where the heat index is high. And you'll notice that in the blue triangle which is Riverside, we're currently orange which means we are not quite as impacted because of our current open space and green space

and relatively low amount of concrete and asphalt in the area. But if that changes, as it is changing, that we can expect much higher impact as things progress. This is something we're trying to avoid.

And the similar story in precipitation and flooding. You can see in the red triangle we are a low lying area and we do have flooding issues right now. You'll see from the report the main takeaway there is that there is inadequate storm water storage and conveyance currently in Riverside, and even larger pipes will not solve the current and long-term prediction increases, and we will need to use green infrastructure solutions such as in public space in the park at Western Avenue and Green Street. We will need the services of private green space in Riverside and that's the thing we're trying to do with our

proposal.

The next slide refers to population growth in Riverside since 1960. Riverside is unique. We have had 75 percent population growth over the period 1960 to 2010. Compared to the rest of Cambridge, it's much, much greater. We have born the brunt of population growth and we have to deal with these problems. So it's something I think is not quite fair and we need to -- that's got to be -- that issue has to be dealt with. And as you can see, this is just the consequence of that. Riverside as you see in the table, has the highest population density in Cambridge; 63 people per acre. No other, no other neighborhood comes close. The nearest one is Mid Cambridge at 44 people per acre. So it is, it is an issue. We do have to deal with population density.

So we see some need for fairness in spreading development around Cambridge and not just targeting Cambridge, Riverside for development.

So the impact of the proposal. We generally think the impact is modest. There is a potential dwelling unit loss, and I reiterate potential. This is what would happen if there was a full build out of units under two different zoning scenarios. And in that -- and that's so -- that's a theoretical thing. And in our core area, we would potentially lose two percent of the dwelling units. It is not an actual thing.

Now we get to the issue of non-conformity. We've heard over the past few months a lot of people had mentioned non-conformity as some kind of rather bad thing

that if we increase non-conformity, it's something like a disease, and we just don't see it that way. Non-conformity is a normal situation. We have a highly non-conforming neighborhood already. There will be some changes in non-conformity under the new proposal but not major ones, and here are the numbers. The takeaway here for me is that we already are highly non-conforming. Yes, there will be changing in conformity and there are -- there is a very positive message here, especially with respect to open space ratio. Currently Riverside, the petition area is actually rather conforming, and so the non-conforming currently is actually 20 percent. So there is something to preserve. There actually is open space to preserve. If there wasn't anything to preserve, we probably wouldn't be here.

And this map just shows the same data basically. The light green areas refer to lots that have greater than 36 percent open space, i.e. those that would be unaffected by the Zoning change from an open space perspective. So that is, that's the good message. There is something worth preserving in the open space area in Riverside. It's not a lost cause.

Similar data basically as the map there. The greater than 36 percent open space, 72 percent of the lots in Cambridgeport. This is also a comparison from Cambridgeport to Riverside. Cambridgeport and Riverside are very similar from the point of view of their structures and their open space. Cambridgeport has 72 percent conforming when it comes to C Zoning open space, and the Riverside petition area in the proposed C Zoning would have 69

percent conformance. We think that's a good thing. They're basically very close.

MAGGIE COMPHER: So in considering the neighborhood conservation district, we feel like it's really not a substitute for Zoning and that was -- the key issue is that we weren't interested in the aesthetics of what people were building but more so in the open space, you know, the in-filling, and that was not something that the neighborhood conservation district could address. And so we just felt like it wasn't in sync with what we were trying to preserve in our community.

Clarifications of concerns with the proposal. We have no disagreement that sustainable growth is a good goal, and a balanced approach to development is needed based on area needs and characteristics. What makes sense in

Riverside would not make sense let's say on Mass. Ave. towards Central Square and vice versa. The proposal does not exacerbate the shortage and affordability of housing that all Cambridge is experiencing. It has a minimal effect. The change in Zoning would have a minimal effect on rental market. For example, the Airbnb loss of 600 rental units has a much more significant effect. Airbnb has a much greater effect on affordable rental units than what would be happening in Riverside if we did change it -- the Zoning from a C-1 to C.

Two percent potential dwelling unit loss in the petition area we think is something that's not that significant. Yes, it is significant, but in comparison to the 600 rental units that Airbnb issue is affecting, we think it's not that much. And accessory unit dwelling potential is

not affected at all by this down zoning, and multimillion dollars in-fill is not the solution to affordability.

DAVID COHEN: This is just a map of the -- to review of the proposed area of change. The outlined in red. It's not all of Riverside, it's just this core area, core residential area that actually has the open space to be preserved. The other areas do not have it and so that's why we focussed on this particular part of Riverside.

MAGGIE COMPHER: And concluding points, there is strong support for rezoning. We have more than 100 neighbors who have given signatures for the petition who are in support of this petition. Riverside is a target for developers who are in-filling backyards. We are losing open and green space in Riverside. Developers are maximizing zoning parameters to the detriment of

the neighborhood character.

Climate change, Riverside has been identified as a high risk flood area. Decrease in permeable surfaces already affecting water drainage. Riverside is the highest density neighborhood in Cambridge by a wide margin. The proposed Zoning changes are modest. Provides parity with Cambridgeport down zoning from C-1 to C which happened in 1986.

Thank you.

DAVID COHEN: And that concludes it.

H. THEODORE COHEN: Thank you.

Board Members, if you don't have any questions -- does anybody have questions for the petitioner right now?

(No Response.)

H. THEODORE COHEN: If not, Jeff do you want to indicate what CDD has done in the

interim?

JEFF ROBERTS: Certainly.

So since the last round of public hearings back in the spring we have done a fairly substantial amount of work between myself and Swaathi Joseph who is here, the associate zoning planner. There were a few different things that we were asked to do mainly by the Ordinance Committee, but the first item was the Planning Board recommendation about the neighborhood conservation district. We consulted with the staff from the Historical Commission from that and they gave us an indication that while there is a process for proposing something like that, it is something where the Historical Commission feels there needs to be strong buy-in from the neighborhood, and I think what we've heard since then there hasn't been a strong interest from the

neighborhood in pursuing that.

Some of the other things we were asked to look at on the Zoning side, we were asked to look at the existing Cambridgeport Residence C District to compare the analysis of that area with the analysis that we did for Riverside. We found that while there are similarities and that Cambridgeport is predominantly built to a somewhat higher density than what's allowed under Residence C, it is --you know, the Riverside area would be somewhat more -- somewhat -- is built to a somewhat higher density, so it's the same -- there is a similar issue in either district, it's Riverside is just a little bit more in the direction of being non-conforming to Residence C. So we looked at that.

We also addressed the question that was posed by the Ordinance Committee of whether there

were different ways to look at drawing zoning district boundaries. And so we did. As part of our analysis, we have a map. It's actually one of my favorite maps that we've done. I think it's on page -- maybe it's not numbered, but there's in the document that we provided to the Planning Board and Ordinance Committee, where we did this analysis. There's a map showing side-by-side pictures of the neighborhood, and we -- what we did was we took each individual block within the neighborhood and looked at what the average FAR -- that's the one that Mr. Russell's holding up. We looked at what the overall average FAR and average dwelling unit density were on each block just to get a sense of where there were differences within the neighborhood, and found that it wasn't terribly surprising that the core, what you might think of

as the core of the core of the neighborhood around Kinnaird Street, Jay Street, Howard Street where many of the issues that the petitioners have noted has been arising, that area is developed currently to a somewhat lower density on average than the areas around it. And as you get closer to the river or closer to Mass. Ave., the density of development is somewhat higher. That's an existing development.

And then so we looked at that. We also took a look at also as a way of addressing that question, we looked at where the lots were in the neighborhood that based on the current Zoning, light had the potential to add dwelling units, in-fill dwelling units, and found again that while they were relatively distributed throughout the neighborhood, we found that if the proposed change from C-1 to C were adopted, then there

would be relatively few lots within that core, that very central part of the area that would have the potential to add more units. So that was sort of No. 3.

And the fourth thing we were asked to look at is what were some alternative proposals that might address some of the concerns raised by the petitioners, but wouldn't necessarily have as much impact on existing homeowners that, for instance, would be -- might be seeking to expand on a property or make some alterations to their property. And essentially what we did was looked at well, what if rather than applying all of the limitations of the Residence C district, what if only certain specific regulations were strengthened. For instance, if just the allowed dwelling unit density was reduced or if just the open space requirement was reduced or

alternatively looking at it from a dimensional point of view, if the rear yard setbacks were increased or other provisions were adopted, such as the provision we have in Residence B that requires Special Permit review for adding a second unit on a lot, all of those would be different approaches to more directly address this, the issue that's been raised of preventing in-fill development going into backyards.

Obviously each one has its tradeoffs. They're in complications as the Planning Board is aware of cases where, where the Planning Board is reviewing a second unit proposal or a proposal for a second structure on the lot, sometimes it's hard to tell exactly, you know, what's the right way to decide based on that, because they're offering different opinions and it could be difficult to judge whether one structure or two

structures is really the better outcome.

So that's a very brief summary of what we did and I'm happy to answer any questions either now or as we go into the Planning Board's discussion.

H. THEODORE COHEN: All right, perhaps we'll hold our questions until after we hear from the public.

So the public will have an opportunity to speak now. When I call your name, please come forward and state and spell your name for the stenographer. State your address. You will have three minutes to speak.

Is our system functioning?

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: Yes. So you will see a green light and that means go. And when it turns yellow, your time is nearing an end. And

when it turns red, we ask that you stop.

I'll start with the names on this list.

I apologize in advance if I mangle your names.

It means I can't read your handwriting.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Excuse me, I've not attended one of these before.

Do you take questions at all? I'd like to speak

but I have a question so I don't want to speak.

H. THEODORE COHEN: Not now.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Okay.

H. THEODORE COHEN: You will have an opportunity. You can come up and speak and you can ask your question at that time.

We ask that you speak only for three minutes. If you haven't signed this list, it doesn't matter. And anybody who is here and wishes to speak will have an opportunity to

speak. We do have quite a number of people who have indicated they wish to speak. We do have other hearings this evening. So I'd ask that you don't simply repeat what other people have said. Hearing the same thing 10 or 15 times is not going to influence us. If you just want to say you agree with what was said before, that's great. But we'd appreciate it if you could make new and additional points when you get up to speak.

So we'll start with Councillor Carlone.

COUNCILLOR DENNIS CARLONE: Thank you, Mr. Chair. My name is Dennis Carlone, C-A-R-L-O-N-E at Nine Washington Avenue in Cambridge.

I headed the Ordinance Committee hearing that the petitioners spoke of and I wanted to say I think for the first time the City Council all

said what an excellent memo was prepared by Community Development, the memo you have. And it's rare that any planning write-up gets a unanimous salute, so it's something to be celebrated.

If this were a planning study, if we were looking cold at this neighborhood and discounted the existing Zoning, one of the assets any planner would see is that there's some open space, but somewhat limited, and it's being eaten up. And you would begin the question, when you add flooding on top of that and add that it's the densest neighborhood in one of the densest cities in the country, this raises it to a point that it's a concern. It's an issue.

I would magnify it even further and say when someone builds a million or a million and a half dollar house in the backyard which then has

views into somebody else's backyard, that's an issue. But when that second person builds a unit in the backyard and the million and a half dollar unit now looks at another unit 20 odd feet away, that's kind of -- you have to begin the question that the backyard is the relief for this whole neighborhood. I'm trying to be quick so I'm trying to just read the points.

So CDD has mentioned the four alternatives, the way to look at this. The neighbors have said this is an open space and setback concern, No. 1. And they went about it by looking at the Zoning list of districts and said well, the next one down, which by the way, our neighborhood got 20 years ago when it was down zoned, Cambridgeport, why can't we qualify for that?

As far as the conservation district goes,

I have a lot of -- I think one of the members does, too, a lot of experience with that and Zoning rules. It is aesthetics and trying to fit in, but Zoning rules and that's why Zoning is the most important.

And I think the question comes down to is how big does the population really want to be in this neighborhood? I think it's a question for the whole city for that matter. 26 units will be lost as I understand, could not get built without a Variance if this Zoning were passed. We're building thousands of units elsewhere in the city. This is miniscule. It has more to do with the character of the community.

So I just wanted to say I support this petition in principle. You might play with the edges. You might look at it a little differently. But the basic goal of keeping this

a green community, I think, is really key and this is unique. You know, it was mentioned that Mid Cambridge and maybe East Cambridge have somewhat similar issues. Mid Cambridge, this is a big issue, but after that, it really isn't citywide. This is unique.

Thank you.

H. THEODORE COHEN: Thank you.

Ben Umans (phonetic).

(No Response.)

H. THEODORE COHEN: No.

Aleta Cane.

ALETA CANE: Good evening, it's Aleta Cane, A-L-E-T-A C-A-N-E and I live at 32 Kinnaird Street, Cambridge.

I would like to quickly address the long-term issues surrounding the petition to down zone or section of Riverside. I'm working with

David and Maggie and the rest of the committee and I stand to support the proposal. Too often our governments and the people they're charged to represent, take a short-term view of issues under consideration. These views are held with the best intentions to be sure, but they are often short sided. And my own notes, which I want to abbreviate, remind us that when the pilgrims arrived, there was a lot of new forest around here. And within 50 years it was totally gone. It took 200 years to regrow it. We don't have 200 years. They had, they had unlimited time. We have, we understand with climate change coming or climate change now, that when you take away the trees, they're gone forever. When you build housing, it's there forever. There are some things that we can start now and there are some things that we can stop now, and some of the

things that we should consider now in terms of long-range planning and not just questions about what's needed right now.

The Cape, we know -- to go back to that particular area, the Cape we know now is having discussions about building more infrastructure to put more people on the Cape because getting there is so difficult. But mind you that Cape is going to be very much under water very soon. So we have to think about do we want to spend millions of dollars to build another bridge to the Cape? Is that necessary?

Riverside at this moment already has many problems, one of them is housing. -excuse me, one of them is parking. And additional housing on the land that's used to accommodate but one dwelling will make this work. I too have read Jason Furman's recommendations to good President

Obama, and I've read the editorial in the Globe that suggests that our proposal is just another NIMBY attempt to keep people out of our neighborhood. That is so not true. We recommend the neighbors, we support multiple family constructions to the triple deckers, the ubiquitous housing structures of Cambridge. We support Variances to the additions to the already extended structures in our neighborhoods. We come to the meetings, we support our neighbors. But new neighbors, too, will be less comfortable with overcrowding and a lack of green space and a lack of additional parking on our already overtaxed streets. When we overbuild, we do it as a move towards inclusiveness and the idea that more housing is always better. Think, though, once housing is built, it does not go away. Folks from the S in my backyard group with whom

we have great sympathy and understanding spoke against the petition, and I would like to say that I understand it is good to live in Cambridge. I like living in Cambridge. I lived here for 20 years.

H. THEODORE COHEN: Ma'am, could you wrap up your comments?

ALETA CANE: Oh, sure.

I just want to say that we are, we do welcome new people. When people say that they want to build in, they want to say yes to building in their backyard, that unfortunately it is not their backyard. They are renters. We need to also pay some attention to the people who pay taxes in this city and who have been paying them for a long time. Building things right on top of us all the time, taking away the trees, has to be considered as not exactly inclusive or

fair.

Thanks very much.

H. THEODORE COHEN: Thank you.

Lee Montgomery.

LEE MONTGOMERY: Do you want a copy of my notes?

H. THEODORE COHEN: Be happy to take them.

LEE MONTGOMERY: Good evening. Thank you for letting me speak. I am new to the game. I have lived in -- oh, I'm sorry. Lee Montgomery, L-E-E M-O-N-T-G-O-M-E-R-Y. I live at 108 1/2 Kinnaird Street. I've lived there nine years. I'm late to this particular game. I got an e-mail from David about this meeting. I did not get on that petition. I didn't know about it, but I'm definitely in favor of this rezoning.

Living in Cambridge is a delight. I love

the diversity of our neighborhood. It's diverse in population. It's diverse in architecture. We welcome young families with children. We have a brand new school for them. I live right across the street from it. I don't know too many young families who are going to be able to pay one and a half million dollars to live in one of these new backyard structures.

The parking is already a nightmare, and we're getting increased traffic moving through our neighborhoods from one area to another, plus more people fighting to find places to put their cars.

I just -- when David e-mailed me, I said well isn't this a no brainer? I mean -- I just don't see why we need any more density. We're already crammed in there cheek by jowl and we already like it. Goodness, I think enough is

enough.

Thank you.

H. THEODORE COHEN: Thank you.

Angela....

ANGELA CARINI: Carini.

H. THEODORE COHEN: Carini?

ANGELA CARINI: Yes.

H. THEODORE COHEN: I'm sorry.

ANGELA CARINI: Hello. My name is Angela Carini, C-A-R-I-N-I and I'm at 27 Kinnaird, No.

3. I'll be brief.

I support this. We've lived in Cambridge for eight years and in our current residence in eight years, so it's 15 years total. And for all of the reasons that have already said, we support this. I want to say that to my neighbors that are here, we're also very supportive of anybody who is living in their house and wants to seek a

Variance, we'll be at those meetings. That's not the issue. It's the disappearance of the backyards and the permeable groundwater space. When there's rain, it is, it's very clear that it's just running off and into the street and it's kind of scary sometimes.

So thank you for listening.

H. THEODORE COHEN: Thank you.

Gavin Brathwait (phonetic), I don't know whether you wish to speak or not.

ANGELA CARINI: I mistakenly checked him.

H. THEODORE COHEN: Okay.

Peter Kuhlmann.

PETER KUHLMANN: Hi. Peter Kuhlmann, K-U-H-L-M-A-N-N, 515 Franklin Street.

I want to speak in opposition. While I support the aims of this petition, from seeing the evidence and from seeing proposals, I am both

unconvinced that this actually is achieving the goals that it's setting out to do, specifically those that have to do with climate change. You know, I think we're talking about 26 folks. In the grand scheme of things, it's a small number but that's maybe 50 people who maybe live in the suburbs and then drive to work, 50 cars on the road, things like that. So I think smart urban development is, you know, done smartly, it needs to address some of the concerns. But I think the second issue is that further analysis is necessary to look at the kind of negative externalities. The increase in non-conformities, you know, I think significant when you talk about it, I think it was 80 or 89 percent, and there are costs to, you know, there are costs and uncertainties to the BZA process. And I think it's great as a community we support, you know,

each other when we do that, but, you know, those costs increase the costs of housing because if you want to add a unit, you don't need just to build it, you need to, you know, get plans, you need to get all that done in advance and you don't know if you'll get approval. And most times folks do but sometimes they don't.

So I would propose that further study be done. And I think we look at, you know, the open space. One, it's not, you know, I think if we just freeze things like we are, we're still going to have a problem with flooding. Looking at, you know, the parking situation for instance, to me it seems a little nuts that you can pay \$35 a year, the City of Cambridge let's you take a car size spot of non-permeable land so maybe that's something we need to look at. It's difficult for all of us, but I think the problem with this

proposal is it sort of puts the burden on anyone that happens to have open space without kind of sharing the burden, you know, of those who already have built out lots that this doesn't really impact.

And finally I guess kind of a question to look at, as I understood the report from CDD, it seemed the open space calculation was a little bit rough because it doesn't look at the dimensional characteristics which is what the BZA looks at when it comes in, and the Building Department in terms of permitting. So if I understand it correctly, it's including a lot of permeable space, but side gardens and things like that, that don't meet the 15-foot dimensional requirement. I think since that open space is sort of a main focus of this, it would make sense to take a closer look at what open space are we

really talking about, you know, that's eligible for development and what isn't?

Thank you.

H. THEODORE COHEN: Thank you.

Nancy Carpenter.

NANCY Carpenter: Thank you. Nancy Carpenter, 27 Kinnaird Street, unit 1.

And I am speaking in support of the petition. And I do have a letter from which I'll hand to you. And I'll just be brief. You know, all of the same issues around the open space and the green space and the permeability are key. The impact on our foundations and our basements when flooding happens has really got to be considered.

The impact on insurance costs when we all have to deal with it, is something that affects all of us in Cambridge so I think that should be

taken into account, and that this proposal will help mitigate that.

The other thing I really want to talk about is that opponents of our proposal have suggested that supporters of this Zoning change oppose affordable housing or are seeking exclusionary neighborhoods. Nothing could be further from the truth. With regard to affordable housing it should be very clear to anybody who has paid any real specific attention to what's going on in our area, we are not talking about affordable housing. And in fact, what's going on is raising the prices of land and property in the area. So I don't think it's fair that we are being -- that this is being presented that way or opposed in that way. It just isn't true.

It's rather, you know, it's an issue of

developers being able to maximize their profits over all other considerations, and we think we need some protection from that.

And the third thing is I just want to say this isn't, we're seeking this Zoning change because it's a real mechanism that's available in realtime. This isn't theoretical. It's not ideological. We're just really asking for your help for something that's affecting many of us.

Thank you.

H. THEODORE COHEN: Thank you.

Rosemary Harborson.

ROSEMARY HARBORSON: I'm Rosemary Harborson and I live at 479 Franklin Street. And we've moved here in 1963. So I'm an historical object.

And one of the great things about this was, this great town was that it had a character

and a quality and a sense of place with people. It's losing it fast. And I approve this proposal because the slide down into Palo Alto East is very much an alarming idea. I think that the elephants in the room are Harvard and MIT, and my husband teaches at MIT, and I think it's time they took some responsibility for the pressure they're putting on the city. And when the Novartis and all these people that come, I think it's time for those entities to help in this problem and providing in their own sense, in their own area some kind of housing for what they're dealing with.

I don't have a whole lot to say. I think a lot of things have been covered, and I think it's really important to try to keep this small and beautiful and down home community intact.

We have a beautiful house and beautiful

front lawn and we're near a beautiful little park, come see us.

Thank you.

H. THEODORE COHEN: Is it, sorry, Sari Slater? I don't know whether you wish to seek or not.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Suzi. No.

H. THEODORE COHEN: Suzi? No? Thank you.

SUZI SLUYTER: Just to go up to support of the proposal.

THE STENOGRAPHER: Could you please give me the spelling of your name?

SUZI SLUYTER: S-U-Z-I S-L-U-Y-T-E-R.

And I would just echo what has been said in support of the proposal. Focus on the green space.

H. THEODORE COHEN: Thank you.

J. Wilson, do you wish to speak?

J. WILSON: I'll speak very briefly. I support the proposal. I live at 36 Jay Street. I have lived there for 45 years, and on my street, which is a small block, there's been a huge amount of development. Backyards being taken over, you know, many condominiums being built. So it's impacted parking, it's impacted basement flooding, and just the whole character of the neighborhood.

Thanks.

H. THEODORE COHEN: Thank you.

C. Greenwood, do you wish to speak?

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

No, but I'm here in support of the proposal.

H. THEODORE COHEN: Thank you.

I'm sorry, I can't read the first name.

Mr. and Ms. Beaudreau (phonetic).

KATHERINE BENNETT: I'm Katherine Bennett, B-E-N-N-E-T-T, 39 Pleasant Street in Cambridge.

As it stands right now, I think I am against this proposal. I was born and raised in Cambridge, went to Cambridge High and Latin. My parents were immigrants. I've seen all the changes throughout the city. I am not a millionaire. And I own the one-family home and I think if I would like to build up, I should be able to build up. I'm not a millionaire. I understand the in-fill. But if it's going to impact a single-family homeowner, then I'm against this proposal because I don't like to see a blanket proposal done for a whole area that will impact someone like me that was born and raised here. I didn't move into this city. I

was born and raised here. I loved it here. I want to stay here. But if I don't have a million dollars to do a renovation now and I want to petition to do it in a year or two, and I have to go through all these hoops and spend a lot of money and hire lawyers, I'm opposed to it.

Thank you.

H. THEODORE COHEN: Thank you.

So you were Kathy Bennett. I'm sorry.

Scott Schlissel.

SCOTT SCHLISSEL: Scott Schlissel, S-C-H-L-I-S-S-E-L. I live at 27 Kinnaird Street, No. 2. I'm here tonight in support of this proposal. We've heard a lot of talk about pros and cons of this, but really it comes down to what do we want our neighborhood to be. And I think what you're hearing from the residents of this neighborhood is we want to maintain the

little bit of open space that still exists. We don't want to be a Boston, right? One of the things I think people like and live in Cambridge is we're a combination of city and open space. It's not one building on top of one building on top of one building, and that's rapidly where we're heading right now. So the idea of maintaining the little bit of open space that still exists is really an important thing. And one of the other things that we've heard a lot, I think, is a concern about loss of housing. And I think actually the opposite is really the case, that this actually protects modern income housing, because if you have a building today, a triple decker, that exists and you have the ability to take a lot and make that building three times or double the size of it, you're taking away a moderate income housing and you're

replacing it with a million, million and a half dollar condo units. So really I think this actually supports and increases the ability for moderate housing to exist because that you lose the incentive to take and tear down an existing triple decker. So the things you've heard, I'm not gonna reiterate too much, but the idea of permeability, the idea of maintaining these houses, and the open space is very important so we ask for your support.

Thank you.

H. THEODORE COHEN: Thank you.

So that's everyone who signed the list.

Is there anyone else who wishes to speak? All right, we'll get everybody.

Sir.

BRAD BELLOWS: Thank you. My name is Brad Bellows, B-E-L-L-O-W-S. I live at 87 Howard

Street and I've lived in Riverside for about 30 years. The first five were on Kinnaird. I was a neighbor of David's. Thank you, David. And the -- but I'm one of the neighbors who after thinking about all of the components of this proposal, while supporting some of its goals particularly related to the open space preservation, decided like the 99 percent of the neighborhood not to support it for a couple of reasons. And we've heard lots of compelling arguments about the open space, but there's a lot more to this proposal than just that. There's an FAR change. The FAR change, no case whatsoever was made for lowering the FAR from 0.75 to 0.6. And I would say in our neighbor -- our part of Riverside and around Howard, it's 1.5. It's more than double the existing zoning. There's a huge degree of non-conformity, and I actually like it.

I mean, it's -- the fact that there are more people in Riverside. That there's, you know, we're five minutes from two major subway stations. I think that kind of population increase is appropriate. And to address Councillor Carlone's point about Cambridge and the sense that there's something inequitable about growth of population in Riverside, that's what makes cities interesting. It's part of the texture. It's always been part of Riverside. Working class housing kind of neighborhood. But on the FAR point, here's what I don't understand, we saw these pictures of in-fill in the backyards, and the sense that all the open space is being filled in, but with an FAR of 0.75 and a height limit of 35 feet, you're covering 25 percent of the lot with a three-story building by the time you hit the FAR, leaving 75 percent

of the lot unbuilt. I don't see how it's possible to fill in all the open space with that FAR given the height limit we have, and no case was made for that. We -- no FAR was provided for these pictures we saw. I don't know whether they got Variances or what the story is. But I think there's an overreach on the FAR change in particular. I also, to address the point that one of our neighbors also made about the impact on her -- essentially her life savings, which is her single-family house, I think there is an issue of fairness around that in that you're asking one person to subsidize another. You've got half the neighborhood at double the FAR and beyond and you're asking the few people who haven't maxed out their property to sort of write a check to support a public good without compensation. Now, I don't think there's ever

going to be compensation, but I think if this burden fell on everyone equally, would be one thing, but that's not the way it's gonna work out. It's gonna fall on the people who are less ambitious about maxing out buildings to the full limit of the code, and I -- so I would urge -- I think this -- Community Development has done a great job. They brought to light some interesting things about the differences of texture. I would say the Jay and Kinnaird blocks are very remarkable. I remember from when we lived there for those years there is a really huge open space there because of the backyards, and I think that's worth trying to solve. And I think, you know, yard restrictions and other devices might be a better tool, certainly not the FAR reduction. So I would urge that you not accept it in this form and go back to the

Community Development and try to craft a way of preserving these backyards that -- and particularly for this core within the core.

H. THEODORE COHEN: Sir, if you could wrap up?

BRAD BELLOWS: Yes. That's it pretty much.

Thank you very much.

H. THEODORE COHEN: Thank you.

Ma'am.

JOYCE SINGER: My name is Joyce Singer, S-I-N-G-E-R. I live at 524 Franklin Street and we've, we have a two-family house and we moved in in 1981. I've seen a lot of change and I do support the petition to rezone because personally I don't think any of the buildings are providing housing for anyone who could afford to live in Cambridge. When we moved in in '81, the first

year someone offered to buy our backyard for \$100,000 and we were fortunate that we were in a position to refuse the offer and so we have a backyard. And I don't think any of the backyard buildings are hardship buildings. They're going for millions of dollars. It's not like it's providing, you know, young families who could go to the Cambridge public schools. I've seen people move out because they couldn't afford. I've seen my neighbors who are renters have to move out because someone bought their property and raised the rent or evicted them because they wanted to build something else. I've seen families with small children have to leave Cambridge and the school enrollment is down. So I think -- and the light in the neighborhood is changed so much with the buildings changing, so I support it.

H. THEODORE COHEN: Thank you.

Sir.

MATT MURPHY: Thank you. My name is Matt Murphy, M-U-R-P-H-Y. I live at 27 Kinnaird Street, unit 5. I've been there about 26 years. I'm here to speak briefly in support for the proposal. I was at Ordinance Committee meeting last week, and was really surprised to hear a number of speakers against this proposal use the extremely charged phrase exclusionary zoning. I mean that touches all kinds of hot button issues especially here in Cambridge. And I think a number of the speakers, as well as the slide presentation show, and as someone who was sitting next to me I think used the phrase "It's a no brainer." The 26 housing units that potentially may be lost by this are not going to be affordable housing units. They're going to be

more of the 1.5, 1.9 million dollars condos. So it is not exclusionary zoning in my opinion. And, you know, I just would urge the Council given how much, how much goes along with that phrase not to be swayed by the phrase exclusionary zoning when it seems, as I said to be a no brainer and it's not.

Thank you.

H. THEODORE COHEN: Thank you. Yes.

JAMES COBUR: I'm James Cobur (phonetic), 444 Franklin Street. I've lived there almost 25 years come December. And I've lived in Cambridge since '81.

I believe I agree with the goals of this down zoning, but I question whether this will really accomplish anything, really, considering the small number of properties impacted. In regards to the problem of drainage, we had an

event last Friday that came very close to flooding many people's cellars. If the City was really interested in solving this, they would try more ways of mitigating the excess water, and there's a lot that could be done, like, sidewalks that don't have a layer of asphalt under the bricks, just bricks. So this is an important issue, but I really think that this zoning proposal doesn't go far enough and really won't accomplish very much. So, I question, I question this proposal.

Thank you.

H. THEODORE COHEN: Thank you.

Yes, sir.

RICK MOORE: Hello, my name is Rick

Moore --

H. THEODORE COHEN: Please come to the podium.

RICK MOORE: My name is Rick Moore. I live at 440 Franklin Street. I'm in opposition to the proposal. The way I feel about it is this property had a set of rules when I purchased it. The neighborhood changes, there's zoning, there's lots of protections to make the neighborhood that what we want to live in. What we have here is people trying to change the rules under which I purchased my property, and I personally don't see how anybody who lives in a non-conforming property should even have a say on this. My property -- I have no plans to do anything with it, but who knows what the future holds. Maybe I'll have grandkids, maybe they'll need a spot. And who knows what happens. What I do know is that what we're referring to is open space, I refer to as my yard, I paid for it. And I think I'm viewed certain rights with that with my

purchase. And I understand people would like to have a good view and all of those things, but I don't owe it to you. I owe you to maintain the rules that I paid for. I owe it to you to be a good neighbor, but that's it. And I think what we have here is people trying to tell other people what to do with their property, and I don't think that's what we need. And that's pretty much it.

H. THEODORE COHEN: Thank you. What is your name again, sir?

RICK MOORE: Rick Moore.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

Miss.

SHELBURN THURBER: My name is Shelburn Thurber and I live at 32 Hancock Street and I just want to support the petition. I'm very

sympathetic to many of the points that have been raised in opposition. What I would say, first of all, to this idea that what difference is it gonna make really at this point? I think every little bit makes a difference. And I have watched a couple of floods take out my neighbor's basements and it's, it's awesome to behold. It's kind of frightening. And I think anything -- I think the idea about figuring out other ways to mitigate this problem are -- we should definitely consider, but I think that this is one way to do it. I'm also sympathetic to people who feel like people who live in non-conforming spaces shouldn't be able to dictate this, but I do think that there's plenty of leeway for people wanting to make changes to their home in order to accommodate additional family members. I don't think that this rules that out at all. So like I

said, I'm in support of this petition because I think it's, it's not really asking a lot and I do think we are overly dense already.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: None appearing.

Then, Board Members, who would like to start?

Hugh.

HUGH RUSSELL: I guess my thinking on this proposal is shifted about 180 degrees. I think the open space is a crucial issue. I tried to look at this open space map and say, okay, where are the 26 backyard houses going to go? And the answer is it looks, you know, this -- I'm guessing of course, but it's like, yeah, every significant backyard is going to have a house in

it. Is that really good planning and good for the city? And I'm now convinced that it's not good for this neighborhood to have the large backyards filled up with million dollars and million and a half or two million dollar houses. The proposal, I think, would be fairly effective in part because of the FAR reduction and part because of the open space (inaudible).

So I would favor recommending this to the Council, and I would address the question about non-conformity in a different way. And I've spoken about this earlier in discussions with the Envision process, specifically challenging the Envision team to find ways to make it easier for people to make modest changes to their houses both in terms of process and in terms of, you know -- it takes a long time to go to the Zoning Board. I know, I've done it twice. And it

also -- the standards that they have to apply are the wrong standards. That's my principal problem. That, you know, minor non-conformities ought to be Special Permit issues. That's how the Board actually sees them. And it should not require showing a hardship. And I think if that change can be made citywide, it would benefit every member of the city. Everybody who owns a house. So those are my views.

I'm sorry people didn't like the neighborhood conservation district, but I -- because it has been effective in my neighborhood. But it does require substantial support to be enacted. It's not as effective a tool as the zoning change proposed. And if you're really trying to focus on the open space, the conservation district can consider open space, but it cannot prevent that development. It can

modify it, but it can't prevent it.

So, anyway, those are my views.

H. THEODORE COHEN: Thacher?

THACHER TIFFANY: This is a really tricky, tricky issue, and I can understand you've changed your mind back and forth. You know, on -- I think the most compelling case for the proposal is that it is that this is the densest neighborhood in Cambridge by population, maybe not by all types of activity, but that's the significant reference, and I think the value of the backyards that are available, as Hugh pointed out, it is apparent. On the other hand, you know, you hate to change the rules having, you know, having zoning in place consistent, you know, year after year I think is, is the ideal, ideal approach. And I'm curious to hear what other board members have to say about alternative

approaches. You know, in the memo it talks about, you know, maybe focusing on the setback issue. If it's really about the open space, maybe there's way to focus on the setback and not change the FAR. I would be curious about exploring that a little more. But being new to the conversation, I'm not going to have a strong opinion either way until I hear what others have to say.

H. THEODORE COHEN: Mary.

MARY FLYNN: As Thacher pointed out, it is a very complicated dilemma and there are certainly arguments on both sides that have merit.

My position on it is that the current petition is too broad brush. Again, we're trying to get at open space and trying to preserve some of that, but there are homeowners in the area who

do deserve some relief when it comes to expanding their homes, etcetera. And it's true the Variance process, etcetera, is very, very cumbersome. And, you know, based upon what you actually have to prove to get a Variance, it's almost impossible. I mean we know people do get them, but it's very hard for people to meet the hardship criteria. So I would not be inclined to want to make it harder for even more people, particularly those who own their homes and want to stay in Cambridge. I'm less sympathetic to the idea of a developer buying up a lot and, you know, building two very expensive homes. That certainly doesn't meet the neighborhood's objectives nor does it meet the City's housing objectives. But I think we need to do some fine tuning. So as Thacher said at looking at some of the options is the way to go. I don't know

whether it's the setback one or planning the open space one. I'm intrigued a little bit with the multiple structures approach only because I know we had a case in a different neighborhood a short time ago where we found that the two structure approach was preferable to the single-family. So it may be that it's a combination of these, but I don't think it's as simple as going from Res 1 to Res C.

H. THEODORE COHEN: Catherine.

CATHERINE PRESTON CONNOLLY: So I wasn't present for the first go-round with this particular zoning petition, so it's been interesting to kind of get up to speed and read the staff memo fresh. A number of things strike me about this petition, one of which is I agree with Mary that I think that it is too broad brush. I also -- the drawing the lines for the

neighborhood the way it has been drawn doesn't intuitively make sense to me except to minimize the number of non-conforming structures, which maybe that's a good reason, maybe it's not, but I guess I didn't see the rationale for carving out this particular area in saying it deserves to be less dense than other parts of Riverside.

I do think that the concerns that have been expressed about open space when preserving it are valid and that the City should undertake efforts to make sure that there is a certain presence of trees and green space, private and public, available in any neighborhood including those that are the most dense in Cambridge. But, you know, I guess I'm -- as urgent as I understand the petitioners feel that this is, I am not in favor of just saying here's the fastest thing we can do, it may not fit right, it may

have a whole lot of other consequences, but it will solve this one problem very quickly and we need to solve it quickly. We're involved in this Envision Cambridge citywide planning study to specifically to address lots of issues like this. And as Hugh said, you know, the question of non-conformities and Variances citywide is a big issue. Most of our residential neighborhoods have substantial numbers of non-conformities and lots of people are struggling with that. If we deal with that, then maybe we find a better way of dealing with density in a way that doesn't impose an additional burden on more people. So I think this merits further study and the city should prioritize looking at how we are going to maintain some open space here, but I don't think the right way is to just say this area that we've drawn to make it so that we can get this through

quickly, you know, it goes from C11 to C.

H. THEODORE COHEN: Steve.

STEVEN COHEN: Well, I generally agree with the perspectives voiced by my colleagues Mary and Catherine here. I'm totally sympathetic with the general desire of the neighborhood to preserve the character of the neighborhood, but the truth is that the character of the neighborhood reflects a density greater than 0.65. And it in fact reflects a density greater than the current zoning of 0.75. So I'm not sure that it's really accurate to say that we're preserving the character of the neighborhood, but there may be elements of the existing character to address. You know, I'm, you know, troubled any time when you have a neighborhood that's already more than 50 percent of the structures are non-conforming and to exacerbate that

condition and make, you know, more than 80 percent of the units non-conforming, it doesn't seem to be the way to go. And really many of you may not be fully aware about how problematic it is to do anything in your home when your home is non-conforming. And it's, it's been suggested or implied that well, you know, there will be kind of a hassle of going to the ZBA and getting a Variance but it's worth it. But it's more than just a hassle to get a Variance, it's difficult to get a Variance and you're not entitled ever to a Variance. And if you are granted the Variance, if one of your neighbors isn't really happy with that outcome, your neighbor can appeal that Variance. And guess what? Your neighbor will prevail in court.

So, you know, it seems to me if there's an issue here, my colleagues have used the term

that it's hitting it with a broad brush and I agree with that. I would use another metaphor, that we're using a sledge hammer to address a problem which might be better addressed with a scalpel.

So kind of the question, then, would be what would it mean to use a scalpel in this context? Well, the scalpel implies that you have a much more clearer, more defined definition of what the question is and what the problem is that has to be addressed. If it's explicitly backyard development, preservation of backyards, I think a simple change in the Zoning simply providing for a greater backyard setback might be the way to approach it. If it's the number of units, you could address it that way. You don't have to, by the way, adopt an existing zoning district with its existing regulations. You can, you know,

revise the regulations in your zoning district or create a new zoning district which is, you know, custom designed to address the specific issues that you have in your neighborhood.

I do still believe again persevering with that scalpel approach. I do believe that a neighborhood conservation district is precisely the scalpel that would be appropriate here, and I actually disagree with Councillor Carlone on the matter that zoning always prevails. And, in fact, the regulations of the neighborhood conservation district can trump zoning, and it provides a mechanism whereby a board of your neighbors can look at the very specific circumstances of a very specific lot in its very specific context looking at a very specific proposal and with a great deal of flexibility rule on that proposal. And maybe the criteria in

that conservation district is to avoid excess in-fill as -- which is one of the criteria that we have in our Mid Cambridge neighborhood. There might be other criteria that you decide to adopt. You write your own Ordinance and, you know, in cooperation with city officials. You can address specifically open space. You can address whatever it is are the real priority issues that you're concerned about and that you want to address. But when you use a device like this, you don't simultaneously render, you know, all of your neighbors's homes in more non-conforming. You don't simultaneously reduce the ability of your neighbors to make, you know, reasonable non-offensive adjustments in their homes whether it be adding a small addition or a dormer or some such thing, all of which would be problematic if you tried to hit this with a cudgel of a zoning

change.

So, again, you know, I'm sympathetic with the concerns and I think there are ways to address the concerns. I think it would be important to A, to really define those concerns more particularly and not just say we oppose any more development, and then come up with a much more specifically refined device to address. I do think that the neighborhood conservation district approach, which I think is not well understood and there's no reason for you to really understand it well, but I think if folks understood it better, I think they would feel much more comfortable and confident that that device would address your concerns. But if for whatever reason that isn't the approach which becomes acceptable to you, I think a much more narrowly tailored zoning change would be the way

to go. I think this approach is overly broad.

Thanks.

H. THEODORE COHEN: Lou.

LOUIS J. BACCI, JR.: Well, there's been a lot said I guess, I also agree that it's kind of a broad brush --

JOHN HAWKINSON: Can you use the mic, please?

LOUIS J. BACCI, JR.: -- approach as we thought it was the last time. I heard a lot of people talking about flooded basements and so forth. Those can be built into living space now, remember. So this is another problem. This has always been a dense neighborhood. I think it will continue to be a dense neighborhood. I also think that the neighborhood conservation district would have been the better direction. It would have been, the people that live in the

neighborhood controlling the destiny of their neighborhood.

I think it also does hurt some of the longer-term people who have had larger parcels in the neighborhood. People got to develop theirs and now they can't? I'm kind of against this. I think that's enough. I think everyone sees where we're going.

H. THEODORE COHEN: Okay. Well, I'll try not to reiterate what a lot of other people have said. I agree with most everything my colleagues have said. I agree there is an issue that we should attempt to resolve, but I think this is -- if we're talking about a number of properties that will be affected as being somewhere in the twenties to change the zoning for an entire area and make an already large number of properties non-conforming, a much greater number of

non-conforming structures is not a good idea. I think there are other ways that we should attempt to resolve it. I agree with Hugh, that if we could get away from the Variance for small changes, but that's been an issue since the supreme -- Massachusetts Supreme Court rules about 20, 30 years ago that took away what the municipalities had been doing with a little more ease.

And I think it's wrong to change the density of this entire area where we are looking to increase density throughout the city. That we've now allowed basement apartments. We're doing a lot of other things to provide for the housing needs we need in the city.

I understand this neighborhood is dense, but it -- when I drive around it and walk around it, it is a neighborhood of single, two, and

three-family dwellings. It would be wonderful if we had more triple deckers being built, but that is not a style that's being built these days.

And while I know a lot of people don't want to hear this, but the open -- unless it is public property, the open space you're all talking about is probably somebody else's property, and they have the right to use their property and to develop their property in accordance with the Zoning and with the other regulations in the city. And as we found out in another matter recently, zoning does not protect trees. And I think there is nothing else in the city that actually protects trees, whether that's something that maybe some other agency in the city could address, maybe something Envision Cambridge can look into. But even if you banned building, somebody could go in and chop down the

trees that you say you love. So I think this is an issue that we should attempt to address. It certainly looks like Kinnaird Street is where the issue is really arising from and maybe there's some way to just address a couple of block area rather than an entire, much larger neighborhood and not subject the entire neighborhood to the negatives that might indeed arise from this.

Any other comments?

(No Response.)

H. THEODORE COHEN: Jeff, do you have enough to -- I think the sense is that we'd all like to try to do something -- I'm sorry, I had one last point. I was intrigued by the multiple structure concept that we've used with the Special Permit to allow or to grant a Special Permit to build a second structure on certain lots and certain districts, and that maybe that

is something or some variation of that could be tailored to address this open space issue.

Hugh.

HUGH RUSSELL: So I've been thinking about that particular question and I think every single time it's come to us from multiple structure permits, they've got it. And I -- and it seems to be because the abutters would rather have a little open space here and a little open space there rather than having a long structure. And so I don't think it's in effect too long to prevent backyard development because the arguments that have been presented to us and have been convincing and they have not prevented it. I mean, each case is pretty individual and so they sort of -- we look at the existence of that pattern and adjacent structures, we look exactly what's going on, and but I don't think we can

rely upon that particular thing to --

H. THEODORE COHEN: Well, perhaps not the way it is now.

HUGH RUSSELL: Yeah.

H. THEODORE COHEN: Because indeed in each of those cases, you know, that I've been involved in, there was an as-of-right alternative that would -- the Board thought was much worse and that would -- which is indeed we have to make the finding about under that provision.

HUGH RUSSELL: Right.

H. THEODORE COHEN: That the two structures was a better alternative.

You know, I'm just suggesting that maybe there is some way to work from that concept to tailor something that works and addresses the open space issue. And I, you know, I don't pretend to know exactly how it would work right

now, but I think that is something CDD looked into and mentioned in their memo as one possibility.

STEVEN COHEN: Ted --

HUGH RUSSELL: I think Steve's direct suggestion of saying make sure that there's a minimum backyard, that's significant. And it might be it.

H. THEODORE COHEN: Maybe that's it.

LOUIS J. BACCI, JR.: Right, that was my --

HUGH RUSSELL: Most housing is non-conforming.

STEVEN COHEN: Yeah. I would reiterate that, but also going to your thoughts about the separate structure, I've been involved or seen I think three matters where alternatives were presented of, you know, having two separate

structures or connecting them. And the issue isn't really, you know, when you have a mark responder or anything invariably the single structure was sort of massive looking and unyielding. And by comparison the two smaller elegant structures were more appealing. So I agree with Hugh that for various reasons it probably wouldn't end up addressing the problem.

But, you know, as I suggested and as Hugh perhaps suggested, if it is the open space in the backyard that is the primary concern here, well let's address the primary concern that we provide a greater rear setback.

LOUIS J. BACCI, JR.: That was my point, and I didn't think we were here to prevent backyard development and how about prevent backyard development that wasn't done well? I agree the setbacks and so forth and some of the

designs that we've seen are very good and some, again, the larger single structures sometimes kind of looming. I think it's kind of -- goes back to the design. And a lot of the slides that the proponent showed had adequate parking, had yeah, there was a lot of hardscape, most of it seemed permeable. I don't know, done well I think it's worked.

H. THEODORE COHEN: Okay.

If there are no other comments, Jeff, do you think you have enough to provide a sense of the Board to the City Council?

JEFF ROBERTS: Just to ask a clarifying question. Does the Board wish to vote -- is the Board going to vote a recommendation to the City Council or is it something that the Board wanted to just talk about more with us?

H. THEODORE COHEN: Well, what is the

timing? Would there be an opportunity to speak with you and other representatives of CDD at some future time?

JEFF ROBERTS: Well, I think the options would be to keep the hearing -- one option would be to keep the hearing open. If you wanted to ask us some questions, we could try to come back with some more information. Of course, it's a very busy time for us and the Board. This has somewhere on the order of three months until expiration because the -- oh, wait, no, it has maybe closer to two and a half, two and a quarter months that's expiration because the Ordinance Committee hearing was a couple weeks ago. So there is time for that.

The Ordinance Committee, I believe, kept the subject matter in committee and so that is still, there may be future Ordinance Committee

hearings on this subject as well.

So it's really, I think it's a question of whether the Board wants to continue talking about it because I think if the Board votes a recommendation and sends it to Council, you could put your thoughts out and communicate those to the Council but it's likely not going to come back to the Board for other discussion unless there's a re-filed petition in which case you might hear it again in a few months.

H. THEODORE COHEN: Well, I guess my feeling is that if we have sometime we could continue the matter and ask CDD to look into it further and, you know, to try to address the open space issue in a matter that would not have such broad repercussions on the everyone else in the district.

CATHERINE PRESTON CONNOLLY: But, Ted,

doesn't -- I mean, doesn't that essentially amount to a new zoning petition that would be coming from the Planning Board anyway?

H. THEODORE COHEN: Well, that's an interesting question, and I think City Solicitor would ultimately have to determine if the -- if what was ultimately proposed fell within, I think, if it fell within the purview of, say, the reduction from C-1 to C --

CATHERINE PRESTON CONNOLLY: Okay.

H. THEODORE COHEN: -- then it is perhaps within the context of the petition that was proposed and advertised. But I'm not willing to say that. I think that's an issue that the City Solicitor would have to determine, but perhaps if we still reached some conclusion --

CATHERINE PRESTON CONNOLLY: Yeah.

H. THEODORE COHEN: -- and even if it was

determined that it was not within the purview, then presumably it could be -- just that matter could be re-filed maybe as a Planning Board proposal.

CATHERINE PRESTON CONNOLLY: Okay.

H. THEODORE COHEN: I'm --

CATHERINE PRESTON CONNOLLY: Yeah, no, I'm -- I hear what you're saying. I like the idea of keeping it moving along. I just wasn't -- and it sounds like it's an open question whether or not it would be essentially an amendment to the same decision or not, but -- okay.

STEVEN COHEN: And, Ted, I would think -- and Jeff, I'd like to hear your thoughts on it, but I would think that the staff has heard enough from us about what our thoughts are that I would, you know, would love to hear staff's

recommendation reflecting our thoughts or perhaps, you know, you present two or three or four options to us about how our concerns and thoughts might best be addressed, and then it would be useful for us, I think, to discuss further those options. But without that before us to discuss further the subject, I'm not sure would be the most productive use of our time.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: So, I'm in the minority here.

H. THEODORE COHEN: That's another rare occasion.

HUGH RUSSELL: It's a rare occasion.

So I think what it will take to satisfy the Board in general is to come up with a clever zoning mechanism that accomplishes the goals without creating the -- would say without

reducing the density. That's what we're asking for. And so I think the staff could try to figure out what that is. But if they do figure it out, it would be much better for the Council to hear that this Board had reviewed that proposal and was in agreement. So I think that -- and if we've got the time, I don't think we have to have long discussions, it's like see if the staff can come up with some good idea and if it's there we can endorse it.

H. THEODORE COHEN: Right.

So then why don't we continue this hearing to a time to be determined by staff and giving them an opportunity to try to come up with a proposal. And if they can't, then we'll make a recommendation to City Council as the way the members feel that particular time.

Mary.

MARY FLYNN: Yeah, I think that's a great solution for this evening anyway. I did want to reiterate what one of the other members said, and I'm sorry I don't remember which one did say it, I think looking at the boundaries of the petition again is useful because, again, it does seem like it's a very small subset of the whole neighborhood. So I think, you know, if there's any more analysis that could be done in that regard, Jeff, I would appreciate that as well.

Thank you.

THACHER TIFFANY: Yeah, I would agree with that.

H. THEODORE COHEN: Okay.

STEVEN COHEN: You know, just one last thing, I guess, addressing the neighborhood, I really would urge you to at least consider and educate yourselves a little bit more about how

the neighborhood conservation district could really effectively address your concerns. And I think it's an incorrect statement. I think it was Councillor Carlone said it, that it primarily or exclusively addresses aesthetic matters. And that's simply not the case at all. It can address dimensional issues and sort of general concerns as I said about in-fill or, you know, whatever other criteria or standard you wish to adopt in the neighborhood. I really do think it would be a very effective tool.

H. THEODORE COHEN: All right. Well, why don't we --

JEFF ROBERTS: So just to be clear with and kind of bring us to a conclusion, so the Board would like staff to -- and just to make sure we're working in the right direction, because we have limited time and resources on our

ends. Our focus is going to be looking at specifically at the issue of backyard space and alternatives to address or limit, further encroachment into backyard spaces in this neighborhood, but to leave aside for the time being the issue of density and to -- and just focus on the dimensional requirements?

H. THEODORE COHEN: I think that's correct. And in doing that, I think we should be looking at what impact this would have on, you know, all the properties -- well, you know, you may recommend that it be applied to a much smaller district within this district, but I guess my question to staff at the time would be whatever the size of the district is, what is it going to do with regard to other non-conformities in the district and that history.

Okay. I'd like to -- we will take a

break, but I'd like to ask the Board, we have another hearing that I imagine will take at least an hour and then there is at least one ZBA matter that's on for Thursday that I think we really need to address.

THE STENOGRAPHER: I'm sorry, I can't hear you.

H. THEODORE COHEN: I'm sorry, could you please exit as quickly and as quietly as you can.

We've had discussion with staff about the possibility that we might not get --

JOHN HAWKINSON: Mr. Chair, your comments are not audible.

H. THEODORE COHEN: -- we've had a discussion, I've had a discussion with staff about the possibility that we might not get to the North Point design guidelines this evening. And actually, the North Point proponents have

prepared a highlighted version that I don't think any of you have received yet.

MARY FLYNN: No.

H. THEODORE COHEN: Which would make our discussion, we would focus our discussion a lot better.

They've been advised that we might not get to it this evening. I think it now being almost nine o'clock, I feel more comfortable telling them that we will not get to it this evening. If other board members are in concurrence --

CATHERINE PRESTON CONNOLLY: Yes.

MARY FLYNN: Yes.

H. THEODORE COHEN: And, again, we apologize. And, you know, I think you'll have to talk to Liza as to when you can.

ATTORNEY ANTHONY GALLUCCIO: Early notice

is better than late notice, Mr. Chair.

H. THEODORE COHEN: Early notice, yes.

JEFF ROBERTS: Just because the scheduling has become more of an issue of late, I just thought maybe while we do this right now and everyone's in the room, I could just bring up the schedule that we have coming up.

So as noted, there's two public hearings -- there's a meeting scheduled next week with two public hearings. There's a meeting -- we can't have a meeting the following week because it's election day.

The week after that is November 15th. We have Envision Cambridge update and two additional public hearings.

November 22nd we may have a public hearing. Like I said, it's tentative. And then we don't have anything else currently scheduled.

So I think the options that we're looking at are either one of the, trying to do the same thing we're doing now at one of the future meetings, in which case we may still have public meetings that go relatively late or we could lock it in so to speak to the November 22nd meeting. And I wanted to know how the Planning Board felt about that so we could give a really clear expectation.

H. THEODORE COHEN: That seems sensible to me. I don't -- I mean, I think that's probably the Tuesday before Thanksgiving?

HUGH RUSSELL: I mean, to lock it in as the first item on the agenda?

JEFF ROBERTS: We may be able to do that, because I don't think we've advertised the hearing yet.

H. THEODORE COHEN: You know, I think that is the Tuesday before Thanksgiving. But if

people can commit to being here.

LOUIS J. BACCI, JR.: Sure.

H. THEODORE COHEN: All right, why don't we do that, Jeff.

LOUIS J. BACCI, JR.: Maybe make that the only one. You have room?

H. THEODORE COHEN: Why don't we take a five minute break.

(A short recess was taken).

H. THEODORE COHEN: This is a public hearing in regard to 605 Concord Avenue where it seeks a Special Permit pursuant to Section 19.20 project review, 6.44.19(g) for reduced setbacks at building for on grade parking.. 20.95.1 increase in floor area, 20.95.34 waiver of yard setback requirements, 20.95.25 height increase, 20.96.3 reduction in required open space. And 10.40 General Special Permit criteria for

construction of Phase II of a mixed use development consisting of 49 residential units with ground floor commercial space and at grade and below grade parking.

The project will also include minor expansion and modification of the existing Phase I project at 601-603 Concord Avenue.

Mr. Rafferty, are you starting?

ATTORNEY JAMES RAFFERTY: Apparently so.

H. THEODORE COHEN: That's what we expect.

ATTORNEY JAMES RAFFERTY: Well, good evening, Mr. Chairman, Members of the Board. For the record, my name is James Rafferty. I'm an attorney with offices at 675 Massachusetts Avenue. And this project is so important that I have co-counsel on this matter, Sean Hope, an attorney who also has an address at 675 Mass.

Avenue, is also serving on this project, and he in fact served as landlord's counsel on the Phase I building.

Seated in the front row is Phil Terzis, T-E-R-Z-I-S. Mr. Terzis is a principal with Acorn Development.

PHIL TERZIS: Acorn Holdings.

ATTORNEY JAMES RAFFERTY: Acorn Holdings.

James Piatt is the architect. P-I-A-T-T. Mr. Piatt is also in the front row.

The project is the second phase essentially of a residential project. It's, it will be the companion building to an existing building that was approved about three or four years ago? Four years ago.

That building designed by Mr. Piatt. This building is I suspect a bit of a sibling in terms of design and style. They'll be on the

same lot. They'll have a shared below grade garage, and there are a series of Special Permits because the property's located in Alewife Overlay District of the base zoning FAR of 1.75 for residential and the increased to 2.0. So this application seeks a Special Permit to do that.

As you know in the Alewife Overlay District, the criteria for allowing those increases are an examination of the extent to which the project meets the requirements and design objectives of the Concord/Alewife plan, and set forth in the application is narratives that lay out the manner in which it does, chiefly providing housing in an area where housing is sought after.

The building is located in the immediately -- the building immediately beyond on Concord Avenue is a large sized office building,

and the buildings behind this building are a recently constructed townhouse called Reservoir Lofts. And they were built before this building. They were built -- actually the Planning Board didn't get to see that project as I recall. It seemed to come in just under the GFA threshold that would have allowed the opportunity to spend time with the Planning Board. Why someone would design it in a way to avoid this experience, is unclear to me. But I might be a bit bias because I enjoy myself here so often and I often think too many as-of-right projects would not be too good for Mr. Hope and I.

So having said that, this represents really a very logical completion of this lot. You'll recall that there's a drive-through bank here, had been for many years. It's been closed now for a while. So this building is, as I said,

by necessity will have a strong design relationship and operational relationship with the existing structure.

The other elements contained in the Special Permit address areas where the Alewife Overlay District allows for adjustments both in terms of permeability, open space, and setbacks. And they're largely driven by site conditions. We should note that you may have heard something that's probably worth addressing at the outset. The retail opportunities in the ground floor of this building, this building is being designed in anticipation of being able to accommodate a restaurant tenant on the ground floor. It's about 4,000 square feet.

PHIL TERZIS: It's only 2500 square feet of actual retail space. Part of the 4,000 is the parking that's included in the undercover

parking.

ATTORNEY JAMES RAFFERTY: Okay. And there's a significant patio out front.

The retail in the other building was somewhat compromised to be candid, because after the Planning Board saw fit to grant the Special Permit for the construction of the first building, you may recall an abutting property owner appealed the issuance of that Special Permit, naming all of you as defendants and the applicant. And as a settlement of that case -- that property owner in fairness owns the shopping center where the Trader Joe's and the CVS was there. And they were very concerned that too much robust retail in that location would be hampered by inadequate parking and would drive those parkers into their parking lot which would impact their tenants. So there was a lot of

discussion about that. So there was a settlement in that case where the property owner there agreed to exclude certain type of retail uses, and restaurants was one of them.

That agreement doesn't apply to the second building. And the parking here for the retail and the lot now is going to be 19 spaces. And Mr. Piatt can tell you they have had discussions with I'd say two of the leading restaurant broker firms that handle acquiring locations; so the design, the layout, the building is being engineered with ventilation and equipment that can accommodate cooking facilities on the ground floor and the parking. And as much as we value bicycles and pedestrian amenities, it is a location right there on the Fresh Pond rotary that parking is, it would be a key component to a successful restaurant based upon

what we're hearing from the restaurant brokers.

This site does have that. Ironically I'm looking around the Board, probably no one here on the Board old enough, maybe one exception -- I shouldn't say old enough, lived in Cambridge long enough to recall one of the more popular Cambridge restaurants a few feet from this location.

HUGH RUSSELL: Fantasia's.

ATTORNEY ANTHONY GALLUCCIO: Shrimp scampi.

ATTORNEY JAMES RAFFERTY: Shrimp scampi, yeah. I washed dishes there when Mr. Galluccio was eating in the dining room. I did wash dishes there. But I will say they used to have a men's bar, too. I don't think you could have a men's bar now.

Anyway, the 99 left that rotary. Like

Mr. Galluccio, I live in West Cambridge. There really aren't good restaurant options in that section of Cambridge.

H. THEODORE COHEN: Wasn't there an IHop once upon a time?

ATTORNEY JAMES RAFFERTY: Indeed there was. Speaking of good restaurants. Mr. Cohen, if that was your rebuttal to the lack of good restaurants.... There is an IHop now in Harvard Square to satisfy, satiate that need as it arises. But, yes, there was an IHop and there was a Chinese restaurant right next to it for many years.

At any rate, this trip down memory lane is not appreciated to the people who have the case behind us. I'll conclude this by saying we'll show you the design. We also are -- because this second building increases the GFA

threshold on the lot within five years, we did have to conduct a TIS subject to the requirements of Article 10.20. So Mr. Black who has been counting cars in Alewife since he was a young man, did the hours of traffic consultant on the Alewife/Concord plan, has worked on CambridgePark Drive, all up and down the Fresh Pond rotary and circle. He has done the traffic analysis for us and has -- will present to you his findings with regard to the exceedances.

And that I think at the moment is all I really need to say. Mr. Hope wrote most of this out so I just want to check with him and make sure I covered everything. Okay, thank you. And this is as you'll recall Mr. Terzis.

PHIL TERZIS: Good evening. Thank you for having us here. I'm going to start by just giving a little overview of the existing

conditions around the site. You're probably familiar with our 603 Concord building which is on the corner of Concord and Wheeler. This is Phase II, which is the existing Bank of America building which will be torn down to make room for our new 605 Concord project.

There's the office building next-door and the Reservoir Lofts condominium is behind us there.

In Phase I there are 61 dwelling units, roughly 5300 square feet of retail. Both are fully occupied. While we just signed our last retail tenant, we have three retail tenants now. We have an urgent care facility which is medical. We have an orthodontist. And we now have eye doctor, eyeglass store coming. So, again, these are all uses that the adjacent shopping center owner in our agreement with them, they agreed

that they were sort of low impact, low parking uses, and so they allowed us to -- we negotiated that we could have these uses.

So the building now will be with this last tenant, will be 100 percent occupied. There's 61 units above with seven inclusionary zoning units. And the unit mix is a mix of studios; one's, two's, and then we have some two-bedroom units which have a lock-off suite that can be combined to become a three-bedroom unit and we have three of those. And so far we've done that for flexibility, and so far they've pretty much continuously rented out as three-bedroom units.

And so in Phase II we're planning to do much the same thing, add some three-bedroom units for families or, you know, larger groups.

There are 77 parking spaces, 61 for

residential and 16 commercial. 53 of those are in the underground garage. And then as part of the improvements along Wheeler Street, there are now eight new metered spaces on Wheeler Street which are empty because they're facing the wrong way on Wheeler Street. It's hard for people to get to them. If you go up on Wheeler, you have to go up and turn around. Just a little parking tip if you're in the area.

This is the existing bank building in the middle between the office building and the housing building. The office building is six stories of similar height as our new housing Phase I which is in the background there.

One of the things that we're looking at doing with the Special Permit is adding where we have these balconies, these are Juliet balconies, railings attached to the building. We want to

turn those into full balconies which will be five and a half feet deep which will match the balconies that are on the other side of the building. There's that, and in the base of the building there's parking underneath the building right now, which when we build Phase II, we'd like to pull out from under the building and fill that in. Using FAR available to us from the whole site.

We've combined both sites to be one site and the FAR is based on that whole site, and then what's left for Phase II is basically, you know, what we built in Phase I is subtracted from that total using the mixed use formula.

Here's the bank looking from the other direction. One other thing to notice there is a bike path, bike lane that runs in front of the property which will be incorporated into the

design of our new site. So you can see our existing building is here. This is a driveway which currently exits at this location. That was done because when we first took over this site, this is the property line here between the two sites, we didn't control the other site, we owned it but the bank leased the site and they were still in operation. So all of our vehicular circulation had to happen on that side of the property line. We're going to change that -- proposing to go change that in Phase II for a couple of reasons that we worked out with the Traffic Department.

This is the rear of the site looking at Reservoir Lofts. As you can see, there's a retaining wall so there's a grade change between Reservoir Lofts and our building and there's also a fence along the property line. And this is an

area, this is a screened area that for Reservoir Lofts transformers, our proposed plan as Jim will show you, is to place our new transformer in front of this here so that it's sort of grouping all of these things into one area of things that people might consider objectionable if they're sort of grouped together.

This is just to give you an idea of the existing proposed diagrams for traffic and driveways. This was the original site that we developed in Phase I. This was a parking lot here and a gas station here. And when we took over this site, there were five curb cuts just on this site. And then the two here at the bank which are still existing. So we have a two way in and a two way out here on the Concord Ave., and then this is the entrance to the parking garage which is underneath, the building actually

overhangs the parking here. So much of this parking in the back is covered. This is the existing bank which has a one way loop and this was at one time a drive-up teller, you know, like an ATM, drive-up ATM. So in the new plans which Jim Piatt will show you, we're actually moving the driveway from Phase I into Phase II. And that does a couple of things. One, it gets it further away from this signalized crosswalk so that when cars are queueing here waiting for someone to cross, there's still an opportunity to cross here and get in the queue. Right now this is so close to that crosswalk, if there's a queue here at all. There's no chance for these people to exit.

The other thing this does is gives us an opportunity to make this connection perpendicular to Concord Ave. which from a traffic in and out

standpoint is a better diagram. And also it moves the parking, the driveway further away from the rotary down here which actually is right down here. So it's just a little less congestion along this whole strip. So we've worked this through with the Traffic Department and I think their memo will tell you that it's a favorable change for the whole, for the site.

At one point we thought about putting, our original scheme had a third cut here which we eliminated in favor of a two-way entrance and exit there to have less curb cuts on Concord Ave.

And then there were some things that we learned in Phase I that I just wanted to share with you. One is the landscaping. It's something that one of our neighbors has brought up as well. We're proposing that when we build Phase II, we will upgrade the landscaping of

Phase I because right now it doesn't have a lot of evergreens. We want to add some more year round kind of plantings so that in the wintertime we're not so reliant on these flowering shrubs that just don't look good in the wintertime.

And Jim already talked about the restaurant, the leasing. We have found that when we built Phase I, there was a lot of interest on putting the restaurant right on the corner right here which would have been our ideal situation, I think it would have been great because it would have brought life to the corner, but unfortunately that was not working our agreement. We're hoping with Phase II over here will have a restaurant.

And then I just wanted to talk a little bit about the design process. We've had four community meetings, three of those were with the

Fresh Pond Residence Alliance and one specifically with the residence of Reservoir Lofts, and then Reservoir Lofts was invited to one of the other community meetings with the Fresh Pond Residence Alliance. We've had three meetings with the Community Development Department and three meetings with the Traffic and Parking and with the DPW. Hopefully what you're looking at here looks more developed than what we would have done on the previous projects at the first hearing.

And I'll have Jim Piatt tell you about the new building.

JAMES PIATT: Good evening. I wanted to make sure I'm going in the right direction. No.

Okay, just sort of completing, Phil gave you the statistics on the first building 61 units, etcetera. This site plan shows obviously

both of the buildings now. Here's the Phase I and here's the driveway between moved on to the site Phase II as Phil said. Here's the second building, which as you can see, the footprint is considerably smaller than this one because it is a smaller building. Rather than 61, we have 49 units, 11 studios, 16 two-bedrooms, three three-bedrooms, six are exclusionary.

PHIL TERZIS: Inclusionary.

JAMES PIATT: Inclusionary. Excuse me. I wrote inclusionary.

And this is the ramp right now underneath Phase I which will continue to be used for the whole site as you'll see in a second, all the parking -- or most of the parking is underground except for a lot of, you know, the retail parking, we have some accessible spaces at the ground level close to entrances and I'll have

larger pictures of these in the second. Overall we have 62 bike parking spaces, a lot of long term. Most -- all of the long-term is under cover inside the building or down in the basement. A lot of it you'll see in a second.

And I think I said 68 parking spaces for the new building.

Phil more or less covered the Phase I, but just to talk about in this area where he's talking about the landscaping not being as robust especially in the winter as we like, there's a sort of a steep slope at these areas which right now is filled with gravel. We weren't really involved in the landscaping at that time, but now we're going to replace the gravel with creeping juniper which has been used fairly successfully on our neighbor's site.

In the front we're going to look for

creating a carpet and this will also take place on the new site of the (inaudible) and day lilies to create a lushness at the sidewalk. And in the back where the hydrangeas are a little spiky in the wintertime. We're going to use soft evergreens like inkberry and possibly boxwood. But inkberry is what we're showing right now.

On this particular site we've got a -- now that we've got this whole area open to us, it used to be driveway. Next to the entrance we're planning to put a river birch. So we hope everything will warm up in the landscaping and feel more developed.

The site office that Phil was talking about, parking used to be in this location, it's now being pushed out. This is being filled in to be a new building management office. But also recapturing the office in the area in this zoning

we're creating a zone for some outdoor seating which may or may not be used, but what you want to suggest sort of a front porch and a sense of habitability. Right now a lot of people who work in the neighborhood beyond the building use this sidewalk to cut through our site. Sometimes they use this, but we want to make this pleasant and this would just be another feature even though this is just our building lobby here that people can use.

We're also creating short-term bike parking here under cover that will serve the new building. We also have some existing short-term outdoor bike parking in this location. This building happens to have its indoor parking, bike parking back in this location. And this serpentine walk is a path that gets us from the sidewalk level up approximately two feet without

handrails being required for wheelchair access.

I think that's the major things for that.

Phase II which you're talking about today, again, we have another accessible path. Both buildings are serviced from this direction, this one from the crosswalk.

The relocated driveway I've already mentioned.

Phil mentioned the transformer back in this area right opposite where they already exist for Reservoir Lofts.

At this point we're down about four feet at this retaining wall as you saw in the photograph. This building right here, half of it in the current plan is an egress stairway from the basement of the parking. In Phase I we needed it because that's our second means of egress. What we were planning and hoping it will

meet with the approval of the code official is to eliminate the stairway here and use a new stairway in this building as our second means of egress for the whole garage, convert this building and enlarge it slightly to provide a mechanical lift, call it an elevator, to help the current operating staff bring trash up from the basement and now have an enclosed one-story facility to store trash. We've raised the second floor level of this building and we're -- we've had our trash servicer look at the existing building. So when trash trucks -- and also includes delivery trucks for the hope for a restaurant, come in, they don't have to back into the site. They can drive in straight and make a three-point turn either one way or the other, so that when the trash people come in, they're not backing up with their beeping going on all the

way down through this aisle. So loading up here and then heading out again.

I think that -- oh, and then the final issue, the cafe terrace. This is one of the things that we're asking for some relief on or approval in the Special Permit. If you see this sort of light dotted line right here, that's where the building hangs over, that's the 25 feet that we're required to have along the Parkway Overlay District. And we're allowed to have approximately 25 percent of that be non-permeable. We drew that and we end up with terraces out here that are much more miserly I guess I would say if we're trying to have an outdoor cafe environment. And so we're suggesting or proposing that we actually design it the way I've done here where we increase the non-permeable area a little bit so that we can

create more useful terraces that follow the line -- that jog along following the line of the street and actually make it possible that somebody could find something useful there. If we don't end up getting a tenant that would need that use for an outdoor cafe, the terraces still provide, as I talked about the people who cut through our site, it would still be a pleasant way to walk through and then we might have to add another way to get out down at the end. But similar to the way Quincy Market years ago designed the cafes under the greenhouses even, there's a public way going through. We always imagined that the public can walk through this area. We just think it would be a much nicer solution to provide a way that the cafe could have a little bit more exposure and a little bit more viability.

Again, inkberry along -- evergreen,
inkberry along this edge, shielding people from
the traffic and also the traffic from the cafe.
The carpet of (inaudible) and day lilies and
Japanese Alcova (phonetic) in a row here to
provide screening for the building.

Along the driveway we're going to be
carrying -- paving all the way back. On the
existing building out in the front we use Boston
City Hall pavers and we will continue that same
material around this project. And you'll see in
a second that we also have some masonry piers on
the building. We're also going to use the same
styles and heart version that matches the City
Hall paver. It's not exactly the same thing just
for the way you do a wall versus a paving brick,
but it matches as close as possible so the paving
will actually come up and become these piers

holding up in front of the building.

I mentioned the planting already. We could go into the detail. I've pretty much given you the highlights of what we're thinking about on that. But it's all been specified and we have a detailed plan that's in the full submittal.

So we've already seen the ground floor down to the basement. This is the existing Phase I basement and the parking actually continues across here. We're going to be opening a passage through here to connect into Phase II basement. This is where the stair currently is, where it will now be a lift up to that trash room. Bike parking down at this level. Most of our bike parking is at the upper floor, but there's some more down in these corner areas. Here's the core in the building to get to the upper floor. And I think that's most of what's going on there.

And just hitting the upper floors quickly. Floors 2, 3, and 4 are arranged around studios; one beds, two beds, three beds in this corner jogging the building in and out just to provide some relief basically and replace planters on that ground floor. There are balconies out at the front edge on all three floors. And that's mostly what you got there.

Once we get to the fifth and sixth floor, we're required to be above 55 feet. We have to be at least 50 feet with our building from the neighboring building, and so we've pulled back the projections that occurred at the ground two floors. So this allows us to create terrace levels up in these corners. Also the building will also step back because of the zoning requirements along the Parkway Overlay District so that we create terraces in the front of the

building. So the building now steps back at the fifth and sixth floors. And there's also a little extra balcony here, you'll see a little bit in the elevations why some of those occur.

The rooftop will have a deck. The top of the elevator tower is at 85 feet that we're asking for approval within the Special Permit, and so unlike the last building that we did over on New Street where we could never get that elevator approved because of the height limitation, here we can provide it so that there can be a small deck up there. We'll have to decide how we treat it.

We have done a lot with green roofs over in at Phase I of this project which is turning out to be fairly pleasant. I think it's turning out pretty well. Obviously there's going to be lots of mechanical units up there. They're going

to be hidden from neighbors because the parapet will be three to four feet high enough up so you won't see those units from anywhere. And then the developer right now is looking at doing solar panel installations on all their projects, and this is a zone that's reserved for that at this level. This grillage you'll see in some of the renderings a little bit later is some trellis effect which I'll -- I mean, trellises which I'll describe.

So now in the elevation, this is the view from Concord Avenue. And we want the buildings to be -- we want this new building to be sort of a cousin, a sibling, using Jim's word, to 601 but we don't want it to be identical. So whereas it has a large sort of chunk of the building that's set back at the upper floor. Set back in along the sides in some ways. And it has some of the

color dots, accents that we had on the other building at 603. And at one level you could look at the buildings and it's sufficient to just say well, they're colorful buildings with lots of little shapes. There's a certain design theory that we had is that dark central mass of the building, if you imagine that sort of a wall sort of an armature, a little bit of a mute part of the building, but then we were going to create these frames as you'll see on the other sides of the building as well, so the suggestion was that we were almost creating a painting, maybe a Muldrianesque (phonetic) kind of a painting and hanging those sort of modern compositions on the side of wall, both to change the scale, so we have a lower element and a taller element, create a little bit more shadow relief as these frames go around, and then within the painting part,

within the frame, we have areas that are done with panels in three colors, we have balconies that will be done different from the other building which is a galvanized welded wire mesh. These will have a perforated steel mesh that you can sort of see through but it will tend to give a little bit more privacy to the residents at the same time that it screens whatever furnishings they put out on the balcony.

Down at the bottom I mentioned we have the overhang so that there's some that will be sheltered from the rain for the cafe. Obviously we'd have, you know, umbrellas and things like that. We have a masonry bottom which is the brick I talked about that matches the City Hall pavers. And up at the top -- matter of fact, elements like that, elements like this cedar trellis which match the building next-door

resulted from conversations a year and a half ago with Councillor Carlone, among others, asking us to warm up some of these areas and soften them. And so some of these were direct responses to some of the community feedback we received.

We're treating all sides of the building. And there is a front and a back to the building obviously, but we carried the same aesthetic approach and strategies around all sides. This is the side that faces north. This particular part of the building is the overhang where the parking is partially sheltered underneath. Way back in here is the window for the bike room. Again, folks at Community Development suggested that we create a window into the bike room and so we said well, we'll liven it up a little bit with different colored paneling. So we took that suggestion, and we have a trellis up on the rear

terrace. The picture frames are sort of different shapes as you go around the building.

And for what it's worth, I have -- people want to see the paint colors that we're thinking of now. We'll find out when we get out into the field and we actually put things into the sunlight and the building is built, we sometimes think about those a little bit differently. But this, the dark part here we're thinking rather than being black, like the earlier building, here we're talking about a green that's so dark it's almost black but it's still subtly different. And then the accent colors would also be subtly different.

This is the side facing Phase I. The setback in between the balcony is sort of arranged to provide sort of syncopated accents.

We've added some windows and a little bit

of color here in response to some of the community comments that we received.

And I think that -- this is our lobby on that side.

This is the area where the parking, the raised area so that the trash trucks can get in.

And this is the west side facing the office building and it's -- from here on over it's sort of a foreshortened view because this side faces Concord Avenue and it's really just this area in here that faces due west.

The materials. We've already talked about it a lot, about the materials for a bulk of the building will be fiber cement panels matching the detail and matches this sort of irregular exposures of that building. The colors will be different up at the top. The red cedar trellis that we did, we will be continuing that. We may

change the detailing a little bit, but for the most part it's going to be similar appearance. The lighter grey areas that we saw in the previous drawings in some areas we're going to be using a larger fiber cement panel made by Nikki Hay (phonetic). And then I talked about the areas of brick.

Also signage you'll see in a second, a small detail, but this is sort of the character of the sign. They're the large steel beams and the letters right on top of it. This lettering has actually been improved and thickened a little bit. This is a temporary sign, but basically the concept will be the same in the new building.

So we were asked to provide some details. Again, a lot of it is just to go out and just look at the existing building that we built because we have metal trim, we have fiber cement

panels, we have fiber cement clapboard, and we have the color dots, we have black painted windows. These are just various areas around the building that we've seen large. We can always come back if people wanted to or if we needed. There has been a comment in the letter we understand that talked about providing more detail. And for us the next step is sort of construction documents. So we were thinking about that.

Signage, we do a little bit different, maybe we're suspending these beams and having the restaurant sign and address sign echos what we have next-door.

So then we've sort of finished up the presentation with just a series of images of how it would look setting in on Concord more or less approaching from the rotary.

Trellis on top, new greenery.

Approaching from southwest, from Concord in the other direction looking toward the rotary.

On the left looking at the space. This is standing on Wheeler Street looking down the ramp that is not our ramp, it's the Reservoir Lofts parking ramp, but then you see in the distance our building. This is the back edge of the 603 Phase I building. The office building beyond.

And the other view, here's the new driveway coming in. This is not correct. That is the exactly the size that that little shed will be but somebody in the office got a little overexuberant with the ivy. There will have to be a large garage door probably there, but we could paint it dark green.

But, again, see the trellis warming

things up in this corner.

There were also comments in the community meetings that we had about making sure that the entrance to the residential and also to the restaurant were visible from the corner. This will be an area -- we didn't do a lot of rendering in here of all the furnishing, but this is where we'll talk about some new seating.

And finally, the view along the cafe on the sidewalk, again, walking toward the rotary and how this terrace that I talked about would sort of zig-zag along here. Even though we would be spending the money on the brick, in time we want to put planters in that would hopefully cover those with ivy so it would be almost like green walls holding up the building, but that would take sometime and depend on rainfall and lots of things to see how quickly it would cover.

And I think that's it. You sort of see the balconies and all that. And that's where I will leave it.

ATTORNEY JAMES RAFFERTY: We have Mr. Black, Mr. Chairman, to address the issues with regard to the traffic study.

H. THEODORE COHEN: Yes.

DAVID BLACK: So I'm afraid I don't have any nice renderings of traffic. David Black from VHB. We performed TIS analysis for the project twice I believe because the access arrangement was changed in discussion with TP&T. The Planning Board met their memo from the TP&T, the Planning Board identifies how the project performs against the Planning Board criteria. There is one exceedance. It is a pedestrian level exceedance, and at the intersection of Fawcett Street and Concord Avenue. Since the

analysis was done the warning signal has been put in at that crosswalk. It is a much safer condition than showed in the analysis. And indeed the analysis is a pessimistic analysis in any event because it does not account for the fact that some drivers do yield for pedestrians in the crosswalk. So I think the actual condition out there is much better than the report that the Planning Board exceedance in the TIS analysis.

The analysis does not rely on this, but I do want to point out that the traffic generation from the previous use of the site was significantly higher in this project. The analysis, TIS analysis does not rely on that. There's no credit taken for that. But I do think it's important to bear in mind that when you look at the two sites combined, 603 and 605 Concord

Avenue, the curb cuts have been cut down from a total of seven curb cuts to like two curb cut sites serving both sites which is a significant improvement in terms of safety and traffic operations.

There is a -- developer's committed to a series of mitigations, contributions, I believe to a Hubway station contributions to the City's pedestrian bicycle bridge study for the, across the tracks in the quadrangle. I'm sorry, to the triangle. And then a series of TDM measures which include things such as transit subsidies for residents upon renewal. In other words, new residents -- every time there's a new resident there would be transit subsidies. The installation of a real time transportation board, transit information board in the lobby not dissimilar I think to what's downstairs in the

lobby of this building.

The proponent will be extending the experience -- the newly built cycle track on this side of Concord Avenue, it will be extended along the site frontage so that it is -- starts a little bit earlier in the westbound direction. And through discussion with TP&T, it was attributed that was the best way to make the transition for cyclists coming from the rotary direction going westbound on Concord Avenue.

So that's kind of a very brief summary, I'm happy to answer any questions.

H. THEODORE COHEN: Are you concluded? Okay, do board members have any questions right now?

(No Response.)

H. THEODORE COHEN: Catherine, did you?

CATHERINE PRESTON CONNOLLY: No.

H. THEODORE COHEN: Was there a sign-up sheet?

SWAATHI JOSEPH: Nobody signed up.

H. THEODORE COHEN: Is there anyone here who wishes to speak. I think you know the drill. Three minutes, state your name and address and spell your name.

MARGARET BARNES LEONARD: Hi. My name is Margaret or Peggy Barnes Leonard. I live at 115 Fayerweather Street and I'm with the Fresh Pond Residence Alliance. They did submit a statement and I understand that you've all seen it so I will not repeat it certainly verbatim. I was not able to go to your meetings. I think they were -- I know in June, and just I happened to be on a summertime trip. So I do know you tried to reach out.

Okay, the things I do want to point out

as desired by the neighborhood and I think something that was expected that came from the Concord Alewife study plan that spoke of developing mixed use in this area and a sense of neighborhood in connecting this. And in fact we spoke of a heart for this area. And I know there is a lot of challenges now that you know more about climate and about ways in which we need to build resilience, but retail access from the street level is more restricted and the traffic has really not been reasonable. And it is a challenge. But it was a disappointment that with Phase I, that after it was approved that the agreement was made with the adjacent retail hall which greatly restricted, what could happen there as an amenity towards the neighborhood. And so we're hoping that the retail restrictions will not carry forward on to Phase II, and that's a

strong hope for the local residents as well as the adjacent.

For the unit mix, I understand that the three-bedroom units are constructed flexibly, is that it? And that's why we didn't think we thought there were three-bedroom units.

PHIL TERZIS: They could be rented as twos or threes.

MARGARET BARNES LEONARD: I'm not supposed to -- sorry. We just want to repeat that we would like to have the mixed use and the range of residential units in this area for diversity.

We see that there is an increase in proposed FAR from what was mentioned to us from 2.5 -- 2.45 to 2.66. The mechanical penthouse has become bigger, and that the public's open space is reduced. And we're just wondering about

the neighbors, the Reservoir Lofts, what they in particular are thinking about reduction to the setback to them.

Okay. We're wondering about what is this falling under in terms of the -- in terms of the law for this site? You're referring to Phase I and Phase II? One project. And so in that case you would then exceed the 100,000 square feet footage minimum to have non-residential uses to be at a minimum of 20 percent.

HUGH RUSSELL: Mr. Chair, I would move that we waive the three minute so that she can continue?

H. THEODORE COHEN: Yes.

MARGARET BARNES LEONARD: Thank you, thank you very much, I have -- okay.

We'd also -- our concern about the known environment concerns, we know this area is

industrial and it does have hazardous waste near it, I'm not sure what is on this one in particular.

And, again, just that the neighbor's concern, traffic mediation with that. And the unexpected play is something that is projected. The unexpected is expected and wondering how that all impacts residents.

And let's see. Pretty much the rest I think you've been able to see. Those are the -- mainly what I wanted to point out.

And I don't know what the -- if you're using the standards for NetZero that are activated as of November 1st. They're more stringent we understand trying to move the new buildings towards more sustainability. And since this is coming very close to November 1st possible permitting and we are asking for these

permits, we would like it to meet at least that standard if possible. Okay?

And the permeability, the land around it that's another environmental land concern since it is being asked to be reduced.

Okay, thank you very much.

H. THEODORE COHEN: Thank you. And thank the residence association for their memo.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: No. Then board members do you want to hear from staff first or do you have comments right now?

MARY FLYNN: Staff.

H. THEODORE COHEN: All right.

Suzannah, we've received staff's memo, but are there any points you'd like to address specifically?

SUZANNAH BIGOLIN: No, everything's covered in the memo.

H. THEODORE COHEN: Everything's in the memo?

SUZANNAH BIGOLIN: Yes.

H. THEODORE COHEN: Okay.

I have a question for Traffic and Parking. The recommendations you have made, have they all been agreed to by the proponent?

JOSEPH BARR: Yes.

H. THEODORE COHEN: They have?

JOSEPH BARR: Yes.

H. THEODORE COHEN: Okay, thank you.

Well, Board Members, questions, comments?

MARY FLYNN: I do have a question.

Could you explain what the impact will be on the existing parking in Phase I while you're trying to construct Phase II?

PHIL TERZIS: I'll take a stab at it. Some of this might be dependent on the general contractor and how they deal with it. Let me just back up to the parking plans.

Okay, currently this Phase I garage here has 53 spaces. Some of those are lined up here. So when we, when we break through, there will be some spaces displaced. Currently in the building, out of 61 units we have -- 54 spaces have been leased. So there are -- currently there's some little bit of flex in the number of spaces that are being utilized.

Right now there's a foundation wall around three sides of this. This is actually a temporary block wall which is designed to be broken down when we build Phase II. So there will be some probably disruption probably for a short amount of time along here when we break

down that blocked wall and start building Phase II. We'll actually build this whole garage before that comes down because it needs to be a watertight shell before we take that away.

So there probably will be some displacement of these spaces along here. And then if we go up to the ground floor, there are existing spaces in here that will remain as long as possible over building Phase II. And then eventually when Phase II is built, they'll be moved out. So probably have to have some flexibility in how we lease them with tenants. I mean right now we can probably make it work within our same footprint because they're not all leased. And right now the extra spaces are kind of used, you know, somebody comes to visit or whatever they can use one of the extra spaces, they get a temporary pass, but that would

probably have to go away when we built Phase II.

So, but right now there's a, there's a basically a jersey barrier separating the two sites that we try to maintain as long as possible during construction so that we could have two ways in and two ways out as long as we possibly can. So that's something we have to work out with our contractor.

MARY FLYNN: Okay.

And are all of the surface spaces for the restaurant -- in Phase II?

PHIL TERZIS: Yeah, the Phase I parking is completely self-contained in the way that it's numbered and the way it's allocated to retail units.

Phase II will be completely standalone as well. We're not anticipating any mixing of the spaces so we will have 19 spaces here that will

serve just as restaurant if it's a restaurant. We're hoping it's a restaurant, but we can't say for sure what it will lease out as. And there's one residential leftover space at that didn't fit in the garage that will be assigned as a residential space.

In Phase I we have some residential spaces up here that are assigned as residential, that are not -- they're not for retail parking. Right now they sit empty because everybody wants to park in the garage.

MARY FLYNN: Okay, thank you.

THACHER TIFFANY: Can you explain again the three-bedroom units that have the third bedroom as optional? I missed whether that was part of Phase II.

PHIL TERZIS: No.

THACHER TIFFANY: Okay.

PHIL TERZIS: We did it in Phase I. When we built Phase I, we weren't sure of the market for three-bedroom units and we also have other buildings where we have a guest suite in each building that is available to units to the residents that they can rent. So some with a one-bedroom unit they can come and use the guest suite. There's always a waiting list for guest suites. In Phase I we made a two-bedroom unit adjacent to a guest suite and they share a little common vestibule but each one is lockable. What's happened is that there's been so much demand for three-bedroom units, people have been renting the two with the guest suite and families have been using it as a third bedroom. Because the guest suite is really a nice master suite. It's the biggest master suite in the building, there's three of them stacked.

THACHER TIFFANY: So you did not do that in Phase II?

PHIL TERZIS: Phase II we're not sure how we're going to do it in Phase II. We'll probably do regular three-bedroom units. There seems to be so much demand nobody has three-bedroom units in the area. We have another building, New Street which has 14 three-bedroom units.

H. THEODORE COHEN: So given the demand, why only three in this building?

PHIL TERZIS: Because well, that's probably the demand I think for this building. The New Street site, we have a project on 87 New Street that's been there for a few years now, has a few three-bedroom units that are generally always full. But that site, because I think it's next to Danehy Park, seems to attract families more than this building does. So I think we're

feeling like that's a good number for out of 49 units.

H. THEODORE COHEN: Well, you show a couple of two bedrooms next to a studio. Is it possible to create the same sort of convertibility that you've indicated?

PHIL TERZIS: We probably could. The reason the guest suite works well is that it's not a full kitchen. It doesn't have, it's just a -- the guest suite is a bedroom and a bathroom. So it, it sort of naturally links up to a two-bedroom unit easily. But we could, we could rent --

H. THEODORE COHEN: So are any of these shown on here as studios the guest suite?

PHIL TERZIS: No, there's no guest suites currently in the plan for this building.

H. THEODORE COHEN: These are regular

studios?

PHIL TERZIS: Yeah.

H. THEODORE COHEN: Is this intended to be all rental?

PHIL TERZIS: Yes.

H. THEODORE COHEN: Okay.

Hugh, do you want to start us off?

HUGH RUSSELL: I'm curious about the NetZero standards that Peggy brought up, generally the plan has been thought out. I like the architectural treatment and the -- then it's a little more sedate. But only a little more sedate. And so, you know, the site plan is very intricately worked out with the garage. So I think it's a very good project.

THACHER TIFFANY: Since I'm down at this end I think I'll just agree and say, you know, I think this is the first time we've heard someone

reference City Hall Plaza brick in a positive way.

H. THEODORE COHEN: In a positive way.

THACHER TIFFANY: I'm okay with that.

I'm assuming you won't have grout between the bricks like you do at City Hall Plaza?

PHIL TERZIS: No.

THACHER TIFFANY: Good.

MARY FLYNN: And, yeah, in general I think it's a very good project. You know, really complete that corner. You know, on the east elevation, I find that one to be confusing a little bit and particularly busy. You know, I -- the color schemes in general are not my favorite. I like very muted sorts of things, and these are clearly not that. But that being said, I mean they're interesting for sure. But this particular elevation that right-hand side where

you have that sort of white filled box, it just, it doesn't seem to fit the rest of the building from my perspective. I don't know whether it's just not lined up or what. But anyway, I didn't know if, Suzannah, if you have any thoughts on it or Hugh.

SUZANNAH BIGOLIN: Maybe because it's not the same as the other white box.

MARY FLYNN: Yeah, it just looks funny to me. And that's --

JAMES PIATT: Could I suggest the idea behind it. It's a little hard to tell in this picture if we -- but the idea was that these boxes that were sort of hung on the building like beams.

MARY FLYNN: Okay.

JAMES PIATT: They all have a more or less more filled in facade and then one that's

more open. It's sort of Muldrianesque kind of thing. It's more pinwheels around the building. So on this side that one has what I'll call the more colorful kind of design than this box is sort of more the plain side of that box and the fancier side sort of faces out to Concord. As you go around the building, every corner sort of does that.

MARY FLYNN: Okay.

JAMES PIATT: If I -- I mean, on this case here's like the solid side, but this side faces Concord.

MARY FLYNN: I see what you're saying.

JAMES PIATT: Here it's more solid but if I went to --

MARY FLYNN: Then you have a little bit more of the mix.

JAMES PIATT: The north side you turn the

corner and there's this, and there's always the variation, and that was part of the idea we were trying to think of some simple moves, some simple rules as you went around the building, you achieve a lot of variety. We actually had early on, I don't know, 15 months ago when we started to -- 16 months ago when we started meeting with the community groups, we had much more toned down versions. And I'm not saying necessarily that we've hit everybody's wishes, but we did hear some comments liven it up. We want it related to the more colorful building that we've already done. That's where we responded.

MARY FLYNN: As they say different strokes for different folks.

ATTORNEY JAMES RAFFERTY: I wear contacts if I might. When the first building, you may recall, former colleague who no longer sits,

encouraged Mr. Piatt not to be timid with his colors and to be bold and he appears to have taken that advice at heart with Phase I. But the building candidly I think when it first went up, I think it's its boldness caught people's eye. But I think in some ways the second building kind of finishes the lot in many ways, but it did have its color pallet somewhat directed by some thinking of the time given the modern nature. I recall attending those hearings and it was an interesting design.

THACHER TIFFANY: And there's some, I don't know if you have the rendering, these renderings in your slide show but they're sort of a helpful way to get a sense of the dimensionality of the surfaces.

MARY FLYNN: Yes.

JAMES PIATT: Am I going the right way.

PHIL TERZIS: These are the slides presented to the neighborhood groups in the process. We put them as an addendum, because we didn't want to sit here for hours and hours looking at old stuff. There's stuff in here that's interesting because it shows a little bit of process. Not --

JAMES PIATT: Not only the process of presenting it with my hand drawings the last building that we had there appeared to be a big clamor to have computerized drawings. So we sort of left those behind and included them in the appendix, as Phil said, so you can see there was sort of a process. I think by the time I had gotten to this level of sketches, that things had begun to settle down.

MARY FLYNN: Go back to that one.

ATTORNEY JAMES RAFFERTY: That's the east

elevation, yeah.

JAMES PIATT: A little bit different perspective in the elevation.

MARY FLYNN: Yes, that works for me now. Thank you.

JAMES PIATT: You can see the ins and outs.

MARY FLYNN: Yeah, it looks so flat against the -- yeah. And I mean in reality is that you don't want the city to look completely the same everywhere you go.

JAMES PIATT: And the other side is --

MARY FLYNN: It's nice to have variation.

JAMES PIATT: And this building which, again, looks like a long facade faces directly in front of the one that we already did. So it will never be seen like this. You're always going to be looking for short down the lane between the

two buildings.

MARY FLYNN: And just one other question. On the roof deck, that's on the top of the green portion of the building; is that correct?

JAMES PIATT: Yeah, at this drawing we didn't have that. It will be.

MARY FLYNN: Yeah.

JAMES PIATT: And this is early on in the process.

MARY FLYNN: That's where the mechanicals are, too. So I mean you probably have had similar experience in other projects in terms of, you know, trying to abate the noise and make it an enjoyable space.

JAMES PIATT: That won't be -- that will be an issue. And all I can say, you know, it may be more pleasant to be there sometimes than others. If you really have 100 degree day and

every air conditioner in the building is going, I'm not sure what we can do.

MARY FLYNN: Yeah. You're going to want to be in your air conditioned apartment. Okay, thank you. Appreciate the responses.

H. THEODORE COHEN: Catherine.

CATHERINE PRESTON CONNOLLY: I generally like how the building responds to its sibling. I do like that there's a kind of a playful architecture that is somewhat different than we see elsewhere in the city, and I think that's a -- it's the right thing for this corner. I'm glad to hear that we may actually get some a restaurant or some real retail in this location. I wasn't clear -- I gather the agreement with the neighbor does not carry over to this parcel. Have we talked to the neighbor and make sure he's comfortable with the restaurant?

PHIL TERZIS: It's actually part of the agreement that it goes --

CATHERINE PRESTON CONNOLLY: Okay.

PHIL TERZIS: -- the restrictions go away in Phase II, and some of the restrictions in Phase I actually go away as well because their perception was there will just be more parking over there. Although it will be --

CATHERINE PRESTON CONNOLLY: So that gets to my second point, which was as was noted in Traffic and Parking's memo, the parking for Phase I and Phase II for the retail in particular can't work together, especially because the parking for Phase I is going to be at off peak demand for a restaurant. I think there's going -- it's going to require extremely active management to ensure that restaurant patrons are not using the parking for the medical offices.

PHIL TERZIS: Yeah.

CATHERINE PRESTON CONNOLLY: Personally if I were you, in order to have the flexibility and to have the additional spaces in the evening, I'd go ahead and do a PTDM plan. I understand why you're not doing it. I get why it's 19 spaces and not 20, but it's --

ATTORNEY JAMES RAFFERTY: Is that why?

CATHERINE PRESTON CONNOLLY: I really think that you're going to have a hard time keeping people -- because the demand's not going to be there in the evening for the offices and people are going to see those spaces and park in them.

STEVEN COHEN: So what's wrong with that? I missed something.

CATHERINE PRESTON CONNOLLY: Well, because if they manage them together, if patrons

from the restaurant are using the parking -- if they allow them to use the parking in Phase I, they trigger the PTDM Ordinance because they will have 20 or more non-residential parking spaces.

And so their plan specifically says, and Traffic and Parking's memo notes that they can't use them together because they're not doing a PTDM plan.

I think that's foolish. I think it is not going to work, and it will become an enforcement headache. I would rather see you work it out now with Traffic and Parking what a realistic mode split is, how it's going to be monitored, and how that's going to work, because I really -- I think first of all, the restaurant will want people to use the spaces in the evening. Patrons will want to anyway. And I think you're fighting against the tide to try to avoid a regulatory hurdle.

PHIL TERZIS: Well, actually one issue

with that is that our retail spaces are all to the tenants that are in the Phase I and that these are all, you know, 10, 15 year leases that have already agreed that they will have exclusive use of those spaces.

CATHERINE PRESTON CONNOLLY: Even when they're closed?

PHIL TERZIS: Yes, when they're closed and there's signage there that it's only for that use.

CATHERINE PRESTON CONNOLLY: I think that probably an accommodation could be worked out. I read -- I negotiate amendments to leases, you know, all the time, so I think that once you put a restaurant in there with a -- where the parking lots literally have the same driveway, you are asking for a problem. And I would rather see you deal with it proactively.

That said, I do like that it's a restaurant. I like that the landscaping and the design of the site speaks to a pedestrian-oriented environment. It makes the place feel that much more like a neighborhood. I think this is an additional benefit to the neighborhood, and overall I like it a lot. I would just like to see, you know, the parking managed in a way that people are really going to use it and to, you know, to deal with that reality now rather than have an enforcement issue down the road.

H. THEODORE COHEN: Okay.

Steve.

STEVEN COHEN: I don't have too much to say. First and foremost, I want to thank you for the hand drawn rendering. It's nice to see that somebody still does things with a hand. I think

you're showing your age. I wouldn't do that.

But still, there's something to the hand drawing, it's got a certain life to it.

ATTORNEY JAMES RAFFERTY: Muldrianesque.

STEVEN COHEN: Yeah. But speaking of --

HUGH RUSSELL: The computer is Muldrianesque.

ATTORNEY JAMES RAFFERTY: I'm Googling who Muldrianesque. I wrote it down.

STEVEN COHEN: But going back to the Muldrian. You know, I looked at the elevations. I mean, they're really striking. And at first I just ask gosh, it's such an explosion of festival of color and texture. Gosh, I have they gone too far? And I looked at it and looked at it and I said no, they haven't gone too far. Maybe they've gone up to the line, but they haven't gone too far. It's really interesting and bright

and bold. I think somebody used the term in an area which isn't known for bold architecture.

And maybe even for a city that's not really known for bold and colorful architecture. So much appreciated.

And other than that it's a good project. I don't have anything of substance to say.

Thanks.

H. THEODORE COHEN: Lou.

LOUIS J. BACCI, JR.: I agree. I like the -- I'm not usually fond of the really bold. I'm kind of one of those mundane people. But I like it on this corner. It kind of anchors this corner as well. And I really like to see how you're going to handle the transformer and the trash. We don't -- these are always surprises, sometimes good, sometimes bad.

JAMES PIATT: It's -- and the question

Suzannah has asked for more information on that which we will especially, hopefully in the CD phase.

LOUIS J. BACCI, JR.: That's your big view down the driveway?

PHIL TERZIS: I actually thought that the green --

LOUIS J. BACCI, JR.: It doesn't look bad.

PHIL TERZIS: If we could pull that off, that would be pretty cool because it ties in with the front of the building along the street.

JAMES PIATT: We can other than the door.

LOUIS J. BACCI, JR.: It's just always a question and then someone complains about what they end up with.

PHIL TERZIS: Yeah.

LOUIS J. BACCI, JR.: So, I don't know

what to expect. Anything? Do you have any ideas? Brick and --

JAMES PIATT: I didn't hear what you said.

LOUIS J. BACCI, JR.: I don't know what to expect to see when I look down your driveway --

JAMES PIATT: Well, I think.

LOUIS J. BACCI, JR.: -- a garage door for sure.

JAMES PIATT: We really do expect to plant it mostly other than that door that you would see, and Phil has just suggested is there a reason we couldn't move the door around the side from the driveway we might be able to actually have that view. The goal is to plant ivy similar to what we did with the columns in the front of the building.

LOUIS J. BACCI, JR.: That would enclose the transformers also?

JAMES PIATT: We could certainly -- yeah, we could put a fence around the transformer and put the ivy covered.

LOUIS J. BACCI, JR.: It would look a lot better down the driveway.

Thanks.

JAMES PIATT: That's right, it has to be off to the side. So, yeah, we could definitely do that.

H. THEODORE COHEN: All set?

Well, I'm a fan of 603 and so this is sort of doubling up on that. So I think that's good. I have a couple of questions. So if you go back to your first -- and I think I know the answer, but the Concord Ave. facade in in this rendering, I take it we're seeing both the side

and the front simultaneously?

JAMES PIATT: In that picture. It's hard because of the angle of the street, too. Do you want me to go back to the elevation?

H. THEODORE COHEN: That was fine.

HUGH RUSSELL: The elevation is confusing from the --

JAMES PIATT: Which one, Concord? This one?

H. THEODORE COHEN: Yes.

JAMES PIATT: Okay.

H. THEODORE COHEN: So the edge of the building is where the white box ends; is that correct?

JAMES PIATT: Right here. This becomes the side of the building. All of that's the side facing west more or less.

H. THEODORE COHEN: Okay.

JAMES PIATT: It's just this portion right here and this section up in here is facing west. You say, well, what are we going to do, ghost it out? Not draw it? It's just a problem with the way the site angles.

H. THEODORE COHEN: Okay.

That's what I finally figured out and your hand sketches make that clear.

But while you're there -- so, and I said I was a fan of 603, I was not a fan of the fact that the elevator head house was not shown on the original plans and that we had to have further information about that. So I take it this is accurate as to what will be there?

JAMES PIATT: That's what we're proposing a combination of the cedar screening and the --

H. THEODORE COHEN: And then that's the size it will be and that's the height it will be.

Now, what, and with the other mechanicals on the roof, what will you see from Concord Ave. both head on and if you're further west and looking back at the project?

JAMES PIATT: I mean, this is -- you're seeing a glimpse in a straight on elevation as though you could be 70 feet tall. I mean, we could do a test if anybody wants to see it in the computer and show you what would actually see if you're down on the ground or approaching from any distance. But they're only about this tall. And the parapet, as you can see, is almost the same height. I mean, we could make the parapet a little bit taller and then you wouldn't see it in this picture. But I think from any distance you will not see anything. There are no hills around that you would see it from.

H. THEODORE COHEN: And that's true if

you're further down Concord Ave.?

JAMES PIATT: Yeah. I mean you would have to be a long -- maybe the hills of Arlington. You really have to get over the --

HUGH RUSSELL: With a telescope from Danehy Park you could see it. Maybe.

JAMES PIATT: Maybe.

The top of Danehy Park is at 25 feet. I would say my eye level is five feet. A six-foot person, five. You're still looking up at this parapet.

THACHER TIFFANY: And the rooftop mechanicals are individual condensers?

JAMES PIATT: Correct.

THACHER TIFFANY: You don't have a large, like, make up unit that you haven't drawn?

JAMES PIATT: There is, but it's more or less hidden in this structure.

LOUIS J. BACCI, JR.: More or less?

H. THEODORE COHEN: What does more or less mean?

JAMES PIATT: It's in that structure. I shouldn't say more or less.

H. THEODORE COHEN: Okay, fine.

JAMES PIATT: Yeah, I mean the elevator is just a portion that's solid on one side and that thing is sort of on the back.

H. THEODORE COHEN: And if you end up at some point putting solar panels on the roof, what will you see?

JAMES PIATT: I don't think you'll see anything. At least in my experience Phil has been talking to people more recently, but we did a school, they didn't put them on, but when I was talking to a lot of solar people, the angle that they want them to be at was somewhere around 11

to 14 degrees with a rack sitting on the roof. A large solar panel will come up this high behind a parapet that's this high.

H. THEODORE COHEN: Jeff, the Fresh Pond Association's comments raise a number of issues about the FAR and open space requirements. Have you had a chance to look at this?

JEFF ROBERTS: I have not had a chance to look at the memo in great detail. I can tell you that it's something that we look at routinely and Suzannah and Swaathi done the bulk of the analysis on this particular project. As was explained, this is a project that's being proposed as a phase development which means that the second portion of it is essentially an expansion of the first, and so the FAR open space different calculations are based on that total lot or the two combined lots. The FAR is, the

Alewife Overlay Districts established that, and I think the Planning Board have seen cases like this, there's a two-tiered density approach that says there's a certain density allowed by-right and then there's another density allowed by Special Permit. And if the project's demonstrating that it meets the provisions of the Concord/Alewife plan, then it can go to that increased density. And there's other relief being sought, too.

Some of the relief in terms of permeability of open space is, is part of the -- it's more of a technical requirement that requires Public Works to certify that they're meeting the storm water standards on the site, and that's something that we expect them to be doing and they routinely do that as part of the building permit review.

H. THEODORE COHEN: We haven't received a memo from Public Works, have we?

JEFF ROBERTS: That's correct, we haven't received one. I presume with this one maybe they hadn't gotten around to sending a memo, but regardless of whether or not they've sent a memo, they will conduct their review as they always do and ensure that it meets the requirements.

H. THEODORE COHEN: So the --

ATTORNEY JAMES RAFFERTY: Mr. Chair, I'm sorry. I apologize. I wonder if I could offer just a perspective I think might be the departure in the memo from Fresh Bond Residence Association following up on Mr. Roberts' comment. There's a lot of focus in the memo that the Special Permit seeks to increase the FAR to 2.6. I think what the memo misses is the FAR moves -- the Special Permit moves the FAR from 1.75 to 2.0. The

additional 2.6 is the application of the affordable housing density bonus of 30 percent. And I notice the memo keeps questioning how we got to 2.6. And it didn't seem to be an acknowledgement in the memo. The delta between the 2.0 and the 2.6 is the density bonus for a residency project.

H. THEODORE COHEN: And the memo also talks about at least 20 percent non-residential use if you exceed 100,000 square foot. So I assume you reviewed this?

ATTORNEY JAMES RAFFERTY: We reviewed it ahead. These were issues we were mindful of. It's a correct statement of the Ordinance, but once again the base building is 96,000 square feet. When you apply the density bonus, which is all residential, so the 20 percent requirement if you, is not, in our understanding applied to --

the density bonus doesn't get included in the 100,000 threshold because all of this, so that adds exclusively residential so you wouldn't, you can't make 20 percent of the density bonus residential because the non-residential because the entire density bonus has to be residential.

HUGH RUSSELL: So I'm looking at the -- in your submission about 15 pages from the end, it's the dimensional chart.

ATTORNEY JAMES RAFFERTY: Yes.

HUGH RUSSELL: So the FAR of the addition is 2.66, of the existing is 2.21, and the combined is 2.4. So and as Jim said, the allowable is somewhere between 2.4 and 2.6 depending on the --

ATTORNEY JAMES RAFFERTY: Right, because you can't put the density bonus on the retail. Right.

HUGH RUSSELL: Right. So they're under what would be permitted. The new building is, you know, has a slightly disproportionate share of the FAR just basically because the building's a lot smaller and the building is the same height and it's the same width, so it's, it's numbers. But looking at it as a total project, it's compliant.

H. THEODORE COHEN: Suzannah, I guess the question is was there anything else you were looking for before we proceeded with this?

HUGH RUSSELL: There's a list.

SUZANNAH BIGOLIN: I would just refer to our items for continuing review. So we would want to look at the landscape details including the pavers and plantings and opportunities to further interior of the site and maybe the ivy on the trash storage will help.

Still looking at the trash storage area.

The data of the elevator and head house is a bit difficult to tell in the elevations.

Just send some of our standard review items with the exterior colors and that we do as a building permit review.

Just looking at the shadow study, this was just a small point to differentiate what was existing and what the new shadow will show. And then the standard requirements for Traffic and Parking and Public Works.

H. THEODORE COHEN: And are any of these things you feel you need before we go further with this project?

SUZANNAH BIGOLIN: I don't believe so.

H. THEODORE COHEN: Okay.

So, Board Members, are we prepared to move forward with this right now?

(Members nodding in agreement).

H. THEODORE COHEN: Okay, well, we have quite a number of Special Permits and criteria.

HUGH RUSSELL: Which I suspected Mr. Rafferty has --

ATTORNEY JAMES RAFFERTY: There are responses to each of the criteria in the application. I'm trying to find the page number. Both the project review criteria and the specific references in the Concord/Alewife plan to allow for Special Permits regarding the FAR, the setbacks, the reduction of open space, and the height.

HUGH RUSSELL: It's about 20 pages.

H. THEODORE COHEN: Right. Given that the hour -- I was wondering -- and, Jeff, don't jump down my throat, if this might be a situation where we might have staff do a draft of findings

that we could then review and perhaps accept and vote on at a subsequent but close to a scheduled meeting to this one?

STEVEN COHEN: Second.

HUGH RUSSELL: If we, if we name when that meeting is, then it doesn't have to be advertised.

H. THEODORE COHEN: Correct. That is correct.

Jeff, is that something you or Swaathi could do?

JEFF ROBERTS: I wish I was -- not something we normally do so I wish I was prepared to assess that. Our agendas are getting rather full as you know. All of this will not take an enormous amount of time. I'm going to -- I'm going to look to Swaathi to see if she can give me maybe an indication of how many weeks we might

need to -- because it's really -- she's doing a bulk of the work in drafting these decisions, and I don't have a good sense off the top of my head of how many other work items we have to get through.

SWAATHI JOSEPH: I just wanted to mention one thing, this is page No. 5 of 8 just the clarity about the open space.

ATTORNEY JAMES RAFFERTY: The application?

SWAATHI JOSEPH: The memo. The CDD memo.

ATTORNEY JAMES RAFFERTY: Thank you.

JEFF ROBERTS: Right, this is a side note. Maybe this is a good thing that we can address during the -- in the interim time, that there was a I think a clarification we were seeking on what exactly is being proposed to be amended on the, to be modified in the open space

requirements because it does propose exceeding the required minimum of 15 percent under the Alewife Overlay but it's the -- but the area that is within the front yard has non-vegetated area occupying more than 25 percent of the open space area. So is that, is that the -- so just clarifying the open space modifications being sought is the, is to allow more than 25 percent vegetated area in the front yard.

JAMES PIATT: More than 25 percent non-vegetated.

JEFF ROBERTS: Non-vegetated area is what I meant.

ATTORNEY JAMES RAFFERTY: Essentially the patio.

JEFF ROBERTS: Right. That is something we can clarify in the decision. I can -- I'll say to the Planning Board that we -- it will

probably take us at least several weeks to draft and review a decision, but once it's done, and assume it's acceptable, we can file it right away. We have meetings, as I mentioned, November 22nd, November 29th, and whatever the first week in December is. I guess we're comfortable saying maybe November 22nd. That's four weeks away. That's usually a fairly good time frame for drafting a decision. So if the Board wanted, we could announce it then. If there's any issue that arises that makes it difficult to meet that date, then we can adjust it. Then we would have to, we would have to anticipate that ahead of time in order to advertise.

H. THEODORE COHEN: On the 22nd is when we said we were going to take up the North Point.

JEFF ROBERTS: I think no matter what date we pick, there will be other cases on that

date.

H. THEODORE COHEN: Right, no, but at this point there was a possible hearing for that date that was unclear, but we did say North Point. And this, I don't think once we get the draft of the proposed findings, will take a very long period of time.

STEVEN COHEN: No.

H. THEODORE COHEN: So is that acceptable that we continue this to November 22nd at which time we will review the draft findings and determine if they are acceptable to us and make the Board's findings and make the Board's decision? Is that -- yes?

ATTORNEY JAMES RAFFERTY: I apologize for what appears to be an intrusion, even though it's not. I'm thinking in terms of logistics and the posting requirements that additional time is

needed. I know the Board's practice has been as of late when cases get continued, not to close public comment. In this case where the Board is directing the staff to prepare a decision and the presentation's concluded, while it will have to happen at a later public meeting of the Board, I think the advertising requirements would be more flexible if it was being done with the acknowledgement that public comment, the public comment has concluded and the Board is directing language being prepared that's consistent with the submittal regarding the requirements, because I think it will allow us to make some decisions on the design side if this seemed to be sensible.

H. THEODORE COHEN: Right. I think actually our rules and regulations say that we won't close public comment until the Board is prepared to take its vote. So I think --

HUGH RUSSELL: I think we're at that point.

H. THEODORE COHEN: We're at that point, yes. I think we could vote and say that the public comment on this proposal is -- on this hearing is closed, and that the next step will be to review a draft, findings, and to determine whether they -- we accept those findings or amend the findings and then take a final vote to approve or not approve.

HUGH RUSSELL: And I guess the only condition is we're talking about the ones that are in the memo.

H. THEODORE COHEN: In the memo and in Transportation and Parking's memo.

ATTORNEY JAMES RAFFERTY: I would say from the applicant's perspective if the four weeks feels too rushed, I don't think going into

the next month knowing that what we're talking about is, you know, finalizing language and -- it doesn't feel that. I mean we've got urgency to go, but certainly --

H. THEODORE COHEN: Right, once we do this and have the draft, it will get finalized right away.

ATTORNEY JAMES RAFFERTY: I'm mindful of the fact that November 22nd, it's Thanksgiving week.

PHIL TERZIS: If it slips to December, it's not going to kill us.

H. THEODORE COHEN: Jeff, Swaathi, it's your call.

JEFF ROBERTS: I was thinking the same thing to Mr. Rafferty whether it made sense if the Planning Board closed the public hearing and then we wouldn't have to worry as much about

advertisement. I think we could still try to give some indication of when we expect to have it. It will be another item on our work plan regardless, but if we moved it to November 29th or I'm trying to think of what the December date is. I want to say December 6th, then we could do that as well.

H. THEODORE COHEN: So if we closed the public hearing, then we wouldn't have to re-advertise it. This would just come up as a matter of general business?

JEFF ROBERTS: We would put it on the agenda.

H. THEODORE COHEN: For review and vote?

JEFF ROBERTS: Right.

ATTORNEY JAMES RAFFERTY: I think, Mr. Chairman, it's still a public hearing but public comment is closed.

H. THEODORE COHEN: I think it is still a public hearing until we take the vote because it has to be done in public.

ATTORNEY JAMES RAFFERTY: Right.

H. THEODORE COHEN: I think if we select a date right now, then you won't have to advertise again. If we don't select a date, then ultimately --

ATTORNEY JAMES RAFFERTY: We're saying if you want to select the December date --

H. THEODORE COHEN: I understand that.

JEFF ROBERTS: That's acceptable to us.

CATHERINE PRESTON CONNOLLY: December 6th.

ATTORNEY JAMES RAFFERTY: We just need five board members.

CATHERINE PRESTON CONNOLLY: You're more likely to get them the first week in December

then you are either the Tuesday before or the Tuesday after Thanksgiving.

H. THEODORE COHEN: At this point in time are the members who are here now anticipate being here December 6th?

STEVEN COHEN: Yes.

MARY FLYNN: Yes.

CATHERINE PRESTON CONNOLLY: Yes.

HUGH RUSSELL: Yes.

H. THEODORE COHEN: Why don't we say public comment on this public hearing is closed and the hearing is continued until December 6th, at which point we will review a draft findings and take action on those findings and on this proposal.

Okay, thank you very much.

HUGH RUSSELL: One other comment that there's obviously been a lot of preparation for

the public which is what we've encouraged and I think this is a result.

H. THEODORE COHEN: Yes, I do, too.

Thank you.

We now have a couple of BZA cases.

Swaathi, were you going to be presenting these?

JEFF ROBERTS: I'll just say that the first case on the BZA case, on the agenda and Swaathi has the material so she can bring it forward and pass them around if anybody needs them, is the proposal by Harvard University at 1607 Massachusetts Ave. And the proponent is here to answer any questions related to the case.

HUGH RUSSELL: This is a site we've been hoping that the environmental agency --

H. THEODORE COHEN: Coming back year after year.

HUGH RUSSELL: -- decade after decade and

apparently now it's done or at least in the foreseeable future.

H. THEODORE COHEN: Right. When we talk about historic restaurants, it's Three Aces Pizza that I spent lots of time playing Tetris and Pacman at.

So if someone from Harvard could come forward and give us a very brief overview of what the proposal is, that would be wonderful.

ALEXANDRA OFFIONG: Good evening. I'm Alexander Offiong, Harvard Planning. Thanks for having us at this late hour. I'm joined by Bob Hall from MBJR Architects and Tom Lucy from Harvard University as well. As you know, this has been an important site and one that the Planning Board has been asking us about for many years. It is a site of environmental remediation and we're happy to come to you with a project

that actually will facilitate the completion of the remediation at the site. It's actually not done yet. It's still ongoing. And it will be ongoing until through the buildings being removed. So the project that we are proposing now is about a 20,000 square foot building. It's a mixed use building. It will have ground floor retail which is actually the subject of one of the Variances that we're seeking because it's actually a residentially zoned site and the upper floors will be Harvard Law School space which will be for the experiential learning program, the clinical space, which will be a public service project. So the -- we have, we can very quickly go through, I know that the Board is probably interested in the design and also interested in the nature of the relief. In a nutshell we're seeking relief for the retail use

which is something in our dialogue with the neighborhood has been something very important even though it's not an allowed use, there has been commercial activity at the site since the 1920s and it's only not allowed because the building's been closed to are a number of years for the remediation. So we have to seek new relief for that. We're also seeking relief for the parking of associated with the retail which is about between three and seven spaces. We have worked with Traffic and Parking Department. They are supportive of this request. It's a site that's very well served by T and bus and there's a more than 150 metered spots of on-street parking and so rear respecting kind of the way the commercial parking is done on Mass. Ave.

And finally we are also speaking relief for setbacks. It's a project. It's a very

challenging site. It has some unique conditions. We are meeting the FAR. We're below the height. We've had to think it very carefully about the urban design along Mass. Ave. as well as respecting our abutters and making a site that works for the uses proposed. So why don't I just let Bob walk you through very briefly the design.

BOB HALL: And this is obviously a perspective. Here's the site plan. This is the existing building, the Three Degrees Pizza right now. This is the new floor plan. Massachusetts Avenue, Everett Street. There's retail in the first floor about 1800 square feet. The main entrance to the upper floors of the Harvard uses is off of Mass. Avenue and kind of adjacent across the corner from Wasserstein so easy access across. The upper floors is open office. Open office depending on programing.

The design, there's been a series of public meetings which we can talk about, some more with the neighborhood. But really is meant to be a transitional building between a residential area to the more academic side. So the building is -- we're trying to do windows that are more in scale with the residential neighborhood trying to use materials and texture. It's basically a brick building with in-fill panels of wood. And the windows have a sunscreen louver over part of them, and it's going to be a rain screen system which is a good system to use in this setup.

This end is at the -- coming down the Mass. Ave. where the barber shop is. The barber shop ends and in the project.

ALEXANDRA OFFIONG: It's abutting property.

H. THEODORE COHEN: It's not Harvard property?

ALEXANDRA OFFIONG: No, it's not.

BOB HALL: But next to it is to break down the scale, we've done a bay window which is really a series of office, open offices, and conference rooms that will be on that end of the building, the mass of the building will be a repetitious building. The ground floor is a high retail space. The corner, again, this is the entrance to Harvard University upper floors, off of -- ahead of Mass. Ave. entrance which is required. Retail.

This corner has been -- there's been a couple of community meetings about it, but it has the lightened and softened to make that entrance read better and make the transition in the corner it's one of the responses we've done for the

community.

This is a view down, giving you a view down Mass. Avenue. Existing, right? And proposed. Sorry I should have brought PowerPoint so everybody could see it. I could walk around. You could see the size and the scale.

H. THEODORE COHEN: So it's four stories and Wasserstein is four stories also?

HUGH RUSSELL: It's much bigger. Four stories.

ALEXANDRA OFFIONG: Wasserstein, this building is four-story, Wasserstein I want to say is about six stories.

BOB HALL: It sets back.

ALEXANDRA OFFIONG: Yeah, it sets back. And this building is 54 feet and Wasserstein is about 71 feet?

BOB HALL: I have so many drawings here.

I'm sure it's here.

ALEXANDRA OFFIONG: Sorry, we should have this. It's order of magnitude taller. So this is stepping down.

BOB HALL: Yeah, here's a good one. This is exactly it. You can see the front part of it is 51 feet, we're at 54. It sets back to 63 and 75 as it goes away from the street more.

ALEXANDRA OFFIONG: So as I mentioned, we're seeking the relief for the use as well as the Special Permit for the retail parking. And finally we are seeking dimensional relief for the setback.

So just to orient you, this is the Mass. Ave. front and we -- we were very careful with looking at Mass. Ave. recognizing that there's been a big community process recently for the whole Mass. Ave. Overlay, and so this project

actually has gone through design iterations and is meeting the Mass. Ave. setback. It's creating a nice wide sidewalk, and there's a cantilever for the first floor where we imagine if, for example, we had a restaurant use in the retail space, there would be potentially room for dining, there's also bike parking along, along some of the Mass. Ave. edge.

When -- as we mentioned, there are actually two abutting properties that are built directly to the property line which makes for some unusual conditions. So the small barber shop is to the north. So the Zoning actually allows us to build to that property while which we are proposing to do, but Zoning actually only allows you to build it to the height and depth of the other building. Our proposal is meeting the Zoning on the first floor, but we are proposing

to go up to the four stories at that location. Primarily from an urban design perspective it would be quite unusual to have a little tail of the building that -- we feel like a continuous straight wall is essential for the pedestrian experience and to have the bad experience along Mass. Avenue. But urbanistically it would look like two different massing schemes and so that -- we were very conscious of that.

Along the east edge we own another building that is the black building, it's also built to the property line, that's a residential building. We, so as of right that's actually a two-and-a-half or three-story residential building so we could also be building and connecting to that. We know that we've been speaking a lot with our abutters, building in that part of the site would have adverse impacts.

It would bring the massing right to the neighbors. It would affect their light and air, and it would also create a discontinuous rear yard. So the open space associated with the site would be chopped into and kind of land locked. So we are instead proposing a 20-foot setback or a 20-foot, four-inch setback whereas the formula requires 24 feet. So it's very, it's a de minimus difference, but it's also -- it's allowing the building to work from a layout perspective.

And then finally, along the Everett Street edge we actually do meet the formula requirements for the setback to the center line from the front yard. We are not meeting the five-foot setback to the property line. This is actually the setback that exists today. The building -- this is kind of a condition that

exists on many of the corners along Mass. Ave. as a commercial property that kind of sets the building at the corner as it enters the Mass. Ave. corridor. We are not able to make the circulation of this site and the layout of the retail space work without that. So we're seeking that small amount of Zoning relief on that edge.

H. THEODORE COHEN: And what is the amount?

ALEXANDRA OFFIONG: It's five feet. So we are, we are building to the property line whereas the five foot from the property line is required.

H. THEODORE COHEN: And the building right now is on the property line?

ALEXANDRA OFFIONG: Yes. It's the same location. As well in the Mass. Ave. is actually built to the property line as well, but we are

pulling that back.

H. THEODORE COHEN: Could I see that rendering?

I guess I'm little confused. The barber shop will --

BOB HALL: The barber shop actually will be --

H. THEODORE COHEN: Protruding in front of --

ALEXANDRA OFFIONG: That was one of the tough decisions we had to make of how do we mitigate the barber shop. We have no -- the property owner is very clear they are not, that barber shop is staying. They want that barber shop. So we had to figure out a way to work around it. We also -- but we heard loud and clear that there was a great desire for the sidewalk to being widened so we have done that.

HUGH RUSSELL: Does the building have a basement?

BOB HALL: It does not. It currently does, but we're getting rid of it.

LOUIS J. BACCI, JR.: They don't show it here. Mechanical enclosure?

BOB HALL: Yes, a screen, a 12-foot screen above the roof line. It's 12-foot high screen, okay. It's going to be a screen, mechanical, but it's going to be acoustical because that is a main mechanical units are going to be in that space. They're rather small because the building is that of a large user 12 feet.

LOUIS J. BACCI, JR.: Why is it 12 feet tall?

BOB HALL: Why is it 12 feet tall? That's what we needed to cover the units on

Donnage (phonetic) and we did a section.

LOUIS J. BACCI, JR.: You said small and then 12 feet?

BOB SMALL: It's up on Donnage.

H. THEODORE COHEN: So it will be covered by the screen?

BOB HALL: Everything will be covered by the screen.

LOUIS J. BACCI, JR.: You couldn't lower them and make it a smaller screen?

BOB HALL: We could. We are just starting semantics.

LOUIS J. BACCI, JR.: Pretty prominent.

BOB HALL: Yeah.

LOUIS J. BACCI, JR.: What material?

BOB HALL: It's a metal mesh or a metal -- It's not see-through at all.

LOUIS J. BACCI, JR.: Please not the

see-through.

BOB SMALL: It's not see-through. It's a corrugated metal that's what's being comprised at the moment. We can look at the -- we're still studying.

LOUIS J. BACCI, JR.: You're raising the units off the roof?

BOB HALL: Yes.

STEVEN COHEN: So that screening isn't shown?

BOB SMALL: It's not shown in that rendering. They're just set back far enough.

STEVEN COHEN: I see up there.

BOB SMALL: It's set back so you wouldn't see it from those rendering.

LOUIS J. BACCI, JR.: In the end view you would see it.

BOB HALL: We're setting it back in the

far corner, but, yeah, if you're way down Mass. Ave., yes.

H. THEODORE COHEN: Or if you're on Chauncy Street across Mass. Ave.?

BOB SMALL: Yeah, if you're going down.

THACHER TIFFANY: I have a random question.

H. THEODORE COHEN: Go for it.

THACHER TIFFANY: Sorry, seems like overdoing it.

Often when you see buildings that are built to the lot line you don't see windows at that lot line because the neighboring property might want to also build up four stories. I don't know what Zoning has to say about that, but how do you think about that issue in this situation? You're kind of precluding the barber shop. I know it's a small site and maybe it's

impossible but from that site ever being built out from within the Zoning envelope.

BOB SMALL: We've been meeting with the neighbors.

THOMAS LUCY: Thomas Lucy. The barber shop will be subject to the setbacks as well.

ATTORNEY JAMES RAFFERTY: The barber shop doesn't have an as-of-right opportunity to get to the zero lot line.

THACHER TIFFANY: You're precluding them from getting a Variance. You're getting a Variance first.

JEFF ROBERTS: I'm not sure the Variance is being sought, though. The way the Zoning works is a little interesting in this area where if there's a building that's -- an existing building built up to the lot line, a new building can be built up against it sharing a party wall,

but only, only directly where it abuts the wall. So where it doesn't abut the wall, it has to be set back according to the normal setback requirements.

THACHER TIFFANY: But this is not set back at the second, third, and fourth floor? That's the Variance.

JEFF ROBERTS: Right, that's the Variance.

HUGH RUSSELL: So how do you meet the building code requirement for a two hour --

BOB SMALL: It's a deluge system sprinkle. We're sprinkling that party wall.

HUGH RUSSELL: Okay.

H. THEODORE COHEN: Well, I don't -- what's the Board's pleasure on this? I mean, certainly I think I've wanted retail back there ever since it's closed. And so I would certainly

be in support of the relief. I think, you know, if Traffic and Parking is satisfied, there's lots of parking along Mass. Ave. and the setbacks seem to make sense, you know.

STEVEN COHEN: I'm fine with it. I'd be happy to recommend passage.

CATHERINE PRESTON CONNOLLY: Yeah, I recommend that we send a favorable note to the BZA saying if -- it will be great to see something happening there.

HUGH RUSSELL: And this particular proposal is very nice.

H. THEODORE COHEN: Okay, so all those in favor of sending a positive recommendation to the BZA?

(Show of hands.)

H. THEODORE COHEN: Unanimous. Thank you very much.

ALEXANDRA OFFIONG: Thank you so much.

H. THEODORE COHEN: It was worth staying.

JEFF ROBERTS: There are two other BZA cases that I believe were requested by Planning Board members. One is 50 Inman Street which is right across the street here. And the other is 33 Kinnaird Street which the Board heard a little bit about during the Riverside rezoning petition hearing earlier tonight. Looking in the audience just on the off chance that there's a representative for either of those cases just --

ATTORNEY SEAN HOPE: 33 Kinnaird.

JEFF ROBERTS: So we have the representative from 33 Kinnaird. I don't believe a representative from the 50 Inman Street is present, but we have the materials.

I admittedly have not fully briefed myself on the 50 Inman Street case, but if there

are any questions, I can give my best shot.

H. THEODORE COHEN: Hugh, did you ask for this?

HUGH RUSSELL: I looked at it on-line. And maybe I asked for it only in the sense that it was a, you know, it was a Variance. But I look at it on-line and I didn't have any problems with it.

H. THEODORE COHEN: Why don't we just leave it and we don't need to make any comment about it.

And then the Kinnaird, which I had actually requested because it proposes to have parking in the front yard which we generally are not in favor of, and I hadn't realized at the time that it was playing into the whole Riverside Zoning petition, but it is what it is. So I haven't seen any of these papers yet actually.

Perhaps, Mr. Hope, you represent the proponent?

ATTORNEY SEAN HOPE: I do.

H. THEODORE COHEN: Well, maybe you can tell us a little bit about it.

ATTORNEY SEAN HOPE: Sure. So this is a proposal to demolish a deteriorating single-family house and to build a single-family house with an accessory apartment. The existing structure, and I believe you asked for some pictures in the file, this was an existing -- approximately 1200 square foot single-family house on a very narrow but long lot. The lot area per dwelling unit would allow for two units. I think this ties into the Riverside rezoning because there was a proposal before the Zoning Board to in-fill the backyard with a second unit. This wasn't a second structure. It was one

structure. It met the rear yard setback but it was two units, and the abutters who is also the proponent, one of the main proponents of the Riverside, found that objectionable. She had an open yard vista and even though we met the rear yard setback, it prompted along with some other projects part of this rezoning. So this proposal is providing a 40-yard rear yard setback which allows for her open rear yard vista. We submitted this application after making sure that she was going to be able to support this application. Part of the reason why the parking is within the front yard setback is because the lot is so narrow that you can't have a compliant driveway going into the rear yard and have a viable house. So we are within the right yard setback to be able to have a decent width of structure.

The front yard setback we are violating because we're moving the house up close to 40 feet from the rear yard. So we're actually keeping the setbacks on the adjacent houses.

There is a kind of a wrinkle with the Barrett petition. So the Barrett petition allows for accessory units in the basement. One of the requirements is 5,000 square feet. We are short of 5,000 square feet. So we are applying for a Variance for that so the Board could, if it chose to, approve the accessory apartment. This is an owner occupied. This is not a developer. They wanted it a two-unit and the neighbors were objectionable to that. So they are doing a single-family with accessory apartment. And this is our second time around with the neighbors and I think we felt like we had this part and hopefully we got it right.

THACHER TIFFANY: I don't understand where the parking is on the site plan.

Hugh, do you understand it?

STEVEN COHEN: It's on the side?

ATTORNEY SEAN HOPE: The parking is on the left-hand side with the existing driveway.

HUGH RUSSELL: Right, it's just not drawn.

ATTORNEY SEAN HOPE: You can't get to the rear yard because of the width of the house. So it's outside the front yard setback, but it is visible from the street.

STEVEN COHEN: What's being demolished.

ATTORNEY SEAN HOPE: So the existing 1200 square feet single-family.

STEVEN COHEN: Does that fall under the demolition ordinance?

ATTORNEY SEAN HOPE: It does. We went to

the Historical Commission and they approved.

CATHERINE PRESTON CONNOLLY: They have a certificate.

H. THEODORE COHEN: And is the parking on side in the same location as it is now for existing?

ATTORNEY SEAN HOPE: There's a driveway going to the rear yard, and in order to have compliant driveway, the parking is visible from the front but outside of the front yard setback.

HUGH RUSSELL: I was pointing out that the parking appears to be set back beyond the front face of the house and the front face of the adjacent structure.

ATTORNEY SEAN HOPE: That's right.

STEVEN COHEN: It reduces the --

HUGH RUSSELL: I would say it reduces the concern.

THACHER TIFFANY: That seems very much in keeping with Cambridge vernacular.

ATTORNEY SEAN HOPE: There are a number of houses that have the same effect where the parking is beyond the front yard setback and visible from the street.

H. THEODORE COHEN: On Kinnaird Street?

ATTORNEY SEAN HOPE: On Kinnaird Street.

MARY FLYNN: Where is the abutting house?

ATTORNEY SEAN HOPE: If you're facing the house, it's No. 31 to the left.

MARY FLYNN: So the driveway is on that side right on her --

ATTORNEY SEAN HOPE: Yes, it's facing that.

MARY FLYNN: Yes. The house and they're okay with the parking?

ATTORNEY SEAN HOPE: They're okay with

the position. Their main concern was preserving the rear yard and not extending into the rear yard and parking there for the house to be narrower, but go farther in the rear yard and go wider and bring it forward.

HUGH RUSSELL: So do we want to comment or leave it?

MARY FLYNN: I think we should comment.

STEVEN COHEN: If we comment, maybe the provided never projects in front of the front space of the house. It's precisely that's behind the house that makes it acceptable I think.

CATHERINE PRESTON CONNOLLY: I'm inclined not to comment.

STEVEN COHEN: No comment?

H. THEODORE COHEN: Well, actually looking on Google Maps, there are a number of similar houses. I'd be inclined to just let it

go and leave it up to the BZA since it's perfectly within their purview.

CATHERINE PRESTON CONNOLLY: We're not sending any objection and but I think I'd prefer not to weigh in on this one.

H. THEODORE COHEN: Okay. Is that acceptable to everyone?

STEVEN COHEN: Yes.

LOUIS J. BACCI, JR.: Sure.

MARY FLYNN: Well, if the majority is going to say that it is, I just felt like that given the previous petition and discussion that it would have been.

CATHERINE PRESTON CONNOLLY: Yeah, I guess that's exactly why I think we shouldn't.

MARY FLYNN: Helpful. Yeah, different points of view. Okay, I'm fine.

ATTORNEY SEAN HOPE: Thank you.

H. THEODORE COHEN: You can see the existing.

Okay.

Jeff, do you have anything else for us, do you?

JEFF ROBERTS: No.

H. THEODORE COHEN: We are adjourned.

(Whereupon, at p.m., 11:20 the
Planning Board Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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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 the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of November, 2016.

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

My Commission Expires:
April 29, 2022

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