

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE
GENERAL HEARING

Tuesday, January 3, 2017

7:10 p.m.

in

Second Floor Meeting Room

344 Broadway

Cambridge, Massachusetts

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

Community Development Staff:

Liza Paden

Jeff Roberts

Suzannah Bigolin

Swaathi Joseph

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Public Hearings

7:00 p.m. 47 Bishop Allen Drive, Special Permit for construction of 23 residential units pursuant to Sections 4.26 Multifamily, 2.304.4 Waiver of Setback Requirements, 20.304.6 and 6.35 Reduction of the Parking Requirement, 6.22.2 off site accessory parking within 400 feet, 10.40 special permit and 19.20 Project Review. Watermark Central Venture LLC is the applicant. This public hearing was opened on November 15, 2016, and continued without any presentation or public comment.

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8:00 p.m. Medical Marijuana Zoning Petition by the City Council to delete the existing Section 20.700 Medical Marijuana Overlay Districts; create a new Section 11.800 Medical Marijuana and list Registered Marijuana Dispensary with Section 4.35 of the Table of Use regulations, allowed only Planning Board Special Permit within Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1, and Industry B-2 districts. This public hearing was opened on November 1, 2016

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H. THEODORE COHEN: Good evening everyone, happy new year, happy holidays. I hope you had a good time and everyone will have a happy new year. Welcome to the first Planning Board meeting of 2017. We will start with our update from the community development department.

IRAM FAROOQ: Thank you, Mr. Chair, and happy new year to you as well.

So today's well, the January meetings, the Board will be meeting on the 3rd, 17th, 24th and the 31st. It will be a fun month. Today's meeting we have two public hearings, 47 Bishop Allen Drive which is the companion to the Mass. and Main project, which is right on Mass. Ave. on Main Street. And then the second hearing is the continued discussion on the medical marijuana

dispensary in Alewife which was the discussion we had in December.

There are several general business items, 55 Regent Street Extension. There's Discovery Park subdivision. BZA cases, probably worth mentioning amongst those is project at the corner of Brattle and Main, which used to be Tory Row and Crimson Corner which will be before the Harvard Square Advisory Committee as well on the 9th?

LIZA PADEN: Monday.

IRAM FAROOQ: Monday.

And the January 17th meeting is the MXD Development by Boston Properties, will be back before the Board and that includes design review of 145 Broadway, which you had heard the preliminary version of the last time they were here. And then also 110 Fawcett Street.

Public hearings on 55 Regent Street will be continued on January 24th, as well as the continued hearing on Mass. and Main.

And the King School, King Open School will be before the Board, this is on Cambridge Street, will be before the Board on January 31st.

Coming in February, hopefully the first meeting, will be the Town Gown report.

And a few things at Council, today was the -- this afternoon at three was their hearing at the Ordinance Committee on the Medical Marijuana Rezoning, and then tomorrow the Ordinance Committee is having a three o'clock -- their hearing on the inclusionary housing changes. Both of those have been to the Planning Board. They don't yet have your recommendations on inclusionary, but that will be coming during the course of the discussions.

And the other thing that might be of interest to some board members is that on January 12th the Economic Development and University Relations Committee will have a hearing that looks at the City's policies about things like sandwich boards and A-frame signs in the public right of way and how best to manage that, which has some intersection with the Board's interests.

So, those are the key elements. The Volpe Working Group has a meeting coming up. When is it, Jeff?

JEFF ROBERTS: Thursday.

IRAM FAROOQ: Thursday, this Thursday.

Thank you very much.

H. THEODORE COHEN: Okay. Liza, are there any transcripts to be adopted?

LIZA PADEN: So the transcripts for November 1st, 15th, and 22nd have been certified

as complete.

H. THEODORE COHEN: Do we have a motion to accept those transcripts?

STEVEN COHEN: So moved.

H. THEODORE COHEN: Second.

MARY FLYNN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Thank you.

So now we have a hearing on Planning Board No. 320 relating to 47 Bishop Allen Drive Special Permit for construction of 23 residential units pursuant to Section 4.26 multi-family, 2.304.4 waiver of setback requirements, 20.304.6, and 6.35 reduction of parking requirements, 6.22.2, off-site accessory parking within 400 feet, 10.40 Special Permit, and 19.20 Project Review. Watermark Central Venture is the

applicant. This public hearing was opened on November 15th and continued without any presentation or public comment. So we will begin that today.

ALEX TWINING: Thank you. My name is Alex Twining and thank you for coming out.

JOHN HAWKINSON: Is the mic on?

H. THEODORE COHEN: The button in the front should have the green light on.

ALEX TWINING: Is that better? Yes.
Sorry.

My name is Alex Twining and thanks to all for coming out on this very wet evening. And with me tonight Alex Twining Properties are our architects CDT, will be also speaking, and our legal firm and VHB Engineering to answer questions as they may come up later in the hearing.

First, I just wanted to quickly orient you as I think Iram called it the companion piece, is maybe a good term, but just to orient people as to what we're talking about this evening. And this actually is a large area site plan showing what we presented back in mid December, the Mass. Avenue building and the building on Columbia Street that surrounds the city parking lot. Across the street from the city parking lot is 47 Bishop Allen which is an existing parking deck. That actually shows an image of the rooftop of the proposed housing. And we are between St. Paul AME Church and the Elks Lodge, and then we have another parking lot to the left of that.

And as you can see from this image, there's obviously a lot of parking in this area, as in much of the Central Square area, and the

key topic we're talking about today is how can we replace the parking with housing? And as many of you know in the C-2 study and the Red Ribbon, they recommended to try to find ways to use parking lots to replace with housing. And in this particular case it's actually more than a parking lot, it's a big fairly ugly parking deck which was the parking deck for the Quest Diagnostics that used to occupy our site.

And as we went through the zoning process, many in the community suggested perhaps we could find a better, more friendly use than that. And so after a lot of study, we've decided to take that parking out of that location, knock down the parking deck, and put the parking underneath the tower that we would be building on Massachusetts Avenue. And that frees up that lot then to build housing.

And the part that's a little bit confusing is in this area, this shows the existing garage or parking deck as it -- and it actually is built right to the property lines at all sides. So you can see it's about a foot and a half from the church's house right next to the right, and the dilemma is -- a lot of this area when it was rezoned, would allow commercial use, office, in that location to also pretty much fill to the property lines. But residential has very extreme setbacks, 25 feet on both sides, and causes an as-of-right residential building to be so small to make it unfeasible relative to commercial building as you can just see the big box and the small box. So one of the primary reasons for the Special Permit request is to request relief to create the smaller setbacks, five and ten feet on to the sides and six and 31

feet, which is more in keeping with -- if we go to this. You know, if you look at a lot of the housing along Bishop Allen and even Norfolk, you can see most of the buildings of this size have much smaller setbacks between them. And so we're trying to really request that this be similar to what's in the neighborhood, both in terms of scale, volume, and lot coverage.

And the other thing we're requesting is instead of if we build parking on this to provide the housing units parking, it takes away a lot of the building and requires kind of a big garage entry into this property. We have another parking lot over 65 Bishop Allen, so the other primary reason for the relief in the Special Permit is to allow us to let people walk from here over to the parking lot to get their cars. And, again, if it's a commercial property, you

could go to other sites, residential does not allow for that.

When we did the rezoning for the larger block, we actually changed a lot of those issues. Here we did not. So we're requesting that to enable this housing to go forward.

So the other thing is obviously we've been meeting with -- through our lengthy zoning process and Special Permit process and quite a number of open houses with our neighbors really over the four years since we've purchased the properties, and we'll continue to do that during the construction period. And more recently some of the neighbors started to realize these are gonna be all getting built and also the city has a major project redoing the storm system here, are asking what's gonna happen during construction? And so we've been working on that

with the city and trying to come up with some solutions, and probably the most important issues that have come up relative to where will people park when the city parking lot is shut down, which is where the storm system's gonna go, and also where will the construction workers park so they don't clog up all the city streets? And so what we're working on is to utilize the parking deck until it's knocked down, the parking lot, and we're looking at some other lots as well to provide both a temporary place for the public parking and the city parking lot and also for construction workers so we can keep them off the city streets. And all of those parts and pieces are rather complex staging of the various construction pieces. We put together a draft, construction management plan that we shared with the city and we're now continuing to work through

to get all of those details worked through and come up with a good plan that will keep the processes as open and clear as possible. And lastly a big part of that obviously is communication during this whole process.

So, I'm now gonna turn this over to Kishore Varanasi from CBT, but I just want to mention that in this process in working with the city, the staff at the CDD, and some of the comments in some of our open houses where we presented the initial designs for this project, there was a lot of commentary about it, and one of the issues was could we continue to refine the architectural design to make it feel more like the adjacent residential fabric and be more contextual. So I think I'm going to turn this over to Kishore from CBT to take you through a fairly different look than we had, I think we may

have briefly shared with you in our last hearing.

KISHORE VARANASI: Good evening, Mr. Chairman. Kishore Varanasi, CBT Architects.

As Alex pointed out, we looked around quite a bit. It's not a big building but we needed to study quite heavily to get the right language and scale going on Bishop Allen. One of the nice things about Bishop Allen is that there are a number of buildings of similar scale. They have a similar kind of proportioning elements like the base and the window sizes and so on to look for. But also each building is somewhat distant from the others, not the all the same. So we picked up on some of the language elements as we started to look into the design of the building to really provide a residential scale for the building, but also engage the ground floor which is going to be a really important

aspect of this project to have on the street and also treat the sidewalk and the setbacks on the site, so on and so forth.

So just to remind you the building as it's proposed here, the setback along the front clearing, the residential patios, the sites and also in the back.

So zooming in a little bit on the ground floor plan, one of the nice things is we have residential units right on the ground floor. It's a typical double loaded kind of situation for residential. We have units directly facing the sidewalk with some private stoops and terraces directly opening into the units. Very minimized residential lobbies so that the most of the frontage can be taken over by the residential units. We also focussed quite a bit on the landscape of the public realm and the ground

floor, particularly ensuring that there is enough transitioning and buffer between this adjacent sites, particularly on the east side looking at a row of trees that create a buffer between the project and the housing next-door. But also creating a nice private space for the residential to -- for the kids, for the families of the people who are living in the building to spend time.

We also have two bicycle parking areas, covered parking areas, nicely designed, meeting the parking requirements for the bicycles. There are 24 bicycles back there. And also some short-term bicycles parking on the, on this side of the site.

Up above, again, it's a typical double ordered corridor with units facing on both sides, largely two and three-bedroom units.

And we took the width of the building and looked again at the proportions of some of the surrounding buildings of the same scale and tried to proportion the building similarly. The building is organized into three distinct bays. And as you zoom in, you'll realize the -- some of the ground floor, the doors to the entrance, the entries, and residential landscape, patios, entrance to the building, but also creating a more greater scale base, more distinction, more sophisticated. And as you go up a much more finer grain detail of the clapboard. The bay windows, again, are a very important aspect of the plan that is inspired by the similar surrounding buildings. And the notion of a very clear base, middle, and top is something that we looked at. And also the size of the building, and there is just sort of a size of the

fenestration trying to be consistent with the residential fenestration, slightly larger in the street side because most of the living rooms are facing the street side. But as you turn to the sites being somewhat more restrained, smaller windows, but still getting enough ventilation and light for the bedrooms on the sides.

And one of the nice features, too, is the bay windows actually turn the corner and you can actually see the corners of these windows into the units as you can actually see the rendering here. This is a view from in front of the church housing on the east side looking to the project. The landscape treatment. We obviously haven't shown all the trees that are being proposed on the east side just to show the building a bit more. But as you saw in the master plan, there will be a series of trees on this side, the

ground floor entries and the windows engaging the sidewalk, ground floor treatment for the base, and the middle and the top and again the bay windows creating that scale that is going to engage the street in a pretty effective manner.

And lastly, again, the second view looking from the west side with the similar set of ideas and opportunities.

Thank you.

ALEX TWINING: That concludes --

H. THEODORE COHEN: That concludes?

ALEX TWINING: Yes.

H. THEODORE COHEN: Board members, do you have any questions at this point?

STEVEN COHEN: Just a quick question. What's the material around the window frame, the brown and the rust color?

KISHORE VARANASI: There are wooden doors

and the window is metal window that we're looking at.

STEVEN COHEN: Okay.

KISHORE VARANASI: But it's stained to be more like wood potentially.

H. THEODORE COHEN: Thank you.

So we will go to public comment. And we ask when your name is called, please come to the front and state your name and address and please spell it if there's anything out of the ordinary.

We have lighting system that's working. Our light system -- so we ask you speak only for three minutes, when it turns yellow, you're getting a warning, and when it turns red we ask you to wrap up.

Bill McAvinney.

BILL McAVINNEY: Hi. My name is Bill McAvinney, 12 Douglas Street, which if you go

across the street from this building, the building on the opposite side of Bishop Allen Drive is next-door to where I live. I think you all know that we have a serious housing shortage in Cambridge and to my mind we have an overpopulation of cars turning this building from a place where cars can park to housing is quite a plus for the neighborhood. I do feel like it's in keeping with the other buildings in the neighborhood. I like the idea that the parking for this building is further away than either of the car sharing. ZipCar is right next-door behind the Elk Hall and Enterprise is right across the street in lot 6. So this building actually will have car sharing cars closer than available parking for the building. That's a lot of what convinced me to give up my car about ten years ago and many, the majority of my neighbors

really do not have -- in the immediate neighborhood do not have cars anymore. So, that's the reasons that I'm in favor.

The one issue that hasn't, hasn't been talked about is there is quite a bit of sound that comes from the Elks Hall, and I think you probably do need to address the residents so close to the Elks Hall and I'd rather not see the people who currently use the Elks Hall being burdened by a new residence.

H. THEODORE COHEN: Thank you.

Lee Farris.

LEE FARRIS: Is it okay if I close this? I know it goes off, otherwise there's not a place to put papers, sorry.

Lee Farris, 296 Norfolk Street, Cambridge. I'm speaking for the Cambridge Residence Alliance tonight and the big picture on

this project, this 47 Bishop Allen, we supported the demolition of the parking garage and the construction of housing and we agree with the proponent that that's a benefit to the neighborhood, and for that reason waiving the front and side yard setbacks is acceptable, and locating the parking off site is acceptable.

For the project as a whole, and I think particularly applying to this project, it's not clear to me yet exactly what the unit mix is in this specific building. If that's been said, I missed it. But because the new draft inclusionary ordinance is strongly emphasizing the creation of three-bedroom units, I would like to ask the Planning Board to require in the Special Permit conditions for the whole project, since I'm not sure how many units are of which size or in which building, that of the 25,

three-bedroom units that have been talked about for the whole project, 20 of them will be designated affordable. And that's a relatively not costly ask of the developer. And obviously we could use the same formula that's under discussion in the inclusionary ordinance about trading the square feet, etcetera.

Also want to ask that for this building and for the project that there be a requirement that at least 50 percent of the construction jobs go to Cambridge residents with priorities for people of color and women.

And I am glad to hear that Mr. Twining's working on a construction mitigation program, but I have -- because of the complexity of the project with the city storm water, the demolition of the garage, etcetera. I feel like it would be good to have a construction mitigation program be

a condition of the Special Permit.

Mr. McAvinney talked about the sound that comes from the Elks, but at the last hearing people from the Elks and from St. Paul's AME and from the Toscanini building all expressed concern about foundation damage, rising water tables, and things like that. So I would like there to be some kind of program in place that can protect nearby property owners before this permit's finalized because I'm concerned that we'll lose leverage after this is finalized.

And raising also the question if somebody suffers damage, how will they know whether it's from the Mass. and Main project or from the storm water project? So I haven't heard --

H. THEODORE COHEN: If you could wrap up, please?

LEE FARRIS: Those are my main points.

Thank you very much for your consideration. And because I was late in submitting them, I want to hand them out to you guys.

Thanks.

H. THEODORE COHEN: Thank you.

James Williamson.

JAMES WILLIAMSON: Thank you. James Williamson, 1000 Jackson Place. So I really like the new look of this proposal. I think it's really nice. At least my recollection of the original one was that I didn't like it much at all, and I really do like this. Of course, I'm still a little disappointed with 19 stories on Mass. Ave. This project looks very good and I appreciate the changes.

I do think it's always important to talk to -- listen to the concerns of immediate neighbors, abutters. I don't know if any of them

are here tonight, but St. Paul AME, the people involved with the Elks, I would hope that those concerns can be addressed, mitigated, in a way that's agreeable to all. The one thing I do want to mention is PVC siding, polyvinyl chloride -- polyvinyl chloride I guess is the most toxic substance created by mankind. A friend of mine was a lead researcher in Green Peace working on this intermission problem. Of course, PVC stuff is maybe not when it's on the side of your building and it's easy to clean, it's when you try to dispose of it. And it certainly can't be burned, although it has been. So I just wonder if there may not be an affordable alternative to PVC materials for such an otherwise really admirable building.

So thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to be heard?

(No Response.)

H. THEODORE COHEN: None appearing.

So then, Board Members, I guess first, Suzannah, do you have any comments you wish to make in addition to what's in the latest memo?

SUZANNAH BIGOLIN: I would just note that there seems to have been some changes to the design in terms of the color of the window framing. It's a warmer material that I think creates a nice contrast across the building. And we would just reiterate the consensus about the PVC siding on the ground floor as well. The quality of that material and over time is something that we would want to consider through the design review process, and also looking at the material details as well as another ongoing

concern. But we are very supportive of the new design and happy where it's advanced to.

Thank you.

H. THEODORE COHEN: Thank you.

HUGH RUSSELL: Do we have a clarification on the material of the siding? Is it -- I assume the upper part was already -- or cementitious and the bottom might be the, you know, exec board, is that what you're talking about?

H. THEODORE COHEN: Could you please come forward state your name?

WON WOO PARK: Won Woo Park from CBT and the bottom is exec board, you're right.

HUGH RUSSELL: And the top is cementitious?

WON WOO PARK: The top part of the building?

HUGH RUSSELL: It doesn't tell me very

much.

ALEX TWINING: Maybe take them through all the pieces.

HUGH RUSSELL: Can you just tell me what composite? They are a composite of what?

WON WOO PARK: It's hardy board.

HUGH RUSSELL: Okay.

LOUIS J. BACCI, JR.: Including the clapboard?

WON WOO PARK: Yes. And then the frame, the window frame is a metal frame. And also the bay window is all metal. And door is wood material.

JOHN HAWKINSON: Can you use the microphone, please?

WON WOO PARK: And frame is metal, but similar color to wood so it match.

H. THEODORE COHEN: Hugh, perhaps you

could explain to us nontechnical people what the differences are?

HUGH RUSSELL: So, the upper part is a cement-based board that's painted because (inaudible), and usually it's pre-painted because it lasts longer.

And there's -- and it's kind of a standard material. Nowadays it's used for an awful lot of housing because it's expected to be durable, and because it's cement, its dimensions are much more durable than wood so it lasts longer.

AZEK is a foamed vinyl material and it has a hard skin on it. It's been used a lot for trim. You paint it. It paints up nicely. It is, as Mr. Williamson has said, composed of polyvinyl chloride, but it's not the old-fashioned vinyl siding. Is that enough?

H. THEODORE COHEN: What is the rationale for switching materials between the lower and the upper levels?

HUGH RUSSELL: I think the rationale is to try to create a more rusticated base. Now I did a large building much, much larger than this, and I did the same trick, but what I did was I alternated three-inch clapboards with an eleven-inch clapboards. It doesn't give you quite as bold an expression as is shown here, but it's a way of using the material. And my -- I'm not quite sure whether the, whether the thinner boards are recessed and the wider boards are proud or exactly what that -- what you're proposing there.

WON WOO PARK: Yeah, the hardy board is six inch and the artisan product, which has a nice corner detail without any trim, and the

bottom is 12-inch wide and then six-inch recessed with a PVC siding.

HUGH RUSSELL: So that's going to be a very bold -- appropriately bold.

H. THEODORE COHEN: And is it not possible to achieve the same effect with just the composite material?

HUGH RUSSELL: Well, I'm guessing your PVC board is probably three quarters of an inch thick?

WON WOO PARK: Yeah.

HUGH RUSSELL: And the cement board tends to be three-sixteenths of an inch thick. So the change of plane at the base would be much less noticeable. I mean, it actually worked reasonably well in the project they did, but you know, they want to do more.

H. THEODORE COHEN: Okay, thank you.

Do you want to continue with comments?

HUGH RUSSELL: Okay.

I do feel that the expression of a kind of individual units as a module is a good idea on the bay windows. I do find the building looks pretty cartoonish, and I've been puzzling over why that is. And I think one reason is that there's not a lot of dimension of trim anywhere except at the base. And the other thing is that the color, main body color of the building. I mean I can ask you exactly which hardy color you're using, but it looks pretty light.

WON WOO PARK: It's -- we are using just white color for now.

HUGH RUSSELL: So it's arctic white?

WON WOO PARK: Yes. But we are still doing a lot of study for color matches and combination.

HUGH RUSSELL: Because I thought the coloration of the earlier project, I thought fit in better in which their main body was, you know, off white or a beigey color. And if you remember the pictures, they showed you of all the other buildings along the bottom. They're all a little darker and they all have, you know, they're emphasizing trim. They're also buildings that were built 100 years ago and restored exquisitely in the last year. So I would prefer if the -- that they not use white siding. I think it, particularly because of the parking lot next-door as you approach coming down Bishop Allen Drive, you see a lot of the side of the building, and I think it's just going to be sort of out of character. And I think it doesn't have to be out of character.

I guess, I'm troubled by the

proportioning of the cornice. I think the reason it's so high is to shield the mechanical equipment, but I'd like to see that looked at some more. Usually when buildings have those high, you know, the 19th century buildings have high cornices, they have, they're bolder in vertical dimension and they have -- so, I think that's something to look at in the development.

I mean it's a very responsible building. The fact that it has larger units -- oh, one other comment is that I would certainly recommend that you send somebody out to measure the noise generation on the next-door neighbor, and based on that analysis perhaps provide acoustical windows in certain places.

Bob Flack will remember the -- Bob and I worked on a project about 15 years ago next to the Route 95 in Connecticut, and there was an

elaborate study of 39 buildings and the exact sound levels that would be produced. And we, we had rooms that would have acoustical windows on one side and not on the other. It was all based on the study to try to get the interior conditions working properly. And we also had to add layers of drywall to the exterior wall to get enough mass and there was a problem at the roof. So it's a, it's not just the windows, but -- the other thought I wondered, like a one-story building with a parking lot has a lot of development potential. And so I would look at that next-door parcel as a soft, as they say. And so there could be a much larger building there that would be much closer to this building. I mean the scale of the windows on the side is relatively narrow, which would be more appropriate I think. And, you know, the main

rooms of the apartments are all on the street or the back end. I guess one other comment I would make is that Columbia Terrace is an abutter in the back and it has a very, very small setback. So one thing this building is doing is really making it big gain for Columbia Terrace and the people who live behind all of those windows and now are facing a parking garage just a few feet away. And so, you know, it's good, it's really generous planning. I understand there's a zoning line in there and other reasons, but it is a, to me a definite plus for this design.

I guess the bottom line is it seems like a reasonable building. It's a very good use. It's a great transition from the uses so I would support this project.

H. THEODORE COHEN: Thacher.

THACHER TIFFANY: Although I didn't have

the same thought about the white that Hugh just communicated, he's convinced me. It looks great as an image, but when you think about that building as really pure, pure -- or a substantial portion of it pure white, it doesn't seem quite right. I would encourage more thinking on that.

I think it's, I think it's a -- generally, the form is a great take on a, you know, vernacular style in a modern way, so that's great. I'm -- I think, you know, the staff needs to see all the colors and really examine them, including the window, the window frames. And the images they read is like that you think it's going to be wood, but if it's not in reality, is that going to look great? I'm not sure.

I think the -- this is a good case for the setback for the reasons others have -- setback variance or special exemption as others

have mentioned. And I share the concern about the noise from the Elks Lodge. I spent a lot of time in that basement in my formative years. It's a real -- you know, I think a lot of people don't even know it's there and what happens there, but it's one of those small places that makes Central Square, Central Square. So, you know, avoiding it sort of becoming a nuisance just because something nice was built next to it, I think is really, really an important goal.

H. THEODORE COHEN: Mary.

MARY FLYNN: I like the building very much. I think you did a nice job. It seems to fit in well with the type of architecture you see in the area. I do agree with Hugh's comments. Like Thacher it's not something I would have thought of, but having it brought to light, I agree that it does, the colors need to be looked

at carefully, but I know that that was one of the things that Suzannah was asking for, you know, as part of the continuing design review that materials be looked at carefully.

One thing that we didn't talk about tonight was the lighting. I know in the application materials you did note that you were paying attention to sort of the impact on the adjacent properties, but I can't even tell exactly where the lighting is on the building. So if somebody could just clarify that, I'd appreciate it. The exterior lighting?

KISHORE VARANASI: It's still kind of under development. We're not there yet.

MARY FLYNN: Okay, all right. Well, obviously that's something, too, for ongoing review with Suzannah.

I also, I appreciate very much the rear

yard setback. I agree with Hugh, that I think that's a tremendous benefit to the abutting property. And the noise issue is a real concern for me. Too many times I've seen where, you know, people have purchased or rented property, you know, next to the public park or some very active use and they think oh, this is going to be great, and then, you know, after three or six months of living next-door to them, you know, you see -- you know, start hearing all kinds of complaints or people wanting the uses next to them to change. And I don't think that that's appropriate. I think it's up to the new use or the new user to accept the context in which they are going to be living. So to the extent that you can make that comfortable for the new users but putting in as much soundproofing as possible, I would highly support that. But all in all I

think it's going to be a great addition to the neighborhood.

H. THEODORE COHEN: Tom.

TOM SIENIEWICZ: Well, I'm definitely in support of demolishing the garage and replacing it with a building. So the setbacks are a nonissue for me. In fact, probably that's the best part of the project in my opinion. I actually don't care very much for the building, but that doesn't figure into this. What I really want to do is look at some specifics.

Can you tell me what the -- I didn't have a plan in my package, what the depth of the return is on the bays? This rendering shows it to be what, three feet?

WON WOO PARK: This one?

TOM SIENIEWICZ: No, not that bay. The blank wall above the main entrance, how deep is

that dimension?

WON WOO PARK: This one?

TOM SIENIEWICZ: Yeah.

WON WOO PARK: The width?

LOUIS J. BACCI, JR.: The depth.

WON WOO PARK: The depth is now five to six inch.

ALEX TWINING: Right here. That must be two feet.

KISHORE VARANASI: This here is two feet.

WON WOO PARK: Two feet, sorry.

TOM SIENIEWICZ: Two feet?

WON WOO PARK: Yeah.

TOM SIENIEWICZ: That's true on the other side. The other side are two feet. Is it the same bay?

WON WOO PARK: That's two foot four inch.

TOM SIENIEWICZ: Two foot, four?

WON WOO PARK: Actual two foot, four,
yeah.

TOM SIENIEWICZ: Okay, now the slides. I
just wanted you to go back to -- there's a
rendering down Bishop Allen. They're the same
depth?

WON WOO PARK: The other side.

TOM SIENIEWICZ: Okay. So if you look at
this side, the depth of the bay looks completely
different to my eye. More like 14 to 18 inches.
And so --

WON WOO PARK: Okay, yeah.

TOM SIENIEWICZ: But there's an important
distinction there. And actually a profound one
relative to the context in which you started this
presentation -- in which your colleagues started
the presentation with which was with reference to
the context and being inspired by the context.

And from the 18-inch bay, that looks like 18 inches or 20 inches, it makes a big difference, the depth of that. Also what makes a profound difference is you understand the bay actually operates that way and you get to have windows on the side. Of course you get windows on the side of the corners because the building returns. But it's a critical detail to the way this works periplastically from this Planning Board members' perspective. Without that done properly, it's just a box, right?

WON WOO PARK: Yes.

TOM SIENIEWICZ: And it's, thank God it's not an Arlington box. An Arlington box would be set back. This is not set back. This is properly addresses as its context. So it isn't an Arlington box in that regard. So I'm concerned about that detail. The architecture

and the delight of the image to my eye depends almost entirely on the grey sheet metal returns on the corner in which a given depth and a certain character and an asymmetry around the building which -- at least on the front. So I worry that the architectural contribution is so -- actually so flimsy and so thin, you know, relative to the overall box. So I'm concerned about that.

So that's the architecture in itself.

The color, I'm less concerned about the color and materiality. We keep talking about metal windows, but all the materials I've got reference them as vinyl. So I don't know which is which. Are they metal or are they vinyl?

WON WOO PARK: All of the bay window side is all metal, and then window frame is all metal too except the door on the -- in the ground

floor, it's a wood door and everything else --

TOM SIENIEWICZ: So it's all metal windows? That's great.

WON WOO PARK: Yes.

TOM SIENIEWICZ: So there are no vinyl windows in it?

WON WOO PARK: Yeah, for now.

TOM SIENIEWICZ: Okay. So the Special Permit criteria ask us to look at the landscape and how it contributes to the neighborhood. I agree with Hugh the setback is a great boom for the existing housing behind it.

On the front, perhaps, you've removed the trees to make the rendering clearer, but I would really like to see some trees that contribute to the street environment and to the urban canopy rather than some arbor lighting that is stuck by the terrace. I find the private terrace on that

very public street to be plausible. What are you supposed to do there with all the traffic that comes and goes around all of the businesses there? It doesn't, to me, I don't understand how that's actually going to work. You have to sit there and have a quiet drink, I can't imagine. So I much prefer to have those spaces devoted to and oriented to the public rather than the individual units. Those are front lawns, those are places where you've got enough soil to grow a proper street tree and put a canopy in front of a building that's fairly vernacular in my opinion as a detail.

I don't know what's got into me tonight. I'm not usually such a fuss bucket. The parking I agree also with the neighbors. I think this is actually a great way to deal with parking in an urban environment.

So I think I've gone on long enough. But I'm trying to be as specific as I can about my concerns.

Thank you very much.

H. THEODORE COHEN: Could I just ask you a question, Tom?

So, were you suggesting that there might be windows on the side of the bay?

TOM SIENIEWICZ: Well, if there's sufficient depth. Because if there isn't sufficient depth, once you add the trim and the return and the flashing and you've only got 20 inches of twenty -- two-foot, four or something, you start to have a very small amount of glass which will look cheap and, you know, it won't look great. So if it's more like three feet or three and change feet, or even if you just studied the way the context works or where

they've angled the corners of the bays, and really marvel as well as miraculous restorations, they're really delightful images with the size of the bay. Which will outperform an important function architecturally to allow light to come into the building and allow views into the street which makes for a better city I think.

H. THEODORE COHEN: So the drawings show vents on those sides of the bay, and I guess I was assuming that that meant that there were washers or dryers or something else right behind that. But I don't see that on the floor plan. So can they just be vented from wherever and not just as a convenient spot for them to come out?

HUGH RUSSELL: Right. I have a phobia of having vents on bay windows. And I think, you know, if you painted them the same color as the siding, they disappear for me, but -- so I was in

this swimming pool in Virginia over Christmas weekend and I wondered why -- it was an indoor pool in a motel. And I was wondering why it was such a sort of tacky room. And then I counted and there were 80 devices on walls and ceilings, 50 of them were on the ceiling, lights and speakers and sprinkler heads and grills, 50. This room has got a lot of them, too. It's one of the curses of modern life is that there are all these devices, but, you know.

TOM SIENIEWICZ: I don't want to belabor the point, but this perspective and that, that perspectives got visually, I think, approaching the amount of depth you would need. And that perspective looks tragic to me, the depth of that bay it looks cheap.

HUGH RUSSELL: Right. It's a three-foot deep bay. You can manage to get about 20 --

TOM SIENIEWICZ: 20 inches?

HUGH RUSSELL: 20 inches of glass. I mean it, if you may remember of the Avalon building on O'Brien Highway, that it, the special steel framing at the corner keep the framing depth down because that was really important or we thought it was important. But otherwise it's building on wood which I assume this building is, and it's probably panelized, you end up having a number of studs at the corners because of the way the panels work and --

H. THEODORE COHEN: But in that rendering -- so in the bay, is that also 24 inches?

HUGH RUSSELL: No, see that looks much wider.

LOUIS J. BACCI, JR.: The width is different of the bay itself.

STEVEN COHEN: Yeah, so which is which?

LOUIS J. BACCI, JR.: The opening is different.

STEVEN COHEN: Which is being proposed?

ALEX TWINING: I think the point is probably correct, just from me looking what you said. When I look at the two different angles, they appear to be different. So I guess that is the actual.

LOUIS J. BACCI, JR.: Definitely drawn with different sizes.

H. THEODORE COHEN: So you can put a window on the side?

TOM SIENIEWICZ: Apparently.

HUGH RUSSELL: Right. And I think what's happening is that the actual corners, the windows are bigger than the ones on the side. Like, the recesses are on the front. And those corner

windows are much more important. So you might....

H. THEODORE COHEN: Catherine.

CATHERINE PRESTON CONNOLLY: I always learn so much when we have these highly detailed architectural discussions that I don't have anything to add to except everything that Hugh and Tom have been talking about seems to me to be right. So just from a total laymen's point of view in terms of the design, I found the rearview of the building really bland. Maybe that's okay. It's especially more okay because of the generous setback that's being given, but I think especially with respect to landscaping and views from the building into Columbia Terrace, that should be addressed with the neighbors and how that functions. And frankly, how light spillover from those units occurs. Because that's the --

that and to the AME housing are going to be the two buildings impacted in the change in the impacts of the kind of use, which overall the change in use is fabulous.

Many, many years ago I worked on a PTDM plan specifically for the expansion of the garage from one story to three, it was a total nightmare to figure out A, how the garage layout was going to work. And B, how were we going to find a way to reduce traffic from the combined parking for all of the Quest Diagnostic sites. So it's wonderful to see it go away and no longer be an issue and to be replaced with a need that is so acute in a use that fulfills an acute need in the neighborhood.

As a general matter, I like that it kind of, it feels like a bunch of modern triple deckers and that feels like it's right for the

neighborhood. I think there are lots of improvements that Tom and Hugh have talked about that probably would make it a better version of that, but it's pretty good already in that I got it when I saw that. And I saw how it wasn't a triple decker, which I understand for economic reasons are very difficult to build in Cambridge these days, but it still kind of felt like that, and that I really did appreciate.

So, yeah, I think the spillover effects of this building in terms of lighting, lighting and privacy in particular to the residential neighborhoods, needs -- or the residential neighbors need to be thought of. And as folks have already mentioned, the insulating building from the acoustical impacts of its neighbors I think is really a good idea so that we don't end up with conflicts down the road. But overall I'm

delighted with the idea of reusing this space for residences.

H. THEODORE COHEN: Steve.

STEVEN COHEN: You know, in general I think it's a pretty good building. It's, you know, nothing bold and great, but it fits in and sometimes that's all we want. I had a list of comments, most of them have been mentioned by somebody and I do not feel the slightest need to repeat them. So I'll just mention one or two that haven't been said.

One, I guess Hugh alluded to, and that's the cornice detail. And I just want to emphasize that a little bit. It does seem small and weak in proportion to the rest of the building and I think just should be a little bit larger and stronger to make the proportions work better.

One other item, I'm not totally sure and

confident on this one, so I'm going to raise the issue, and that's sort of the landscaping and the setbacks on the sides. You know, you have all of these units on the ground floor, so as you walk up and down those sidewalks, you're looking right in and right out at them, and same thing to the neighbors. And as was pointed out but that small building to the left, you know, at some point that's likely to be, that's likely to be redeveloped and they too will seek a small setback of five feet just like their neighbor and the buildings will be right on top of each other at that point. So, well one question I had in my mind is should the side setbacks be a wee bit greater. But more to the point, do we need to have a hard sidewalk on both sides? On the right side there's a five-foot sidewalk and then a line of trees which give some protection to the

neighbors, and depending on the nature of the tree, maybe some to the units themselves. On the left side, however, that's bare bones. And I wonder if the sidewalk is necessary there. And I wonder whether it actually wouldn't serve both the units in this building and the neighbors, would they not be served better if we just drop that sidewalk and landscaped that whole strip providing some more privacy and separation and soften the appearance of the building in general? I functionally don't see the need to have the need of the sidewalk on both sides.

I think those were the only comments that hadn't been touched upon other than a quick question to my architect colleagues, you know, with the hardy board where we're showing woven corners, is that a standard readily achieved detail with hardy board?

HUGH RUSSELL: It's a detail they can do. It's not particularly standard. They'd rather put -- the guys that build it would rather have corner board, but you can't do it.

STEVEN COHEN: You can't do it?

HUGH RUSSELL: Yeah.

STEVEN COHEN: Okay, I have no further comments. I think what I feel most strongly about is something with the landscaping on the left side, but I support many of the other comments certainly with respect to the color and some of the other items.

HUGH RUSSELL: I was curious what you thought about Tom's comments about the treatment between the building and the street which I think is an important question.

STEVEN COHEN: Well, actually, is that supposed to be a little patio or something up

front? It is? You know, I frankly hadn't even picked up on that until you mentioned it, Tom. You know, it's one of those things that sounds great in the abstract, right? But in practice, in this location, it does seem kind of foolish. And I'd rather see more robust landscaping there, frankly, than just a kind of, you know, patio of dubious value.

H. THEODORE COHEN: Well, I'm just curious if you do away with the patios, what happens to the doors? Do the doors stay or does the facade have to be reconfigured? I mean, I mean, the doors are going to -- those two units have doors going in and out. Nobody else does.

STEVEN COHEN: Are they supposed to be entrance doors or are they just secondary doors to the patio?

ALEX TWINING: Those are just patio

doors. So if there wasn't a patio, they wouldn't need to have the door there.

H. THEODORE COHEN: What does that do to the facade?

STEVEN COHEN: Very little.

MARY FLYNN: I understand what people are saying about the patio. I think it's hard to imagine as Tom said, I think it was, you know, sitting out there and having a cup of coffee given how close you are to the street and with traffic and that sort of thing. But on the other hand, it does provide a barrier between the street or the public sidewalk and those very visible first floor windows. It does give some distance. Now, you know, I don't know.

Landscape, more landscaping is going to block the light a little bit, but I don't know, maybe that's preferable. That's my only concern is I

just think those first four windows are very exposed, and if I were living there, I'd like to have some sort of a separation.

TOM SIENIEWICZ: We reviewed a project in East Cambridge and the East Cambridge Planning Team was encouraging the use of thresholds and doors on the ground floor, and there was a great debate about whether it was accessible and not and if you could do it. And so to my buyer's regret we didn't let them have a doors. And the doors had a scale in a sense of human occupation which is good. They could have their own private street entrance to the units. That would be fantastic. And then I think the yards are landscaped with a -- in the way that we would offer some public amenity rather than a place where patio furniture sits right on the street.

STEVEN COHEN: Are you suggesting --

HUGH RUSSELL: The yard is like the front of this desk to the wall?

TOM SIENIEWICZ: Yeah.

STEVEN COHEN: Are you suggesting making them actual entrances rather than a patio?

TOM SIENIEWICZ: Sure.

STEVEN COHEN: Then maybe do it that way, and then my notion of more robust landscaping you could do on either side. Which, you know, I think adds privacy potentially to that first unit. It doesn't compromise it. That would be another twist on it.

HUGH RUSSELL: Yeah, we've had each time this comes up, the question comes, well, is it possible to do it and be in conformance with the --

STEVEN COHEN: ADA.

HUGH RUSSELL: -- the accessibility code.

And I've had projects where we've done that and the building steps up to follow the slope of the sidewalk which is rather challenging to build which is fine once you're in it.

We've had people before us who have said we routinely get relief from the access board to not have those entrances accessible. So, what do these guys believe that they want to do?

IRAM FAROOQ: If I might just -- if I could just mention that the Cambridge Disabilities Commission, which is our connection to the AAB, does not look kindly upon those non-accessible entrances. They feel like it's really important to ensure that we're not -- people are not getting waivers and that those entrances are in fact accessible.

TOM SIENIEWICZ: There's an accessible entrance in the interior inside, right? The

front in effect the front door of the unit is accessible. It's an accessory door.

HUGH RUSSELL: I think the principle that's often applied is that if it's a door, then anybody should be able to use it.

ALEX TWINING: We did study this and it is that the dilemma that you mentioned. I think we have to make it accessible to each one and that's why in the end we said let's have stoops at the same level of the apartment and that way we could come up. You could do the extreme others, just eliminate them is the other option which is another viable option. But it is a difficult -- and I didn't know that exactly, but I think our architects have mentioned that the struggle.

H. THEODORE COHEN: Just to follow up. Hugh, didn't you once say that if it's a

townhouse. It can have stairs and not --

HUGH RUSSELL: Oh, yeah.

So, when Congress was considering the Fair Housing Law in the late 1980s, home builders came to them and said, you'll never be able to build a townhouse if you enact these proposed rules. And so Congress exempted townhouses on the fair housing. And so does a townhouse-style unit within another building count as a townhouse or not? Frankly, I'm not up on that question. I think this is a question that's complicated and I think the answer that's before us needs some more thought, some more work.

TOM SIENIEWICZ: Well, presumably the front door of the building is accessible, right? It's set further back, right?

HUGH RUSSELL: Yeah.

TOM SIENIEWICZ: It's set further back

than these doorways, but you can use the same technique of the individual units. You could get some shadow and some interest in them all and the doors would be all be accessible and no thresholds on the street which would be good. I think there's ways to --

HUGH RUSSELL: Depending on whether the street is level or not. The street is probably not level because they never are. So it might be that there's an extra, you know, eight inches down that lower corner which makes it impossible. And it's -- having dealt with, you know, existing sidewalks on two projects across the street from each other, it's very exacting. And there's no forgiveness if you're off by, you know, a tenth of one percent on the slope of something.

LOUIS J. BACCI, JR.: Everybody's got a smart level now.

HUGH RUSSELL: Right.

And there's not much space. Six feet is not -- you're supposed to have a four-foot level platform. Well, level is defined as up to two percent slope. So assuming you have four feet, you could go down one inch. And then there's two feet between that and the sidewalk. And you could have five percent there. And so five percent of two feet is another, about another inch or so, inch and a quarter? So unless the ground floor is within two inches level with the sidewalk, it's at six feet, you can't do it. And if you start pushing in the building, you get, you know, another inch for every 20 inches of a distance you push back. But that's what makes it another challenge.

You know, like Tom said of this question that the, that the space should probably be an

amenity to the public rather than to the individual units.

H. THEODORE COHEN: Okay. Lou.

LOUIS J. BACCI, JR.: This one's gone around a lot. I kind of like the front entryways. I came from a place where people sat on their front porches. I kind of like the idea of having eyes on the street. I know it's not exactly the quiet area, but I don't know, me I would have continued them. I would have liked to see the different face on the building and have porches go up in the notches, but that's me. But I think it works. I'd like to see some people on the street. Maybe you can do more. And street trees.

And one other question I had was can you explain why you went white? I mean that's not a normal....

HUGH RUSSELL: Color scheme.

KISHORE VARANASI: Just an aesthetic choice.

LOUIS J. BACCI, JR.: Here was my thought. That this part of the street was going to be shaded often and possibly used a lighter color to fight the shade. But I guess that wasn't it.

KISHORE VARANASI: No, this is actually the aesthetics. But we're trying to interpret the more contemporary version of the traditional townhouse. One of the beauties is I, I agree -- I live in one of them now in Cambridgeport, most of them, not white, almost all of them are different colors, warm colors. We have something that's much more contemporary and different but we will look at some other alternatives.

LOUIS J. BACCI, JR.: So did you say this

building wouldn't be shaded by the Mass. and Main building?

KISHORE VARANASI: At some point it will be but the shade will turn around, yes. But it's on the -- generally speaking on the sunny side, yes, correct.

LOUIS J. BACCI, JR.: That's all I have to add.

H. THEODORE COHEN: Okay.

I just have a couple of comments.

Do you have -- I haven't seen an image, but what would the mechanicals look like on the roof? I mean, what will we see from various perspectives?

KISHORE VARANASI: So there is, on the right and the mechanical equipment, all of them are screened. They are set back from the edge of the building. They won't be visible also. They

will be screened.

H. THEODORE COHEN: They're going to have individual screens or they're going to be screened by the cornice?

KISHORE VARANASI: They will have their own screen.

H. THEODORE COHEN: They will have their own screen?

KISHORE VARANASI: Right.

H. THEODORE COHEN: And, okay, and perhaps I missed it in the materials, but could you tell me what the unit mix is proposed and how many of them are affordable?

BOB FLACK: Bob Flack. It's in the application. We don't happen to have a copy.

MARK BARER: I'm Mark Barer. I am with Twining Properties. Roughly it's a third studios, one third two beds, and one third three

beds. So that's the unit mix.

H. THEODORE COHEN: One third studios,
one third --

MARK BARER: One third two beds, one
third three beds. 23 units total of which three
are affordable.

H. THEODORE COHEN: Okay, well going
around in circles, I too, was surprised by the
light color of the siding. I mean, it seems like
other things in the neighborhood and other things
historically have much richer colors on the
sides, on the siding, and I think that would be
preferable and would really fit in. I mean, you
see the church is a yellow oak or something. And
I know it's an aesthetic choice, but my aesthetic
would go for darker colors.

I also don't care for vents on the front
of the building. Hugh says that if they're

painted -- and I know there are none on the front but there are some on the front facade bay, I find that disconcerting.

Otherwise I acknowledge the comments of everybody else. I kind of like the doors on the front, but at the same time it seemed to me that they are kind of odd that they're there and the patios don't do much. I too come from a stoop society where people sat out, but I will say it was not necessarily right on the street line, right on the sidewalk.

LOUIS J. BACCI, JR.: They can't raise them.

H. THEODORE COHEN: I know they can't raise them, yes, I understand.

So I guess, board members, what do you wish to do now? Are we ready to proceed with this and go through all the criteria or do you

want to see when the proponent chooses to make some changes in light of your comments?

HUGH RUSSELL: I mean, I think the big picture -- I think we're all agreeing the big picture is right. It's a good unit mix, the number of units that you can change. What we're talking about is stuff that ordinarily gets looked at again and again during the construction drawing process by the staff. So I think it's ready for us to act on right now.

H. THEODORE COHEN: Are other members in agreement with that?

TOM SIENIEWICZ: I think we've been pretty clear on what our concerns were and so I'm prepared to allow staff to drive this thing forward from here.

STEVEN COHEN: So with the concerns that we've expressed are we suggesting that as ongoing

design review to address those?

Could I just ask the Board for some feedback on really one issue, Hugh, which I had raised, and that is the sidewalks on the both sides. Is that something that resonates at all with you or is that something that does not?

HUGH RUSSELL: So, the doors in the middle of the sides, on the right, there's an egress door, on the left there's a door that trash barrels roll out.

STEVEN COHEN: On both sides?

CATHERINE PRESTON CONNOLLY: Yeah.

KISHORE VARANASI: Yeah, there is an egress on one side and there's trash on the other side, so they need access on both sides.

HUGH RUSSELL: Right. So you don't --

MARY FLYNN: You could do it from their back.

HUGH RUSSELL: From their back on one side --

MARY FLYNN: Yeah.

HUGH RUSSELL: Probably I think the left side needs some more green space.

ALEX TWINING: Also maybe to get at what you're getting at is there's so much hardscape relative to soft, maybe we could have narrower or more paving -- some landscape treatment so it's not so hard. So we can still access the side, the egress points, but not make it feel like a continuous paved --

STEVEN COHEN: I'm sorry, do you need it on both sides?

CATHERINE PRESTON CONNOLLY: Yeah.

MARY FLYNN: Because of that.

CATHERINE PRESTON CONNOLLY: Because of the trash.

ALEX TWINING: Over here to the trash.

STEVEN COHEN: Oh, that's the trash. I see.

ALEX TWINING: Yeah. And that's an egress door to the stair. But this is very wide. It does not have to be that wide I don't believe. So it could be more green and less paved.

MARY FLYNN: Yeah.

STEVEN COHEN: I was thinking more on the left.

ALEX TWINING: Right here, that's all paved so obviously to your point that's all hardscaped from there to there.

STEVEN COHEN: Right, exactly.

ALEX TWINING: I so think it's a good point.

HUGH RUSSELL: I think you could eliminate the sidewalk on the left side going

back.

KISHORE VARANASI: Yeah.

CATHERINE PRESTON CONNOLLY: Although, you may end up with people parking bikes wanting to go down either side.

LOUIS J. BACCI, JR.: Right.

STEVEN COHEN: Right.

CATHERINE PRESTON CONNOLLY: Just saying.

STEVEN COHEN: Going into the neighbors' parking lot.

CATHERINE PRESTON CONNOLLY: There you go.

I think it should be thought about. I think the idea of getting more soft and green space into that is a good idea, but I think you're going to have a pretty strong desire line on the sides of the building for people who want to park their bikes in there.

HUGH RUSSELL: So, I've been trying to figure out how to get from my new office home by bicycle and mostly legally.

CATHERINE PRESTON CONNOLLY: Always a good goal.

HUGH RUSSELL: Right, it's a goal. And I finally discovered that I have to go an extra block and a half out of my way to do it legally. And that takes me an extra oh, maybe 20 seconds?

STEVEN COHEN: That's terrible.

HUGH RUSSELL: 20 seconds. So, you know, it's like okay, so you got to go an extra 50 feet, but you know, you're on your bicycle.

MARY FLYNN: You're on your bike, right.

HUGH RUSSELL: You know.

CATHERINE PRESTON CONNOLLY: I don't disagree with you, Hugh. I just think that if you have paving back to that door and then green

space beyond, you're going to have bikes being rolled through the green space and you should plan for that.

HUGH RUSSELL: Right. Pricker bushes.

CATHERINE PRESTON CONNOLLY: Fair enough.

H. THEODORE COHEN: As soon as I can get the memo, we can go through the criteria.

So, the construction of a multi-family dwelling in a Residence C-1 and Business A-3 District is under Section 4.26.1. And the findings we have to make are that the key features of the natural landscape are preserved.

New buildings relate sensitively to existing building environment.

Open space provides visual benefits to abutters and passersby and functional benefits to occupants.

Parking -- well, parking is not an issue.

CATHERINE PRESTON CONNOLLY: Well, the parking is safe and convenient. The parking that's being provided here is safe and convenient.

H. THEODORE COHEN: Safe and convenient.

The intrusion of on-site parking is minimized.

And surface of trash collection and utility boxes are convenient, yet unobtrusive. And we make all of those findings.

STEVEN COHEN: The key features of the natural landscape perfect.

H. THEODORE COHEN: Are preserved. Are improved dramatically.

STEVEN COHEN: Yep.

H. THEODORE COHEN: And the building behind it is, is going to benefit dramatically from the changes.

So under Section 20.3 of 4.4, waiver setback requirements in Central Square Overlay District. The proposed development's consistent with the goals and objectives of the Central Square action plan and that it encourages responsible and orderly development, strengthens the retail base to more completely serve the neighborhoods. That's it's not doing.

Preserve the square's cultural diversity.

Create active people-oriented spaces.

Improve the physical and visual environment.

Again, skipping the retail.

Encourage the development of new mixed income housing.

And so I think we can make all of those findings.

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: And that the improvements are in conformance with the urban design plan which also have in our memo. And I don't think we really need to go through right now. I think we are familiar with it.

No National Register contributing building is demolished.

Preclude its designation either now or within it past five years.

CATHERINE PRESTON CONNOLLY: We're good.

H. THEODORE COHEN: Despite your work.

CATHERINE PRESTON CONNOLLY: Oh, I'm willing to let it go.

H. THEODORE COHEN: And the building and site designs adequately screen the parking provided in the sense of the contributing buildings in the vicinity.

Okay, I think we can make all of those

findings.

The reduction of parking requirement in Section 20.304.6 and 6.35.1, lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood or will provide positive environmental or other benefits to the users of the lot in the neighborhood including assisting and provision of affordable housing units.

HUGH RUSSELL: That you rely on the traffic parking report.

H. THEODORE COHEN: We have a memo from Traffic and Parking in support of this proposal.

HUGH RUSSELL: Right.

H. THEODORE COHEN: And the use of the parking at the Mass. and Main building and the

use of the parking at 65.

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: And similarly the approval of offsite accessory parking under Section 6.22.2. Again, we have the memo from Traffic and Parking, but I think we can say convenient and safe access from parking facility that's been served as provided. It's not located on a lot which is a more restrictive rezoning classification, and it's located within the 400 feet of the lot being served for residential uses.

And moving on to Project Review Special Permit in Section 19.20, project is consistent with the urban design objectives that the City has set forth in Section 19.30.

I think we're all pretty familiar with all of those objectives. And unless anyone has a

question about anything, we could make that finding.

CATHERINE PRESTON CONNOLLY: Yeah.

H. THEODORE COHEN: And similarly there are the general Special Permit criteria in Section 10.43 where Special Permits will normally be granted if the zoning requirements are met and was found to not be in the public interest due to one other criteria enumerated in that section. Again, I think we're all pretty familiar with those criteria. I don't see any problem with any of them.

HUGH RUSSELL: So you have a little, we were finding that the parking lot is not located in a district that is less restrictive but I think a portion of it probably is.

JEFF ROBERTS: I was going to add to that, Mr. Chair, just to put it on the record,

that this is a district where it's not the -- we're not invoking much of what's in the Mass. and Main zoning, but if you recall when the zoning was adopted, established this area north of Bishop Allen Drive as a residential support zone specifically for the purpose of allowing parking to -- existing parking to accommodate new residential uses in the district. So that's, it's a little, it's a little quirk to this zoning that goes beyond what the base zoning is.

HUGH RUSSELL: I still want a closing attorney to freak out. And so we need to make it clear that we now are relying upon --

H. THEODORE COHEN: Relying upon the amendment to the zoning.

HUGH RUSSELL: Right.

H. THEODORE COHEN: So, Joe, is there -- Joe, you have a list of transportation mitigation

measures in your memo of December 27th. Are all of those measures agreed to by the applicant?

JOSEPH BARR: Yes, they are.

H. THEODORE COHEN: And, Mr. Twining, is that correct?

ALEX TWINING: Yes.

MARK BARER: That's correct.

H. THEODORE COHEN: All right.

And any other conditions in the DPW memo?

So it seems to me we can make all of those findings and make on all of those requested Special Permits, I would say that the Special Permit would be subject to all of the traffic mitigation measures listed in Traffic, Parking and Transportation's memo December 27, 2016. Any requirements in the most recent memo from the Department of Public Works, and also there were some issues in CDD's memo to us with regard to

ongoing issues that needed to be addressed, specifically review of exterior materials, colors, and details and material mockup on the site. And I think we all have given input into that.

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: That the decision would also be subject to ongoing review by CDD. And I think if anything changes dramatically, they have the right to bring it back to this Board for further review and discussion.

Review of landscaping details, particularly with planning, edge treatments, hardscape design, and materials and addressing, reducing the size of the -- side access paths if possible, if possible, if necessary.

Review of the front porches as to whether they remain as I guess private space for those

two units or whether they become more public space.

CATHERINE PRESTON CONNOLLY: It's three units, right?

H. THEODORE COHEN: I'm sorry?

CATHERINE PRESTON CONNOLLY: It's three units on the ground floor? With patios.

H. THEODORE COHEN: Are there three units?

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: I'm sorry.

And with regard to location, screening of any utility boxes and electrical infrastructure such as transformers. I guess that raises a question. Has anybody spoken to grid?

CATHERINE PRESTON CONNOLLY: Eversource.

H. THEODORE COHEN: Eversource, yes, with regard to where a transformer might have to be

located?

MARK BARER: We are still working through that. Because it's coordination of what the grid and what's going up Columbia and Bishop Allen. So it's in the works.

H. THEODORE COHEN: Do you have any idea at this moment where they might be required?

MARK BARER: More likely to be coming off Bishop Allen. We don't have an exact location for the box may or would be, but it's still in the works.

H. THEODORE COHEN: Like right in front of the building?

HUGH RUSSELL: It's a footstool in somebody's patio.

TOM SIENIEWICZ: With a barbecue on top of it.

H. THEODORE COHEN: Ongoing review of

design, bicycle parking, all site parking by Traffic and Parking, and review of storm water management by DPW.

Is there anything else that we discussed that ought to be mentioned in the decision?

JEFF ROBERTS: Mr. Chair, can I just go back to ask for a clarification on the question of the front setback?

Is it the Board's intent to say that it would be allowed for those private patios to be converted into a sort of non-accessible landscaped area if that's what the -- if that was the outcome that was arrived at through the design review or is the Board indicating whether it should go one direction or the other? Because it will mean to write it appropriately in the decision.

H. THEODORE COHEN: I don't think there

was a clear consensus of the Board one way or the other. And I think proposal was to leave it up to staff in consultation with the proponent to see what they thought worked the best.

TOM SIENIEWICZ: I mean, that wasn't -- my sense was that landscape should contribute to the public rather than being devoted to three individual units. And so whether that, whether that serves those units, but at least enjoyed by the public, you know, I think there's a loose definition around that. But the intention was that that's a public amenity and thrust. That was my --

STEVEN COHEN: So, Tom, implicit is to eliminate the door and the patio?

TOM SIENIEWICZ: Notwithstanding Hugh's long and correctly detailed essay on grading, there may be ways in which those thresholds could

work depending on what the grades are. You know,
so --

STEVEN COHEN: But as entrances rather
than patios?

TOM SIENIEWICZ: Right. And then you put
three trees that are taller than the building in
front of it and it would be much, much better.

H. THEODORE COHEN: My question is what
is there, what we're seeing right now acceptable
to you or not?

TOM SIENIEWICZ: Not.

H. THEODORE COHEN: It is not.

TOM SIENIEWICZ: Not to this board
member.

HUGH RUSSELL: But there's kind of a half
way position which is to embrace some of the deck
area into the landscape area so that the balance
is predominantly landscaped. I mean, how many

chairs do you need on the deck for the studio apartment?

TOM SIENIEWICZ: That are not chained and locked there with the gas barbecue.

THACHER TIFFANY: It's a back door not a front door.

HUGH RUSSELL: Think of it as the size of a porch for each unit. Placing, you can come back and put a couple of chairs and that would change the balance. That might be one way it could respond to -- try to make everybody kind of happy.

H. THEODORE COHEN: I don't remember whether Sierra or Tango has tiny little porches.

HUGH RUSSELL: I think it's Sierra.

STEVEN COHEN: And then one day the resident will want to build a little fence to enclose it to increase their sense of privacy.

HUGH RUSSELL: The landscaper will do that.

LOUIS J. BACCI, JR.: Yeah, right, the landscape.

HUGH RUSSELL: The landscape could actually contribute to that.

MARY FLYNN: To privacy.

H. THEODORE COHEN: So I guess we go back to Jeff's question of what it is the condition in the permit?

TOM SIENIEWICZ: Well, maybe we're arriving at a point where we need to review it as a Board. I mean, you know, I'm reluctant to say that. I mean, I'd like to move the business of the developer and the Board forward, but if there isn't consensus of the Board, maybe we need to see it. The landscaping.

HUGH RUSSELL: You can also approve it on

sort of an either/or basis or on the basis of having more greater amount of landscape treatment and then have us get the final result come to us for a comment before the department signs off on it for a Building Permit.

H. THEODORE COHEN: It seems to me what Jeff is questioning is whether we're willing to say that they can have the setback Special Permit because there is sufficient benefit to the public at large.

JEFF ROBERTS: Mr. Chair, I think what I'm trying to get to is what -- is to have some clear direction for staff to follow in reviewing this because there were some different opinions on the Board. And so it's fine -- we're perfectly happy to work at the staff level with the permittee if the permit is granted, but we'd like to know what direction they should be going,

whether it's trying to incorporate more landscaping into the design, whether it's trying to get the entrances to be -- front entrances if possible. Whether it's in failing that, what should happen. Just some, just some clarity on what direction they should take it and we can, we can review the details, as Hugh mentioned, we can bring it back as we always do in -- when decisions are granted any new work we might bring back to the Board to look at to give advice, but -- and certainly, we could do that. But I think we just want to know. We don't want it to be completely open ended as to what they should be doing.

H. THEODORE COHEN: Well, I think my sense is that we were all supportive of more landscaping on the front. I think there is a difference of opinion whether there should be

doors into those three units which, you know --
it's a public amenity in the sense that the
public sees it while walking back and forth but
it's presumably a private amenity for occupant of
those three units.

MARY FLYNN: Right.

H. THEODORE COHEN: And, you know,
whether it --

ALEX TWINING: If it helps from our side,
we're fine, if you find the doors can work and we
can do it, put them in and if not, we'll work
with whatever, whichever way CDD finds is
acceptable.

IRAM FAROOQ: Mr. Chair, may I make a
suggestion?

H. THEODORE COHEN: Yes, please.

IRAM FAROOQ: There are two things that I
heard from what you said:

One is that it seems like the majority of the Board would like to see the landscaping be serving the public realm with larger trees and so on. So that is one piece of direction that we can take. Given that there's no full consensus as Tom said in terms of the doors, I would say that the doors actually do add something to the public experience, and so we will assume that the operating principle is that we retain the doors. And frankly if the doors go away, that is going to be a pretty significant change to the design, at which point if that scenario were to transpire, we would bring it back to you for advice in terms of the design review. But pending that we can assume that it work -- the Board wants more landscaping, that serves the public, and wants to retain the doors for the time being. Make sense?

STEVEN COHEN: A solid solution.

CATHERINE PRESTON CONNOLLY: Your boss knows what we want. Does that work for you?

H. THEODORE COHEN: Jeff is shaking his head yes.

Okay, well, then could we have a motion to approve the various Special Permits as just reiterated and summarized so well by the Assistant City Manager?

HUGH RUSSELL: So moved.

H. THEODORE COHEN: And is there a second?

CATHERINE PRESTON CONNOLLY: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: It is unanimous.

So thank you very much. We look forward to seeing this. And we will take a five minute

break right now and we'll come back and have another public hearing with regard to medical marijuana.

(A short recess was taken.)

H. THEODORE COHEN: So this is now a hearing on a Medical Marijuana Zoning Petition by the City Council to delete the existing Section 20.700 Medical Marijuana Overlay District; create a new Section 11.800 Medical Marijuana, and list registered Medical Marijuana Dispensary with Section 4.35 of the Table of Use Regulations to be allowed only by Planning Board Special Permit within Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1, and Industry B-2 District. The public hearing was opened on November 1, 2016, and continued.

We continued the matter because that was

immediately before the election as to -- with regard to the referendum question as to recreational marijuana which has passed, and I think the adoption of the recreational marijuana has made the question of Medical Marijuana Zoning even more complex and unclear because of statements in that referendum and how they apply to the alternative medical marijuana.

And, Jeff, do you want to review the status of things with the Board?

JEFF ROBERTS: Absolutely, Mr. Chair.

I will say, I'll start by skipping to the end and then going back. So since the Planning Board continued this hearing, the Ordinance Committee has had three different hearings on this petition. They also, many of the members of that committee raised concerns about how this relates to the recently adopted non-medical

marijuana law and there were a lot of questions, specific questions about it. The summary -- we did and we did provide some information in the latest memo. It can essentially be summarized by saying that according to the new law, there is some -- while the new law creates a completely different system under a completely different state authority for non-medical marijuana, while also leaving the medical marijuana system intact under the Department of Public Health, there are provisions that tie the two together in somewhat interesting and complicated ways. We are not sure how it's going to play out because there is still a lot that needs to be done in terms of establishing the -- what's called Cannabis Control Commission which would oversee the non-medical marijuana program and create -- promulgate regulations.

Under the law that was passed it was expected that would be sometime around the middle of this year. The legislature just recently acted to extend the time period for the original law, so we would expect that would occur possibly towards the end of this year, that we would start to see some regulations for the operation of non-medical marijuana retail establishments.

But as the way the law is written now, it says that there are provisions where -- that limit the extent to which a local community can restrict or prohibit retail marijuana establishments, and they -- and it does relate to, in some ways to the, to where Medical Marijuana dispensaries are located.

So, again, just skipping to the end. So the Ordinance Committee had several discussions. Today at earlier this afternoon, the Ordinance

Committee voted to move the petition as it's more or less as it's currently written to the City Council with a favorable recommendation. The conclusion being that while there is still a lot of unanswered questions about the non-medical marijuana initiative, that they, they felt the members of that committee felt that was not a reason to delay moving forward with a consideration of medical marijuana provisions. They did note, or many members of the committee did note that they're anxious to hear the Planning Board's recommendation. If there are any particulars about the zoning districts that are proposed or the provisions in the proposed zoning that the Planning Board might make a recommendation on, I think that those -- there is still time to consider any recommendations to the Planning Board before the Council votes. And of

course the Council as a whole may take a different approach than the Ordinance Committee just as is the case with the Planning Board when the Planning Board makes a recommendation.

So that's, I think, the overview of the process. Getting into the details, some of the work that we've done, I think that probably the most recent and most relevant work is in the memo that is dated December 20th where we cover a set of kind of FAQ style discussion where the first few deal specifically with this petition as it relates to medical marijuana. The last few questions talk about what the relationship is between the medical and non-medical marijuana but just focusing on those first few questions, we talk a little bit about just the number of medical marijuana dispensaries, noting that there are currently three that are in some -- at some

point in the permitting pipeline. The original law didn't really anticipate more than one in any given community, but I think that the changes that have occurred in the implementation of the program have opened it up to consider that in some communities there may be multiple dispensary considerations and that's the approach that's gone forward.

There were questions about if the zoning is changed to a more base zoning type of regime like any other zoning for any other kind of use, should there be -- would there be concern about clustering of too many in one particular location. And we did note that the petition, and it was slightly modified to clarify for clarification when it was forwarded to the Council would require that no medical marijuana dispensary could be within 1500 feet of any other

medical marijuana dispensary. That would be a strict provision in the rules that would create some spacing out. In some larger districts you may still be able to have multiple dispensaries within that district, but in many districts that distance limitation would mean that there really couldn't be many or in some cases not more than one.

And then we did look at the, look at some of the districts and the use considerations. In terms of the districts themselves, we noted that many of these are higher intensity commercial districts. In some cases particularly we noted Business A and Industry A-1 tend not to be as intense commercial use districts. They tend to be in some cases more residential corridors and kind of mixed use locations, and suggested that potentially those might not be as appropriate.

And that goes back to some work that we had done in the past looking at these different districts. And we, we also noted that there are a lot of special districts in the city that take as their use regulations, they reference base zoning districts, so while this only lists a certain number of districts, there are other districts that could be interpreted to also allow dispensaries and so that was a question that was raised.

The approach could -- a suggested approach could be to be more limiting would be to say that special districts would not follow the referenced, the zoning requirements for the reference district in terms of medical marijuana dispensaries, but unless it says specifically in the zoning for that special district that they're allowed. So that would be one way of approaching

it.

Another way of approaching it would be just to say that well, if it's allowed in Business B, then it should also be allowed in any other district that allows Business B. So there's a range of different approaches and that's something that would need some clarification moving forward.

And then a couple of issues that are use related but not necessarily specific to the districts, whether there should be some distinction between retail, when it comes to a marijuana dispensary, whether the retail function and production, the cultivation functions should be separated. I know that one of the concerns that I've discussed a few times with the Public Health Department, which also has some regulatory oversight over these establishments, is that in

locations where there is any processing or even just packaging or repackaging going on there, it's very difficult to control odors. So where that's happening in proximity to residential areas or other uses, that could be a concern. That's something that they're looking at particularly.

I think that from what we've seen, most of the dispensaries that are looking to locate in Cambridge are just looking to locate retail operations in Cambridge and not other retail operations. But while the original zoning, it identified only two large areas in specific parts of the city that could potentially accommodate a range of different medical marijuana related, dispensary-related activities subject to Planning Board Special Permit, if it were moved again to a base zoning regime, it may make sense to also

think about those different types of uses.

And then another point had to do with the -- in the more recently adopted districts in Harvard Square and along Mass. Ave., their provisions specifically in there to mitigate impacts on the street front by requiring dispensaries to be located above grade or below grade or behind a frontage of active retail given that these are establishments that under the state regulations can't be -- they essentially have to be visibly sealed off physically and visually sealed off from the public.

So those are the issues that I think pertain more to the zoning. I won't go through all of the issues pertaining to the relationship between the medical and non-medical marijuana because, again, there's just a lot that we don't know, except that we have to acknowledge that

there is some, there is some reference to them being -- having to follow similar types of allowances in districts where -- districts where medical marijuana is approved for and then translate to the non-medical marijuana.

I'm happy to answer any questions if I can.

STEVEN COHEN: Could I ask a question?

H. THEODORE COHEN: Go.

STEVEN COHEN: I, I kind of don't really understand any longer the rationale of the business model for medical marijuana. I mean the medical marijuana right now is regulated as if it were radioactive waste or something. You know, all sorts of things to, you know, protect the public from the things going on inside. But right around the corner we're going to have largely unregulated recreational marijuana

available. And so I -- and once that comes around, I don't even understand the business model for medical marijuana and why that's still on the table? So what am I missing?

JEFF ROBERTS: Well, there are a few things I can talk about and I'm not an expert on this but I have had a lot of discussions about it and there have been a lot of discussion at the other public hearings. I guess first off, we don't really know what's going to happen to the two different business models. We know anecdotally in other states where there's medical marijuana and non-medical marijuana, they have continued to both exist. So in Colorado, for instance, you know, when recreational marijuana was legalized, some medical marijuana establishments converted to recreational marijuana, some did not. So they -- there are,

there is no both.

And then from just from a -- and sort of from an explanation standpoint, there are still differences in the two programs. So medical marijuana is operated by non-profit corporations that they are providing to specific registered patients. There are privacy considerations in place having to do with the fact that it's operated under a medical umbrella. There are subsidies available for lower income patients and it's not taxed. So there are -- it's essentially -- it's a very different -- the way the system is designed is very different in that it's meant to serve a specific patient population and it's meant to operate as other types of medical service providers would operate.

Non-medical marijuana would be for, you know, adult use by anyone 21 or over, which is

not necessarily the case with medical marijuana. Medical marijuana could be available to people under 21.

Non-medical marijuana would be in a, you know, a retail type -- you go into a retail facility, you just have to prove that you're 21 or older, it's a taxed, it would be taxed. It would be operated by for-profit entities. It would -- the I believe testing requirements may be different. There may be differences in what's available, what people would know about the product, and there would be -- and there would not necessarily, unless something changes in the regulations, there would not be subsidies for low income people to purchase non-medical marijuana or purchase marijuana through a non-medical retail establishment.

That's not really an explanation, it's

just to note that there are differences and that we don't know exactly how it will play out.

STEVEN COHEN: Okay, could I just follow up and get a couple of other -- the relationship between the laws. Is it significant that any district in which medical marijuana is allowed then recreational marijuana would also be allowed?

JEFF ROBERTS: What it actually says specifically is that -- let me see if I can read it and be very precise. It doesn't allow municipalities. I'm going to paraphrase and may be getting myself in trouble doing this. It does not allow communities to prohibit non-medical marijuana in areas where medical marijuana dispensaries have been registered to operate. So what that would suggest is that if, for instance, the Planning Board has approved, and assuming

they complete the registration process, there is a -- there would be a registered marijuana dispensary on Mass. Ave. In that same area because there is the medical marijuana dispensary approved, the City could not say we're going to prohibit recreational -- or non-medical marijuana establishments, retail establishments in that area.

TOM SIENIEWICZ: Steve, my understanding of the relationship between the two facilities is I think detailed on page 5 of 6 here which explains that if the law provides that if you can't figure out to do recreational marijuana, that in October 2017, RMD, Medical Marijuana Dispensaries would be able to apply for a license to sell it to anybody. I was interested why so many wanted licenses to sell medical marijuana? And then that became clear to me when I

understood this. Which is that they get a leg up if the regulations don't catch up.

STEVEN COHEN: Right, I was wondering the same thing.

TOM SIENIEWICZ: On the retail aspect of recreational marijuana.

THACHER TIFFANY: Is one way to think about this deliberation that for that reason and for perhaps other reasons what we're -- where we're going to allow medical marijuana dispensaries may very well end up being how we regulate either through conversion or by saying for the rule Jeff mentioned or just by kind of sort of legislative inertia, this is what we're really talking about. Where do we think it's okay to have a store for marijuana?

H. THEODORE COHEN: I think that's correct.

TOM SIENIEWICZ: That's correct.

H. THEODORE COHEN: And I think that, you know, in the past there is, I was looking at medical marijuana dispensaries basically could be anywhere that a drugstore could be. But given the ambiguity in the language, it may be that if we say that it can be in any zoning district, then we're by default going to end up saying that recreational marijuana can be in any zoning district. Or if we limit it to, you know, B-1, B-2, B-3, whatever, it may be that it could be in all of those districts. You know, one could argue I suppose that under our existing Zoning Ordinance, say that since there is a special district where Sage is going to go in, that only in that district right now could you automatically have a recreational marijuana facility. And similarly because of the way our

Ordinance is written, you know, we've got the two districts where it's probably unfettered but we've created or City Council has created a couple of other districts, and presumably those places as of right would allow for the retail use.

TOM SIENIEWICZ: I think we got to the heart of it. And for me when I was reviewing this carefully, the second map which shows the potential of a business zone plus industrial zones being allowed overlaid with the regulation of the setback from playgrounds, schools, daycare centers, provides really an extraordinary picture of what we're talking about in terms of very, very limited areas in the city where this might happen. So that, that was reassuring to me. Although, what I was puzzling about is of course none of us know what implications are in the

recreational marijuana. We're going to have lineups of thousands of people. Does it attract party goers? I don't know. And so I was hoping that, you know, we could have fairly limited zoning saying, yeah, just assume that we're going to expect them where we have RMDs, let's see what happens, and then write the zoning regulations around that. Maybe nothing's going to happen. I suspect it won't be an obnoxious use and then this map might govern. But I don't quite know how to get there in those steps.

STEVEN COHEN: Just for clarification, I mean the map tells us where the medical marijuana dispensaries can be placed under that --

TOM SIENIEWICZ: Right.

STEVEN COHEN: -- regulatory regime. But this is not a limitation of where the

recreational marijuana stores can be located under a totally different regime?

TOM SIENIEWICZ: But per Thacher's observation, I think what we're saying is that medical marijuana, and that's what's before us in this petition, right, medical marijuana we have to assume that's where recreational uses might be allowed in the future.

STEVEN COHEN: I'm -- certainly would be allowed here. But I think it may be allowed more broadly than this.

CATHERINE PRESTON CONNOLLY: Right, but that's not before us at this point. Right now we're just looking at medical marijuana and the potential implications that the places we allow medical marijuana would also allow recreational. So, yes, recreational may be allowed in many more places than are illustrated on this map if at

some point we decide to adopt a petition that deals with that. But right now we're looking medical and at least these places that we would allow medical could also allow recreational.

HUGH RUSSELL: So, let's look at the Business A District along Cambridge Street.

TOM SIENIEWICZ: Yes.

HUGH RUSSELL: There are actually two districts that are corner to corner at someplace. Willow Street.

So let's say that someone wants to do a medical marijuana around the corner of Norfolk Street, say, and Cambridge Street, and under these rules there could not be another medical marijuana in that district because it's not big enough and can't be 1500 feet from that corner. But under the state rules, the same district goes into some grey areas and so you could have

recreational marijuana in that district if they -- that's the way the law comes. And it wouldn't -- it could be in the grey area unless the regulations decide that. I mean --

CATHERINE PRESTON CONNOLLY: Right.

HUGH RUSSELL: Is that a problem?

MARY FLYNN: We don't know.

STEVEN COHEN: Well, that's the question, is anything a problem? And, you know, one observation that I make, I think I made it last time, and I may be a lone voice on this, but, you know, my thoughts are kind of colored from my recent visit to Venice Beach, California, where just about every third or fourth storefront was a marijuana dispensary. Now, Venice Beach isn't the highest class place in the world to begin with, but it really did, you know, color the character of the place. And frankly, it

cheapened it. And I don't know whether that could happen here or how it would play out here, but I guess what kind of bugs me is precisely that, that I don't know how any of this plays out here, and I kind of wish I had a better sense of how these regulatory regimes are going to work and interplay. And how even the three that we're on the verge of approving are going to play out before we further expand it, because, you know -- and I speak as one who enjoys a hit with some regularity myself. I have to say that to establish my own (inaudible).

But I don't know, my sense is what's the rush to judgment here? I mean let's, you know, get some more feedback and experience and observation before we totally open the floodgates to something that we just don't really understand that well yet.

HUGH RUSSELL: So I'm curious in Venice about the establishments that are in between the marijuana establishments. Are those --

STEVEN COHEN: Tattoos.

HUGH RUSSELL: -- are those places of alcohol or sell alcohol?

H. THEODORE COHEN: Could I just --

HUGH RUSSELL: Which seem to be to some sense people drink alcohol for reasons that are somewhat similar to the reasons they might, you know, want to alter their consciousness a little bit and feel good.

And so, you know, what's the difference? Well, according to the state, one difference is the marijuana is so valuable that you have to have this incredible security apparatus to keep the people working there and the patients safe from hoards of bad people who are going to come

in and --

TOM SIENIEWICZ: Steal it.

HUGH RUSSELL: -- steal it and endanger the lives of people who are nearby.

STEVEN COHEN: We have better security there than we do in the banks.

H. THEODORE COHEN: Before we go any further, can I just interrupt and say that this is a public hearing. So why don't we see if there's anyone from the public who wishes to speak before we proceed?

HUGH RUSSELL: Maybe somebody can make it easy for us?

H. THEODORE COHEN: For our discussion. I don't know if there was a sign-up sheet.

LIZA PADEN: Nobody signed up.

H. THEODORE COHEN: Nobody signed up.

Is there anyone here who wishes to speak?

(No Response.)

H. THEODORE COHEN: Okay, none appearing.

So then we can return to our free will discussion. And following up on, Hugh, what you said, what I've learned is that it's not really this safety of the patrons or even the safety of employees, but the real issue is that apparently these are all cash transactions because they can't deal with checks or with charge cards or with any bank that deals with the federal banking system. And so these places have enormous amounts of cash lying around in their basements.

HUGH RUSSELL: Are these the dispensaries?

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

STEVEN COHEN: Because it violates

federal law and none of the banking institutions are willing to take -- and by the way, under the Trump administration who knows where any of this goes. Right now we're under the assumption that the Feds are not going to enforce federal law but all bets are off on many subjects.

MARY FLYNN: I guess when I was thinking about it, I was thinking along the lines of Steve and Tom's position, too. I don't think there's any sense of urgency to change anything right now. If there's more questions than there are answers and we know already that where we have the medical marijuana dispensaries, we have opportunities for the non-medical. So I think it makes sense to just hold off before expanding anything. Because, again, not only does it get into sort of the use, but, you know, there are other urban design issues, too. I mean the

medical has all of those restrictions and, you know, limited street frontage. We don't know if the retail has that and maybe we want it to have that, we don't know. My recommendation would be to just leave the districts where we have medical marijuana the way they are for now and revisit the question after the state has made some determinations as to what the actual regulations are and where it is going to be allowed.

CATHERINE PRESTON CONNOLLY: So, I was just revisiting the language in the petition to see if -- because my only sense of urgency with doing something now is if it got us out of the business of hearing every zoning petition every time we have a new proposal, I mean we still end up having to do all of these by Special Permit which is slightly better than rezoning every time. So on that score I guess that's okay. But

ideally what I'd like to see us move forward is a comprehensive zoning for all marijuana establishments, medical or otherwise, that could involve at least some areas where they could be done as of right provided they meet the criteria, you know, for urban design or whatever in their neighborhood and not have to have every one of them come before the Planning Board.

MARY FLYNN: Right.

CATHERINE PRESTON CONNOLLY: Again and again and again. This doesn't achieve that. This still makes them all come here. It's not a rezoning, it's a Special Permit, but this is still a Special Permit for every single one of them. So, as much as I want to be supportive of having an appropriate number and location of marijuana facilities in Cambridge, I don't know that this necessarily gets us any further

efficiencies than we currently have. So if people would rather kind of take a wait and see approach, I'm not necessarily opposed to this. Because one thing I would want out of a petition like this is some efficiency.

STEVEN COHEN: Catherine, if I could say, and to Hugh, first of all, Hugh, at the end of the day I might be totally in agreement with you. I agree that it should be as readily available as alcohol and, you know, regulate it no more strictly than alcohol. I'm just only suggesting it's new, you know. There should be no rush. Let's just see how it plays out. And then maybe we do want to permit it but with slightly different regulations and restrictions based on our experience with these first three.

And I think to your point, Catherine, I agree with you. I mean who wants to be looking

at all of these zoning petitions. But maybe we just state as a matter of policy, we're really not going to be supporting any further zoning petitions until we have some experience with the three that we're in the process of approving.

CATHERINE PRESTON CONNOLLY: I'm not sure I'm there.

STEVEN COHEN: Well, and look, we'll always, you know, make decisions.

CATHERINE PRESTON CONNOLLY: Yeah.

STEVEN COHEN: And we can always change our mind. It just seems to me that, you know, there isn't a rush and the decisions we make in zoning are really important and far reaching and far difficult to undo if we make a mistake. And sometimes there's urgency but sometimes not.

CATHERINE PRESTON CONNOLLY: Yeah, I mean I do think the fact that we don't know how

recreational marijuana is going to be regulated by the state, whether for instance we'll be able to have the License Commission regulate it the way they would a bar, on whether the DPH will regulate it the way they do pharmacies, or any of those kinds of things does suggest that, you know, there is some stuff that we should wait and understand. Because on the one hand I would like to say any place we're allowing retail establishments, these should be allowed with the caveat that they are regulated in the same way that similar substances and through the dispensing of are regulated. Bars have to be a certain distance of each other, have a certain open hours, those kinds of things, which are generally not the purview of the Planning Board and should not be our business to have to, you know, regulate those operational aspects of them.

STEVEN COHEN: Yeah.

CATHERINE PRESTON CONNOLLY: Assuming the appropriate agencies take on those things, I would like to see this Board move towards an as-of-right system that treats marijuana dispensaries and establishments the same way we do other similar establishments and to let the regulating agencies, be it DPH or License Commission or whomever deal with the kind of public nuisance possibilities and aspects of their license.

H. THEODORE COHEN: Yeah, I agree with that. The caveat I see is that if, you know, a regulation were adopted that said, you know, all the windows have to be blacked out or there have to be barbed wires and cameras, and no, we don't want that on Mass. Ave. Then I agree that too much is unknown and, you know, the staff's memo

indicated that there's going to be an interdepartmental group established to try to come up with I think a comprehensive zoning plan.

CATHERINE PRESTON CONNOLLY: Right.

H. THEODORE COHEN: And so I agree that, you know, certainly as to the medicinal marijuana, you know, as I said before, I would be happy to have it most anywhere in the city, but because of the negative -- potential negative implications with regard to recreational, I don't see there being a rush to do something. And I think that October 2017 date is one that's already been extended six months by the legislature.

CATHERINE PRESTON CONNOLLY: Right.

TOM SIENIEWICZ: Yes.

H. THEODORE COHEN: And so I think there is time for the City to do this interdepartmental

study and then, you know, staff come back to us and City Council with something that we think addresses at least what can be known as of that time.

CATHERINE PRESTON CONNOLLY: Yes, that's right.

H. THEODORE COHEN: That's where I'm coming from.

STEVEN COHEN: I think ultimately the City and we will permit it probably pretty widely. And like you said, probably similar to alcohol. It's just sort of on what terms --

CATHERINE PRESTON CONNOLLY: Yeah.

STEVEN COHEN: -- and where. We're like out of control. Or I feel out of control in any event.

CATHERINE PRESTON CONNOLLY: Yeah, that's fine.

LOUIS J. BACCI, JR.: So I guess I just have one question with that. What do we do with the next medical marijuana dispensary that comes in front of us?

H. THEODORE COHEN: I think we have to hear it, and if it falls within the existing zone, then we go through the Special Permit process. If it is a zoning petition, then, you know, we evaluate it and we make a recommendation to City Council as to whether we think they should amend the zone.

LOUIS J. BACCI, JR.: Just my concern is that every time we pass one through here, it doubles the amount of recreational possibilities, you know?

H. THEODORE COHEN: That's a possibility. And I think we've got one the next meeting or two meetings from now. But, you know, as far as I

see it, we're still just talking about either the existing zone or very discrete small additional zones rather than saying it's every BA zone and BB zone and so on and so forth.

HUGH RUSSELL: I think it's interesting that the three legally trained members of the Board see this pretty much the same way, and I think this is a case where I feel rather inclined to defer to that judgment because I think we can take advantage of that training and those thoughts. I mean, I would like to look forward to a future where, you know, people who need this substance and want it can have it and get it, but if you guys feel we're not ready to go there yet because of all the uncertainties, then I'm certainly willing to go along with that.

THACHER TIFFANY: Yeah, I think I feel the same way, but I would also add that I think

that there's something -- I think one outcome that maybe one of us will agree that we don't want is a Marijuana District in Cambridge. And by limiting the number of zones that we have, we sort of, we create that possibility. So there is something attractive about saying, you know, anywhere is possible. It seems, that seems to increase the probability that it will be spread around. But just throw that in as a counterargument but with the agreement that I think waiting does make sense at this point.

H. THEODORE COHEN: Okay. So then do I correctly sense the sense of the meeting is that we do not recommend that this be adopted at this time?

STEVEN COHEN: At this time.

H. THEODORE COHEN: Simply because there are too many questions about the impact it would

-- amending it would have on the recently passed referendum relating to recreational marijuana use and its locations -- potential locations in the city?

JEFF ROBERTS: I think I can write that up and there might -- there were a few points that were made about having existing districts, wanting to see the effects of the dispensaries, the medical marijuana dispensaries that are currently in the pipeline and I can, I can add that.

I would, not to, not to keep it going too much, but I would -- what I would just note is that since this has moved from the Ordinance Committee to the full Council and there is a potential that it could in some form it could get passed, if the Planning Board did -- as the body that was noted by the Vice Chair will need to

review these applications, if there are any particular provisions in the petition that are a concern to the Planning Board in that sense, that might make things more difficult, or that the Board would want to have considered if it were to pass, I would advise thinking about that.

Because as noted, what's before -- what's gone -- what will be going before the Council is the petition pretty much as it's written with the full range of districts and the requirement that they have to be at least 1500 feet from each other. So that's just something to note and to think about because the Board -- just bringing it up because if you look at the map and pick any place on that map, you may be considering a Medical Marijuana Dispensary proposal in that location and that's what it is.

HUGH RUSSELL: One of the -- and I

started circling places on the first map that -- and I said wait a minute, like the Industry A-1 Districts in North Cambridge are housing districts.

TOM SIENIEWICZ: Yeah.

HUGH RUSSELL: And probably don't want to see increased retail activity in those districts. And I'm a little uncertain about the borders of the industry on the streets in East Cambridge, but I think some of those districts are basically residential at the boundaries. And in some sense the boundaries are probably creeping outwards a little bit. So those districts seem, you know, could you -- if I were knocking out a district, I would knock out the Industry A-1 District. It doesn't seem to be a business district.

MARY FLYNN: Right.

HUGH RUSSELL: There are some industrial

uses still in it.

The special districts in Cambridgeport are a mixture of residential and that kind of business use, but there's not much retail there. And I don't know what districts they're tied to SD-5 and SD-8.

H. THEODORE COHEN: SD-7.

HUGH RUSSELL: And 11.

I mean some of it is Novartis.

JEFF ROBERTS: That got very confusing. The map got very confusing. SD-5, SD-7, and SD-11 along with North Point and the Volpe area refer to the Business B District.

The MXR Districts and I believe the SD-8 District are the reference to Industry A-1. And then several other districts, including the Alewife Overlay Districts and many of the PUD districts and some overlay districts have

provisions that say any use listed in Section 4.35 could be allowed by Special Permit usually from the, I think it's in all cases from the Planning Board. So that's not something that the -- it's not something that the Ordinance Committee took up specifically, but it is, it is a complication that I think if anything does pass, there definitely needs to be some clarification as to whether, whether the intent is for those districts. The intent is whether if someone in one of those PUD districts thought they could -- in fact, I think early on there was a proposal -- and I think the proposal didn't go anywhere in one of those PUD districts, but you know, would that be something that the Planning Board should entertain as a Special Permit application?

STEVEN COHEN: You know, Jeff, my

personal feeling is that, I mean we're recommending that it not be passed. But if the municipal legislature, the City Council decides as a matter of, you know, political judgment that they'd like to expand the use, then I guess I would prefer they send it back to us. And then once that political real is established, you know, we will do our best to come up with a reasonable and appropriate Zoning Ordinance. Their political will trumps, you know, any opinions that we may be voicing here today.

CATHERINE PRESTON CONNOLLY: But isn't that what Jeff is telling us? Is that they're already forwarding it with a positive recommendation.

TOM SIENIEWICZ: Right.

CATHERINE PRESTON CONNOLLY: So they are, they haven't voted it yet, but he is essentially

telling us that they are likely to adopt it.

STEVEN COHEN: You know, maybe hearing our recommendation will influence them, maybe not. But if they are going to pass it one way or the other, then I think they should send it back to us to work out the details.

JEFF ROBERTS: I think I'll clarify and I'm not really trying to be cryptic about anything. And I don't know whether it's going to pass or not. It requires six votes on the City Council. There were three people from the Ordinance Committee today and participation from maybe five or six members of the Council over the course of the three hearings that they have had. And I would just note that I think the reason why I was sort of emphasizing the point is because this is a provision as you noted that it's, it's not just -- it goes into the zoning and then it

goes off and does its thing. It goes into the zoning and then ultimately the decisionmaking will come back to the Planning Board to make. That was just something I wanted emphasize. So that obviously if the Board thinks it's appropriate to stand by the recommendation that it not be passed and handle the cases as they may come forward, that's perfectly appropriate I think.

CATHERINE PRESTON CONNOLLY: And just to clarify, though, Steve's desire to have our recommendation go forward and the City Council then say no, really do it and send it back to us, what's the likelihood of that outcome? That it gets sent back to us for actual, you know, decisions on the individual zones before they pass it?

JEFF ROBERTS: Well, I don't think it's

unnecessarily likely, I don't know that I've seen a situation -- although sometimes it does happen where the City Council will decide to re-file a petition --

CATHERINE PRESTON CONNOLLY: Okay.

JEFF ROBERTS: -- because they want the Planning Board or the Ordinance Committee, just they want to take another shot at it.

CATHERINE PRESTON CONNOLLY: Okay.

JEFF ROBERTS: That does happen sometimes. But I think the point I was emphasizing is that if they adopt it, then as it's currently going to the Council, then the responsibility will go back on the Planning Board to ultimately make the decisions about where medical marijuana dispensaries would be located.

STEVEN COHEN: Didn't they do exactly that on the zoning petition, was it North

Cambridge a year or two ago? Where they kind of, kind of passed it but they sent it back to us to work out some of the details?

HUGH RUSSELL: It was one thing that passed last year it was just very bizarre.

H. THEODORE COHEN: But I mean I -- I'm inclined to simply say we don't recommend. But I've heard staff and Hugh fairly persuasively suggest that the Industry A-1 is not appropriate under any circumstance district. And so I guess I wouldn't have, you know, the problem saying well, if you aren't -- we don't recommend it but if you do want to go forward, we suggest that you eliminate the Industrial A-1 District and that you think carefully about the implications of the SD districts and how they're going to be interpreted.

TOM SIENIEWICZ: Yes.

STEVEN COHEN: Yeah.

H. THEODORE COHEN: And then if they choose to send it back to us to look at the SD districts again, they could do that.

THACHER TIFFANY: I agree completely. This is our chance. If we have refinements around the edges, we should make it --

CATHERINE PRESTON CONNOLLY: Say it now.

THACHER TIFFANY: Yeah.

H. THEODORE COHEN: My concern about the SD districts, if we take them out of East Cambridge, then the port, we're limiting to very small areas of the city.

CATHERINE PRESTON CONNOLLY: Yep.

H. THEODORE COHEN: Which are quite a distance from that part of the city in saying that, you know, there wouldn't be anything here and those people would have to travel a greater

distance than other people.

CATHERINE PRESTON CONNOLLY: Although, when you think about the distance that most people in Massachusetts will have to travel for marijuana, the distance any Cambridge resident is going to have to travel is considerably less than most.

H. THEODORE COHEN: Yes.

CATHERINE PRESTON CONNOLLY: Exactly.

HUGH RUSSELL: The existing district includes O'Brien Highway and there are certainly commercial uses along O'Brien Highway that -- I mean, it might be next to a neighborhood but they're not -- so that's -- nobody's chosen or has been able to find a space there. It's probably covered by grey on the map.

CATHERINE PRESTON CONNOLLY: Yep.

Mostly.

HUGH RUSSELL: No, actually not. Not completely.

H. THEODORE COHEN: Well, are we prepared to go forward?

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: We still have other matter to take up.

So we do not recommend, but if they were to go forward, we recommend they take out the Industry A-1 District and think carefully about the special districts.

HUGH RUSSELL: Another way of putting it is to say that we don't recommend it; one, because of the uncertainty. Or, two, because there are districts such as Industry A-1 and the special districts that don't seem to us to be --

H. THEODORE COHEN: Appropriate.

HUGH RUSSELL: -- appropriate.

CATHERINE PRESTON CONNOLLY: Good.

H. THEODORE COHEN: That's good. Do we need a vote on that or are you all set?

JEFF ROBERTS: You should vote.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Unanimous.

Okay. Liza, I think you're up now.

LIZA PADEN: So the request for an extension of time for a Special Permit No. 318 which is 55 Regent Street. This is the conversion of the warehouse building to three units of housing. They've been in discussion with the abutters and have filed an application revision to come back to the Planning Board. They're scheduled for January 24th, but their 90 days for filing a decision expires January 17th. So they've given us a waiver of time. I'd like

to request that the waiver be granted until February 22nd which gives us an opportunity to possibly make the decision, draft the decision, get it reviewed, and signed and filed with the Clerk's office. And I know you won't be here, Ted, but maybe we can work out the details if we actually have to go to that time.

H. THEODORE COHEN: Okay.

Anyone have any objection to the extension?

STEVEN COHEN: No.

CATHERINE PRESTON CONNOLLY: No objections.

H. THEODORE COHEN: So all those in favor?

(Show of hands.)

LIZA PADEN: Thank you.

The next item on the agenda is for

Planning Board Special Permit 198 which is Discovery Park. Mr. LeRay is here representing the applicant and presenting his subdivision proposal.

ATTORNEY CHARLES LeRAY: Good evening.

I'm Charles LeRay with Dain, Torpy, LeRay, Wiest and Garner, on behalf of Bulfinch, LLC as trustee of Acorn Holding Trust which is the landowner.

The Special Permit anticipated we come in with the subdivision plan at some point to break the property up into individual lots corresponding to buildings and respectively waive yard requirements internal to whatever we might come up with. We made one revision to the plan since it was submitted to you which is the Discovery Way lot as being divided into two lots not called Discovery Way 1 and 2. I have a copy of the revised plan for you. I also have a full

size plan for your files.

Basically what we're doing is creating a separate lot for each of the existing buildings and then creating lots for perspective buildings 400 and 500 which were before you for design review a while ago.

STEVEN COHEN: Is there an REA? Is there an REA, reciprocal easement agreement establishing rights of passage and so forth as between the lots?

ATTORNEY CHARLES LeRAY: There's already a master agreement for typical easements and utilities in various -- in between. At present the buildings are owned by different entities under long-term ground leases. So this is actually Turner ground lease parcels into the reciprocal arrangements that are already there.

H. THEODORE COHEN: I'm sorry, which

parcels did you say we were looking at now?

ATTORNEY CHARLES LeRAY: So these are all new parcels. Arthur D. Little had assembled land in a bunch of strangely shaped parcels, some registered, some recorded over the decades. I just spent a year and a half getting all the registered land withdrawn from registration so that we can actually now cut it up in a sensible way. And so you'll see some sort of light grey ghosted lines, those are the existing parcels that would all be done away with. The new parcels on the north side we create on the west something called a large wetland parcel, that's the area which is not developable under the zoning. And then we create parcels that are named for the current buildings that are on them. On the south side there's one for the pump station, which is a new pump station that we

built as part of the redevelopment that will be transferred to the city in the next few years.

And the remaining part on the south side called the south parcel is also unbuildable at this point. That's where the buildings were that we took down as part of the phase redevelopment.

And then on the north side there's Discovery Way which is now two pieces. And then Win Way, those are the private way pieces.

TOM SIENIEWICZ: So it's rationalizing the whole thing?

STEVEN COHEN: Imagine that.

TOM SIENIEWICZ: A year and a half. Wow.

ATTORNEY CHARLES LeRAY: Two separate petitions.

MARY FLYNN: That sounds awful.

HUGH RUSSELL: Some of the ADL property is in Arlington and they are only approving

what's goes on in Cambridge.

ATTORNEY CHARLES LeRAY: Right, and we've put the Arlington land into a separate parcel. That's all essentially unbuildable because in Arlington it's open space or single-family residential.

H. THEODORE COHEN: So you can't put an Arlington building on it.

HUGH RUSSELL: Well, the intention even though it's a complex, the intention seems to be pretty clear.

TOM SIENIEWICZ: Yeah.

CATHERINE PRESTON CONNOLLY: Yeah.

H. THEODORE COHEN: I'm curious what is parcel P?

LOUIS J. BACCI, JR.: That little chunk.

HUGH RUSSELL: That's open space?

ATTORNEY CHARLES LeRAY: That's

essentially a pocket park right now. It's got some benches and some trees. It's a common outdoor amenity for the entire campus. It's sort of created because it's -- once you take off the two garage parcels east and west and the private way south, you're left with that piece and so it became a separate parcel.

HUGH RUSSELL: Are the streets ever going to be conveyed to the city?

ATTORNEY CHARLES LeRAY: We have no plans to ask the city to accept them and we've never heard any intent from the city to take them over. Acorn Park Drive is peculiar in that it's the only -- I believe the only public way in Cambridge that connects to no other public way in Cambridge. Or in fact to no other public way. Because when you get to Belmont, it becomes a private way all the way out to the interchange.

And when you get to Arlington, it's actually a private driveway that exists by virtue of a circa 1950 variance. So literally it is a public way of Cambridge cut off from all the public ways.

HUGH RUSSELL: You can say why the city might not wish to --

ATTORNEY CHARLES LeRAY: Not sure why you may want to add to the count.

H. THEODORE COHEN: So, Liza, Jeff, we just need to approve the subdivision plan?

LIZA PADEN: Yes, please.

H. THEODORE COHEN: Any further discussion?

CATHERINE PRESTON CONNOLLY: It's just worth noting for the record that Mr. LeRay's memo sort of lays out how the subdivision plan addresses all the Special Permit criteria with regard to the subdivision and that they're not

asking for any changes to the Special Permit criteria that had been laid out with regard to that.

HUGH RUSSELL: It has changes then.

H. THEODORE COHEN: I just can ask Traffic and Parking or someone else in the department has reviewed this and concurs with the information in the letter that's presented to us?

LIZA PADEN: I didn't present it to Traffic and Parking for an opinion on the letter.

ATTORNEY CHARLES LeRAY: The roads that we show are essentially what were there as we've gone through recent review and Traffic and Parking did see it there.

CATHERINE PRESTON CONNOLLY: And the criteria are with regard to lot area and width and floor area and GFA and setbacks. And all of those kinds of things.

LIZA PADEN: That's right.

CATHERINE PRESTON CONNOLLY: It wouldn't necessarily require Traffic and Parking to weigh in on this.

JEFF ROBERTS: And just to note that this is -- the plan has been reviewed and approved by the Planning Board. The development plan has been approved, it's just the subdivision.

H. THEODORE COHEN: No, right we understand.

Okay, all those in favor of approving the subdivision plan?

(Show of hands.)

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

ATTORNEY CHARLES LeRAY: Thank you.

H. THEODORE COHEN: And then we have a couple of ZBA cases.

LIZA PADEN: So the Planning Board asked to see a number of cases on the Board of Zoning Appeal agenda for January 12th.

The first case that the Board wanted to see was 40 Whittemore Avenue which is a telecommunications antenna. This particular applicant is going to the BZA on -- their first item on the agenda will be to appeal the decision of Inspectional Services that says that they have to get a new Special Permit. The applicant feels that they don't have to get a new Special Permit. So that's going to be their first case. If they don't prevail with that, they'll stay for the Special Permit hearing.

Suzannah looked at the application and I sent the plans to you. One of the characteristics of this particular installation on Whittemore Avenue, it's a two-story building

on Whittemore Avenue. And one of the characteristics is that all of the antennas are mounted to the facade of the building, and Suzannah's suggestion was that the antennas be relocated to the existing mechanical penthouse.

I will say in previous discussions we've had with this applicant, their case is that if they move the antennas to the mechanical penthouse, it is set so far back and so low to the ground that they lose the coverage because of the building edge.

HUGH RUSSELL: There are a lot of people sitting here in traffic --

MARY FLYNN: It's not working.

TOM SIENIEWICZ: They can't text and drive.

LIZA PADEN: I don't know if you wanted to just send Suzannah's comments which were to

move the antennas to the penthouse and see if they prevail on that relocation or not.

H. THEODORE COHEN: Why did they say Arlington?

LIZA PADEN: I don't know. It's not unusual for the antenna installations to come in at either Arlington, Somerville, Charlestown, Boston. I don't know.

STEVEN COHEN: It was an aesthetic choice.

H. THEODORE COHEN: That's right.

Are existing antennas where they are shown now?

LIZA PADEN: Yes.

H. THEODORE COHEN: And are they adding to the existing?

LIZA PADEN: What happens at this particular installation for the Verizon, is

Verizon is going to replace their existing antennas and then add an additional antenna.

The other concern Suzannah has is that the additional antennas are longer, the new ones. So her suggestion is that we send them the standard memo which says to locate them below the roof line parapet, make sure that the wiring is tight to the wall, make sure the color finish matches the facade that it's mounted to, and make them all the same height and organize them. So I could --

LOUIS J. BACCI, JR.: Can we have the wiring concealed?

LIZA PADEN: Well, the complication is when you start concealing the wiring, then you're creating a tray and then now we've got a bigger box on the building. So it's not always an improvement on the situation, it's a case by

case.

LOUIS J. BACCI, JR.: Yeah.

The para -- the mechanical enclosure, can it be raised so they can get above the roof angle?

LIZA PADEN: Well, I mean they could actually I guess apply for an application that would increase the height of the existing mechanical penthouse. I don't know how tall it would have to get. It's a geometry question.

LOUIS J. BACCI, JR.: Yeah, it's usually a fairly small slight angle.

I guess they could screen them all.

H. THEODORE COHEN: It seems like Suzannah's memo.

TOM SIENIEWICZ: Suzannah's memo.

LIZA PADEN: There you go.

Okay. Would you like to do -- let's see.

Oh, the next one is a sign application for 1493 Cambridge Street, also known as Cambridge City Hospital.

So at Cambridge City Hospital, they have a monument sign also known as a freestanding sign at the emergency entrance and the main driveway.

So here's pictures of the existing and what they're proposing to put in.

So Cambridge City Hospital is re-branding or creating a new logo or whatever. So one of the concerns they had about the freestanding sign at the driveway is that when they plow snow, it quite often obscures the bottom of the sign which is a freestanding sign. The other complication is the Cambridge City Hospital is in a residential district and so their sign allocation is minimal. So what they want to do is put a new sign face on the existing freestanding sign but

to raise it up by an additional two feet to increase the visibility to people coming to the hospital. I will say this is the entrance sign for the emergency entrance as well as the main entrance for patients coming to appointments.

STEVEN COHEN: So people are having difficulty finding the hospital and if they raise the sign two feet, then they'll know where the hospital is?

LIZA PADEN: That's their case.

LOUIS J. BACCI, JR.: In the winter especially.

MARY FLYNN: In the winter.

TOM SIENIEWICZ: And it's the Emergency Room especially.

LOUIS J. BACCI, JR.: The ambulance doesn't know where to go.

MARY FLYNN: They should redesign the

sign.

TOM SIENIEWICZ: Probably everybody on the Board has had experience trying to get to an Emergency Room. You're not reading clearly, you're not thinking clearly.

CATHERINE PRESTON CONNOLLY: Clear signage useful.

TOM SIENIEWICZ: There's a real public safety and hardship here in my opinion.

LIZA PADEN: Well, Suzannah felt that this case be left best to the Zoning Board of Appeal to deal with.

CATHERINE PRESTON CONNOLLY: I can see the argument for but it's, it's also -- it's a big sign once you raise it up.

THACHER TIFFANY: It also looks like to me the whole top panel is sort of branding.

LIZA PADEN: Yes, it is.

THACHER TIFFANY: The middle part.

HUGH RUSSELL: They could brand the
bottom.

MARY FLYNN: Brand the bottom exactly.

LOUIS J. BACCI, JR.: So they don't need
I wider sign.

MARY FLYNN: If you have the hospital --

THE STENOGRAPHER: One person at a time,
please.

LIZA PADEN: One person at a time,
please.

H. THEODORE COHEN: One person at a time.

STEVEN COHEN: It's a bad sign. There's
too much stuff on it. There should be if you
year stuff, make it bigger if they want.

H. THEODORE COHEN: Well, there's fewer
that's left on the existing sign.

THACHER TIFFANY: And there's some stone

or something.

CATHERINE PRESTON CONNOLLY: Do we want to leave it to the Board or do we want to send them a recommendation?

STEVEN COHEN: I'd make the recommendation that there's too much stuff on the sign. My issue isn't raising it so much is that it's a bad sign.

CATHERINE PRESTON CONNOLLY: So....

MARY FLYNN: Right.

CATHERINE PRESTON CONNOLLY: So we're in favor of raising the basic information that's on the existing sign so it avoids the snow issue. But that if they have to have all this branding stuff on it, it should go under.

TOM SIENIEWICZ: Drop it.

STEVEN COHEN: I prefer they don't have it at all.

CATHERINE PRESTON CONNOLLY: I would agree. We rather they not have it at all, but --

STEVEN COHEN: It shouldn't be about this stuff. It should be directional.

LOUIS J. BACCI, JR.: They can lower the sign and raise the --

CATHERINE PRESTON CONNOLLY: Okay, so we do want to send a recommendation then.

LIZA PADEN: Okay.

The next case is 237 Hampshire Street. So this is in Inman Square where there is Cambridge Health Alliance office, and their proposal is to resign the building and put the sign above the second floor windows as opposed to between the first and second floor. Suzannah's position is that the sign was perfectly legible if it's between the first and second floor.

CATHERINE PRESTON CONNOLLY: Correct.

LIZA PADEN: Do you want to look at it or do you agree with Suzannah?

LOUIS J. BACCI, JR.: Is it a brick building?

LIZA PADEN: Yes.

THACHER TIFFANY: Where is it?

LIZA PADEN: In Inman Square.

So it's this building in Inman Square.

THACHER TIFFANY: Okay.

MARY FLYNN: And that's the proposed?

THACHER TIFFANY: Is this existing?

LIZA PADEN: That's the existing.

MARY FLYNN: It is, okay.

THACHER TIFFANY: And they want to move....

LIZA PADEN: So this is not a great photo sim, but they're proposing to put the sign on a horizontal as opposed to a box. They want to put

it horizontally above the second floor windows.

THACHER TIFFANY: It looks a little better.

MARY FLYNN: It does look better.

H. THEODORE COHEN: But there's no reason to violate the --

MARY FLYNN: Right, right, yeah.

THACHER TIFFANY: The existing one.
(Inaudible).

LIZA PADEN: So we'll go with Suzannah's comments on that as well?

H. THEODORE COHEN: Yes.

CATHERINE PRESTON CONNOLLY: Yes.

LIZA PADEN: Okay. Thank you.

H. THEODORE COHEN: Okay. And the last matter is the election of the Planning Board Chair.

STEVEN COHEN: So moved.

H. THEODORE COHEN: I would be happy to remain as Chair for the coming year. If anybody else wants to speak your piece.

CATHERINE PRESTON CONNOLLY: Seeing none.

H. THEODORE COHEN: And Vice Chair.

Catherine, would you --

CATHERINE PRESTON CONNOLLY: I'm willing to continue to serve but also would not be offended if anyone else wanted to.

STEVEN COHEN: So I move that the Chair and Vice Chair be elected to another term of office.

LOUIS J. BACCI, JR.: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Thank you so much.

HUGH RUSSELL: Ted, believe me as a former Chair, thank you so much.

H. THEODORE COHEN: And unless there's
any other business, we are adjourned.

(Whereupon, at 10:20 p.m., the
Planning Board Adjourned.)

* * * * *

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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 20th day of January, 2017.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
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