PLANNING BOARD

FOR THE

CITY OF CAMBRIDGE

GENERAL HEARING

TUESDAY, APRIL 25, 2023

6:30 p.m.

Remote Meeting

Cambridge, Massachusetts

Mary T. Flynn, Chair

Catherine Preston Connolly, Vice Chair

Louis J. Bacci, Jr.

Steven A. Cohen

H Theodore Cohen

Hugh Russell

Ashley Tan

Community Development Staff

Daniel Messplay

Swaathi Joseph

Mason Wells

Suzannah Bigolin

Adithi Moogoor

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P R O C E E D I N G S

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(6:29 p.m.)

Sitting Members: Mary T. Flynn, Catherine Preston Connolly, Louis J. Bacci, Jr., Steven Cohen, H Theodore Cohen, Hugh Russell, and Ashley Tan

MARY FLYNN: Welcome to the April 25, 2023 meeting of the Cambridge Planning Board. My name is Mary Flynn, and I am the Chair.

Pursuant to Chapter 2 of the Acts of Chapter 2 in the Acts of 2023 adopted by the Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation at meetings of the Cambridge Planning Board.

All Board members, applicants, and members of the public will state their name before speaking. All votes will be taken by roll call.

Members of the public will be kept on mute until it is time for public comment. I will give instructions for public comment at that time, and you can also find instructions on the City's webpage for remote Planning Board

meetings.

This meeting is being video and audio recorded and is being streamed live on the City of Cambridge online meeting portal and on cable television Channel 22, within Cambridge. There will also be a transcript of the proceedings.

I'll start by asking Staff to take Board member attendance and verify that all members are audible. Daniel?

DANIEL MESSPLAY: Lou Bacci, are you present, and is the meeting visible and audible to you?

LOUIS J. BACCI, JR.: Present, visible, and audible.

DANIEL MESSPLAY: H Theodore Cohen, are you present, and is the meeting visible and audible to you?

H THEODORE COHEN: Present, visible, and audible.

DANIEL MESSPLAY: Steven Cohen, are you present, and is the meeting visible and audible to you?

STEVEN A. COHEN: Present, visible, audible.

DANIEL MESSPLAY: Tom Sieniewicz, are you present, and is the meeting visible and audible to you?

[Pause]

Absent.

DANIEL MESSPLAY: Hugh Russell, are you present, and is the meeting visible and audible to you?

HUGH RUSSELL: Present, visible, and audible.

DANIEL MESSPLAY: Ashley Tan, are you present, and is the meeting visible and audible to you?

ASHLEY TAN: Present, visible, and audible.

DANIEL MESSPLAY: And Catherine Preston Connolly, are you present, and is the meeting visible and audible to you?

CATHERINE PRESTON CONNOLLY: Present, visible, and audible.

DANIEL MESSPLAY: And Mary Flynn, are you present, and is the meeting visible and audible to you?

MARY FLYNN: I am present, and it is visible, and audible.

DANIEL MESSPLAY: Thank you, Chair Flynn. That's seven members present and one member absent, which constitutes a quorum.

MARY FLYNN: Great. Thank you, Daniel.

* * * * *

(6:31 p.m.)

Sitting Members: Mary T. Flynn, Louis J. Bacci, Jr., Steven

A. Cohen, H Theodore Cohen, Hugh Russell, and Ashley Tan

MARY FLYNN: The first item this evening is an Update from the Community Development Department. I believe that Daniel will be giving that. If you can also introduce other Staff who there are present at the meeting.

DANIEL MESSPLAY: Thank you, Chair Flynn. Daniel Messplay here, Acting Director of the Zoning and Development Division.

Also here with me tonight from the Zoning and Development Division we have Swaathi Joseph, who is our Zoning Project Planner, and Mason Wells, who is our Associate Zoning Planner. We also have Adithi Moogoor, who is our Zoning and Development Intern.

Also from the Community Development Department, from the Community Planning Division we have Suzannah Bigolin, our Urban Designer, and we are also joined by Claudia Zarazua, who is the Director of Arts and Cultural Planning for the City.

Just a very brief update for tonight: So tonight we'll be discussing the Monestime et al. Zoning Petition, as well as having the second public hearing on the 75 First

Street PUD. And we will also be considering an Extension Request for an approved special permit at 1908 Mass. Ave..

Next week we'll have a continued public hearing for a townhouse modification at 6 Lilac Court, as well as Design Review session for the Parcel Very Triangle at Cambridge Crossing and a Design Update for 125 Broadway.

There is no meeting currently scheduled for May 9, so we'll have a break following next week, and then the Planning Board will resume again on May 16.

And it's been a relatively active Council hearing schedule lately, but the only update here is that there is an Ordinance Committee hearing on the Craig Kelley Zoning Petition next Wednesday, May 3 at 3:00 p.m. The Planning Board discussed this item on April 11, and forwarded a report to the Council with no positive or negative recommendation.

And that concludes this CDD update, and I will turn it back to the Chair.

MARY FLYNN: All right. Thank you, Daniel. Are there questions from any of the Board members? If so, if you can just state your name. Make sure I can see everybody. Okay. Not seeing any hands up. Okay.

So we'll move on then.

* * * * *

(6:34 p.m.)

Sitting Members: Mary T. Flynn, Louis J. Bacci, Jr., Steven A. Cohen, H Theodore Cohen, Hugh Russell, and Ashley Tan

MARY FLYNN: The next item is approval of meeting minutes. The Board has received a certified transcript of the meeting held on March 28, 2023. If there are any questions from Board members on the minutes, please state your name.

Any questions? Okay. Hearing none, is there a motion to accept the transcripts as the meeting minutes?

STEVEN A. COHEN: So moved.

MARY FLYNN: Is there a --

LOUIS J. BACCI, JR.: Second.

MARY FLYNN: Okay. Roll call vote, Daniel?

DANIEL MESSPLAY: Roll call vote?

DANIEL MESSPLAY: Roll call on that motion: Lou Bacci?

LOUIS J. BACCI, JR.: Yes.

DANIEL MESSPLAY: H Theodore Cohen?

H THEODORE COHEN: Yes.

DANIEL MESSPLAY: Steve Cohen?

STEVEN A. COHEN: Yes.

DANIEL MESSPLAY: Hugh Russell?

HUGH RUSSELL: Yes.

DANIEL MESSPLAY: Ashley Tan?

ASHLEY TAN: Yes.

DANIEL MESSPLAY: Catherine Preston Connolly?

MARY FLYNN: Yes.

DANIEL MESSPLAY: And Mary Flynn? Mary Flynn?

MARY FLYNN: Yes.

[All vote YES]

DANIEL MESSPLAY: That is all members voting in favor.

MARY FLYNN: Great.

* * * * *

(6:35 p.m.)

Sitting Members: Mary T. Flynn, Louis J. Bacci, Jr., Steven A. Cohen, H Theodore Cohen, Hugh Russell, and Ashley Tan

MARY FLYNN: All right. The next item on the agenda is a public hearing on a zoning petition by Michael

Monestime and others to amend the Zoning Ordinance to regulate certain outdoor uses within the Business B districts of the Central Square Overlay District, among other changes.

CDD Staff will start us off by providing an update. Turn it over to Mason.

MASON WELLS: Thank you, Chair Flynn. So this is a new zoning petition submitted by a group of at least 10 registered voters. The petition amends the Table of Permitted Uses in Article 4 of the zoning ordinance and the Central Square Overlay District Provisions in Article 20 by changing outdoor retail consumer service establishments not otherwise defined from a Board of Zoning Appeal special permit to a Planning Board special permit in the Central Square Overlay District.

And by making outdoor retail consumer service establishments a Permitted Use in the Central Square Overlay District, when the underlying zoning district is a Business B District.

This petition was discussed at the Ordinance Committee on April 13, and the Ordinance Committee voted to forward petition to City Council with a positive

recommendation.

At the request of City Council, CDD and Law Department, Staff provided suggested language edits on the petition, for the purpose of clarity and consistency in the structure of the zoning text, and these text edits were incorporated in the Ordinance Committee hearing's recommendation on the petition.

Those language edits have been provided to the Planning Board in its package. Following the Ordinance Committee's April 13 action to forward the revised petition language to City Council, the City Council considered the item at last night's April 24 City Council meeting, and unanimously voted to pass the petition to a second reading.

Staff from CDD and the Law Department have also prepared a memo that speaks to the content of the petition, and City Staff are present to answer any questions the Board may have.

Thank you.

MARY FLYNN: Thank you, Mason. Our presenter this evening is Michael Monestime. Mr. Monestime, you have up to 30 minutes for your presentation, but we would appreciate it if you could be as concise as possible. And if you would

introduce yourself and any other presenters on your team, you may begin.

MICHAEL MONESTIME: Wonderful. And I promise to keep it concise. Thank you. Good evening, esteemed members of the Planning Board. For the record, my name is Mike Monestime. I'm a resident of Cambridge and President of the Central Square Business Improvement District.

I'm here with Nina Berg and Matt Boyes-Watson of Flagg Street Studio, our Design Partners on Starlight and the organizers behind the Square within the Square initiative.

The reason why we're here today is the Monestime petition, which was filed Wednesday, March 15, and voted to proceed to the Ordinance Committee on March 20 by the Cambridge City Council.

The primary intent of the petition is to enable outdoor civic and cultural initiatives like Starlight Square that provide both artistic and economic opportunity to Cambridge residents to be permitted as-of-right throughout the Central Square Overlay, which includes Cambridge's only cultural district.

If you could keep it on this slide for one moment.

I don't have to tell this group what a special place Central Square is. Things happen in Central that don't happen anywhere else in the city. People choose to live and choose to travel here because of Central's civic and public life. There's no better example of this than the citywide dance party.

Next slide?

In 2012, Central Square officially became a cultural district, as defined by the Massachusetts Cultural Council. It was one long before that, too. From one edge of the district to the other, there are foundational establishments who embody the cultural spirit of Central Square, showcasing it through food, beverage, music, dance, social services and much, much more.

Part of Central's identity is that this spirit spills out into the street. It's part of living and visiting here, not gatekept or pay to play.

Central is a cultural district, and Central is an area of special planning concern.

Next slide?

Here is the map of the Central Square Overlay District. The green stars indicate cultural uses. Next

slide?

Here is the actual petition PDF from the Monestime petition. According to the existing Table of Uses, outdoor entertainment and recreation facility 4.36d requires a special permit in the Bus B zone. The core of the Monestime petition is to allow for outdoor entertainment and recreation facility to be permitted as an as-of-right use within the Business B zone specifically within the Central Square Overlay.

Additionally, our petition proposes that outdoor retail or consumer service establishment, not otherwise defined, which is a catch-all category for future as yet unimagined ideas, should remain a special permit, but be adjudicated by the Planning Board.

Next slide?

So the petition language here states outdoor or consumer service establishment not otherwise defined shall be subject to a special permit granted by the Planning Board.

In granting the special permit, the Planning Board must be able to find the proposed use has been designed an located to minimize the impact of neighboring uses,

including but not limited to light trespass, noise mitigation, hours of operation and other measures to ensure ongoing compliance with the Planning Board's findings.

Most importantly, outdoor entertainment and recreation facility 4.36d shall be permitted as of right within the Business B district of the Central Square Overlay.

Next slide?

Some key points to hit here: This is not spot zoning. The petition addresses the entirety of Central Square Overlay in the area of special planning concern, and home of Cambridge's only cultural district.

This is not a carte blanche permission to have rock concerts on every street corner. There are a robust suite of existing ordinances such as the Noise Ordinance, and systems of oversight, such as the License Commission that ensure neighbors, both commercial and residential, are considered.

And lastly, this provides a mechanism for considering yet unimagined uses.

This would allow initiatives like Starlight Square to be -- to operate by right, still governed by the License

agreement with the City and by licensed Commission approval of programming.

And to clarify: Popportunity, a non-profit retail initiative that operates seasonally on Lot 5 currently offers by right its use classification -- Temporary, Outdoor Retail, or Consumer Services Use, 4.36j -- is an as-of-right use within the Bus B district.

Next slide, please?

The initiative that prompted this zoning is Starlight and Popportunity, which have been delivering amazing impact to the community that without the adoption of this proposal will cease to exist.

So many of the special parts of Central Square -- the myriad art spaces, locally-owned businesses, public places to gather, have been erased by public policy, luxury development, and displacement.

We are here in large part because Starlight is one of the only initiatives counteracting these trends. It is an ecosystem producing positive change throughout the entire neighborhood.

And since the very height of the pandemic, Starlight has been a safe and cost-free home for many parts

of daily life in Central Square. We hosted and expanded the farmers' market, which celebrates 45 years this June. We offer free cultural programming for all, created an economic development initiative, created a public space in the heart of the city, and reflected the Square's value through public art.

Next slide?

This slide captures what this initiative has delivered to the entire city. I'd like to note especially the over quarter of a million dollars of funding that goes from our organization directly to the artists and organizers who create public programming at Starlight. There is no other program that does this in the city.

In addition to public programming, Starlight is the home base of Popportunity. Popportunity was started because COVID forced 13 businesses to close in the Cultural District.

Next slide?

At Starlight, there are 14 mini storefronts that have served over 108 vendors. Five have graduated from Lot 5 into their own brick and mortar stores; one at Bow Market in Somerville and four here on the Mass. Ave. Corridor.

This photo is from just two months ago, when Pop boutique opened at 301 Mass. Ave. in partnership with MIT.

Popportunity empowers local, predominantly women of color entrepreneurs to generate supplemental income for themselves and lets residents shop locally. Where else is this true in the city?

Next slide?

Next slide, please?

And one more.

Lastly, two recent news article that help shape what is at stake for the Cultural District. Currently, there's a regional assessment ongoing by the Metropolitan Area Planning Council, the MAPC, of which Cambridge is a part of that seeks to understand how to protect the dwindling cultural spaces.

From what we've learned, Starlight is being upheld as a model demonstration for how to create from nothing the spaces that communities desperately need.

Next slide, please?

And I'd be remiss if I didn't mention the recent closing of the Sound Museum, a home for musicians that just displaced a generation of artists. This home for arts and

culture joins the EMF and many other spaces that were wiped out by biotech, as this WBUR headline reads.

Starlight sits on city-owned land and operates on a license agreement with the city. Its events are approved by the License Commission. Its closure would be a choice; one with ramifications for the cultural District and the city for years to come.

We had hoped "wiped out by the BZA" wouldn't be a headline, but it was. We come before you seeking not just zoning relief, but confirmation that in the Cultural District, uses like Starlight should be as-of-right and supported expressly by the City.

Thank you for your time.

Next slide?

And for the chance to present. Thank you.

MARY FLYNN: Thank you. Appreciate your presentation. So we'll now move to public comment. As I mentioned before, this is a public hearing. Any members of the public who wish to speak should now click the button that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9.

As of 5:00 p.m. yesterday, the Board had

received written comments on this case from Pao Weng, Michael James, and Randa Ghattas.

Written communications received after 5:00 p.m. yesterday will be entered into the record. So let's just check. All right. I see a number of hands, so I'm going to turn it over to Daniel to manage public comment.

DANIEL MESSPLAY: Thank you, Chair Flynn. Our first speaker is Michael James followed by Randa Ghattas. Michael, please begin by unmuting yourself and giving your name and address.

MICHAEL JAMES: Hello. Can you hear me?

DANIEL MESSPLAY: Yes.

MARY FLYNN: Yes. Please proceed.

MICHAEL JAMES: Hi. This is Michael James at 51 Norfolk Street. So I live immediately facing the Starlight venue. And I wanted to speak specifically about just the noise that's being put outputted by a venue that is so close to apartments near the area.

Almost -- there's about three apartment buildings in front of Starlight that are all affordable, family housing units. They all have families in them, that have four plus people, of which these people have kids that are

infants all the way to young adults and parents that are young all the way to senior parents.

The Starlight venue operates by basically setting a -- like, by -- by following noise ordinance guidelines that are for a Business B zone. That's usually what Michael Monestime states.

And that doesn't really give us any chance to kind of -- it means that our streets, right, they're measuring -- Starlight itself is measuring sound recordings that are in the 70 and 80 decibel range. And that has had a severe impact on us living here.

So it occupies some of our most intimate times when we try to have dinner together and communicate with each other. And we're unable to do that because the sound is very -- is basically quite overwhelming that we can't hear each other.

Our home is where we rest when we're sick, where we speak to each other, where we sleep, and where we study and do my homework. And this is having a severe impact on us.

So I wanted to speak out against that specifically, because this is very concerning to me. one

other thing I want to note is that during the last season of Starlight, at least during the second half, the events severely ramped up. There were multiple events that we held during the weekday, and they were basically twice as loud.

And when I specifically reached out to the team at Starlight to address this, I never heard a response from them.

I, again, almost never really heard a response from Michael Monestime way back when he told me he would survey every single resident to actually try to address -- to actually try to assess how this is affecting everyone, even if he had to go knock on every single door, and he'd send a multilingual survey to everyone.

He never followed up, even though I followed up with him multiple times. That was basically the last time I ever heard from Michael Monestime.

I just want to really ask you to consider what kind of sound level should be at these streets, so like at Bishop Allen and at Norfolk Street. What is the maximum sound level that recording should be there? There should be somebody at the City that is actively recording these measurements during Starlight operation and setting limits

on how long that takes.

The License Commission basically just gives the Starlight team a blanket license. I'm not sure how it's going to happen now, because there was pressure based on the BZA meetings, and they were kind of saying some of those rules that the License Commission must follow.

So I'm not sure how that's going to be affected now. And so I ask you to please consider this seriously. Because it seriously affects us as families here. Thank you.

DANIEL MESSPLAY: Thank you. The next speaker is Randa Ghattas followed by Joseph Poyer. Randa, please begin by giving your name and address.

RANDA GHATTAS: Hi, can you hear me?

DANIEL MESSPLAY: Yes.

RANDA GHATTAS: Okay.

DANIEL MESSPLAY: Please go ahead.

RANDA GHATTAS: My name is Randa Ghattas. I live in the Central Square Overlay District at 88 School Street. And I served as a member of the Central Square Advisory Committee.

I already wrote a letter in opposition to this

petition and wanted to add my comments, as I realized after the fact that a key reason for this petition is Starlight.

I want to say that I love the idea and intention of Starlight Square. However, when we served on the committee, we were really trying to get urban spaces that were not only great people who come here, but also who live here.

Neighborhoods begin on streets like Bishop Allen. They are transition zones. We intentionally focus on reducing the scale of noise, activity and buildings on that street so we can support the residential that exists, and the increased residential we were hoping to happen there.

I'm opposed to Starlight Square and its function as an outdoor performance space. I'm concerned that we are trying to force a condition albeit significantly smaller in scale -- smaller than the Half Shell in Boston or the Jay Pritzker Pavilion in the Chicago Millenium Park.

These examples are not planted in the middle of a dense urban neighborhood. They are intentionally removed from the neighborhood, because the kind of noise that is generated by performances and events is quite disruptive for living. Not for visiting, but for living.

Boston City Hall Plaza and outdoor event space is surrounded by offices. Telluride Elks Park in Colorado in the Telluride Arts District is surrounded by mountains and the courthouse. There are other examples surrounded by offices or institutional buildings. That makes sense. You're not disrupting people in their homes.

Starlight Square is a great example of tactical urbanism trying something temporarily to see a lot if it works and what needs to be done to make it work.

It works on many levels and does amazing things for the arts in the larger community but doesn't work for those who live adjacent to it.

And tinkering around the edges by reducing performance times does not solve problems. I believe if this were proposed in the front or back yards of the many people advocating for this, they would be totally opposed to it. Who wants to live next to live performances?

This is not a one-day event, it's a whole season. If people truly want a Starlight Square that works, then fund and build a structure that provides the appropriate sound isolation that is needed. Build it well. Move it beyond the light structure that was intended to be

temporary, a temporary solution to the pandemic, and that does not acknowledge where it sits in the neighborhood.

You know, when we were in the Central Square Advisory Committee, we encouraged the city to actually build a plaza that -- where there was buildings on all -- on Mass. Ave., take over that parking lot, work with the public private partnership, and have -- you know, the streets Bishop Allen, Pearl and Essex to bound it and buffer the neighborhood. That could have -- if designed well, it could have worked. But not on Bishop Allen the way it is.

So I will reiterate, I do not support this petition. Because it doesn't consider the impact of other programs and streets that combine residential and commercial, and that act as transition zones in edges to neighborhood.

Thank you.

DANIEL MESSPLAY: Thank you. The next speaker is Joseph Poirier followed by Sharon Lozada. Joseph, please begin by unmuting yourself and giving your name and address.

JOSEPH POIRIER: Hey, yeah. Can you hear me?

BRENDAN SULLIVAN: Yes. Please go ahead.

JOSEPH POIRIER: Great. Joe Poirier, 87.5 Sherman

Street, Cambridge. Just calling in to support the Monestime petition. I am a former longtime Central Square resident and a frequent visitor and been to Starlight Square many times and I can't say how much of an improvement it is over the former use of the space. It's been amazing.

I've been there for night events; I've been there for day events. The people that come to outdoor events are so diverse in so many ways -- age wise, racially, ethnically, in terms of interest. It's just a -- it's a beautiful representation of everything that many of us who grew up in Central Square really value about the space.

I also would like to -- I've said this before at previous meetings, but I'd just like to bring up the importance of Starlight Square and future -- potential future outdoor entertainment spaces in Central Square for the local economy.

There are a lot of changes happening to the nightlife economy. And I think there's a -- you know, there's going to be a need moving forward for things that attract people to the Square to spend money, to spend time outside. And Starlight Square and other outdoor performance spaces will be a fantastic way to do that.

And, you know, I've heard some of the previous callers talking about some of the noise concerns, and I totally recognize that.

My understanding: You know, I've been to events where they shut down very early at Starlight Square, so there's clearly some guardrails available to -- you know, to keep noise under control.

I will say that living in Central Square and living in Cambridge is, you know, kind of being resigned to living with noise. I grew up in Central Square across from a huge apartment building. I live in North Cambridge right now next to a de facto outdoor performance space -- Danehy Park. There are festivals.

Right now I can hear people screaming at sporting events, and it's just, like, it's a beautiful part of living in the city in many ways. You hear the noise of the city all the time.

But yeah, I appreciate your time and consideration of this issue. And I know that you know how many people support the Monestime petition, the City Council and the vast majority of the community, so thanks so much and I'd love to see the petition passed.

DANIEL MESSPLAY: Thank you. The next speaker is Sharon Lozada, followed by Jillian Girardin. Sharon, please begin by unmuting yourself and giving your name and address.

SHARON LOZADA: Hello. Can you hear me all?

DANIEL MESSPLAY: Yes. Please go ahead.

SHARON LOZADA: All right. This is Sharon Lozada. I live at 208 Pearl Street in Cambridge. I also teach at Cambridge Rindge and Latin. I'm here to wholeheartedly speak on behalf of Starlight Square. I'm actually speaking from a hospital where I am with my mom because I care about this so much.

Starlight has been pretty much, like, a representation of what we say we're all about in Cambridge. And I've lived here and worked here for many, many years with so many youth who are giving back to our city and have come to Starlight as a beacon for just diversity and cultural interaction and building of community -- everything that we have, like, desire and need especially in this day in age, and especially after COVID.

I've worked really closely with Nina and the team and students in the -- you know, the bleak days of the pandemic, when we were all looking for some source, a

connection.

And Starlight became this place that people could connect. It revived us. It gave us a sense of -- and it was all free, and it was all -- like open to them to design and to create and to -- in a youth kind of way, but also in a multigenerational kind of way what is possible, what has potential, what we can dream up together. And it equalizes it in a way that we also say we're about. Just everything is accessible. It is free. It is lively.

And we do of course have to be mindful of the both/and. We want to make sure that we are providing for everyone in our city and be mindful about the residents that are around the edges of Starlight and hoping that they feel like it is a part of their village as well.

So we have to continue to work together to walk that talk, and I do really think that the having a space that is more permanent, that is mindful as well and not forget that dream.

I also want to just recognize that, you know, students in our city and youth in our city need -- they need Velcro, they need something to attach to. I think that's why we have our mayor's program. We want youth to be

engaged, and we all crave engagement.

So I feel that having something like Starlight where so many points of engagement and Velcro to attach to can exist, I don't think we've imagined all the possibilities yet with the seasons we've had, but there's been there's been such a range. We've had junior prom there. We've had cultural events there.

We've had deep conversations about what needs to improve and how we can work towards change in our schools and our community, in our lives. So I do want to just give my full embrace to this project and hope we can all work to continue to make it not just survive but thrive.

So thank you so much for listening. Appreciate you all. Appreciate Cambridge.

DANIEL MESSPLAY: Thank you. The next speaker is Jillian Girardin, followed by Erik Sarno. Jillian, please begin by giving your name and address.

[Pause]

Jillian Girardin? The floor is yours.

JILLIAN GIRARDIN: Oh, I'm sorry. I had my mute on. I'm sorry. My name is Jillian Girardin, and I live at 53 Putnam Ave in Cambridge. And I am commenting in support

of Starlight Square. I am an artist and community organizer who has frequently worked with Starlight Square since they have been open.

I'm also just a lifelong Cambridge resident. I lived in Central Square for the majority of my life, so I know the culture of Cambridge and what we try to represent as Cambridge being like, very inclusive and welcoming.

And the group I host is a music collective, a Cambridge Hip-Hop Collective. And we have actually even slowed down our events in support of Starlight Square to be able to, you know, compromise with the residents in the area.

But even besides just musical events, Starlight Square has done so much for our community and many other residents and nonresidents -- with Popportunity, working with the high school and youth activities.

And it's really made a dent in the Cambridge community. And, you know, venues are shutting down right now. So there's not as many spaces as there used to be.

But I think that Starlight and the work that Central Square BID is doing is a huge benefit to the vast majority of Cambridge, and especially Central Square, and

I understand the residents' concerns, but I also just wanted to point out that we are also residents of Cambridge.

So I think it would be very disappointing to lose something like this. I've seen it bring so many older Cambridge natives together, and even myself seeing friends from high school, people from -- you know, just our community.

And I've watched the Central Square BID do so many to -- so many things to try and work with the residents and, you know, I've just lived here my entire life, so I understand what the culture is.

I understand, like, the celebrations we have, and yeah, I'm just here in support of them. I think they're doing the best they can as far as the residents are concerned. I think they're going an amazing job with our community as a whole. And I'm in high support of them, and I hope there's a way we can compromise and continue Starlight and thank you for letting me speak.

STEPHAN NATOLA: Thank you. The next speaker is Erik Sarno, followed by Adam Gould. Erik, please begin by giving your name and address.

ERIK SARNO: Hi. This is Erik Sarno from 88

Columbia Street in Cambridge. And I'm calling in tonight in support of Starlight Square. I'm General Manager of Special Events at Central Square bid.

One of my biggest responsibilities is managing Starlight Square. I just want to communicate that sound mitigation is a top priority for us. And lessening our impact on neighbors is a top priority for us.

Just a few examples of that: This season we will be decreasing our overall number of events, and decreasing from events five times a week to events four times a week and for shows and performances. We've eliminated shows and performances on Tuesday evenings. We've also limited live music to no more than two times per week. Sunday programming also ends by 5:00 p.m.

We have installed acoustic paneling, drum shields, and this season we'll be installing new amplifier shields as well. We also take sound readings multiple times during each event to ensure that that we are staying within the noise ordinance in Cambridge.

Just want to communicate that these efforts will continue this season. Sound mitigation will remain a top priority for us, and lessening our impact on neighbors will

remain a priority for us.

I'll even go further to say that we hope that we can make a positive impact on neighbors.

Thank you all for letting me speak.

DANIEL MESSPLAY: Thank you. The next speaker is Adam Gould, followed by Dylan Russell. Adam, please begin by giving your name and address.

ADAM GOULD: Hi. Can you hear me all right?

DANIEL MESSPLAY: Yes. Please go ahead.

ADAM GOULD: Hi. I'm Adam Gould, 35 Right (phonetic) Street in North Cambridge. And I'm a senior at the Cambridge Rindge and Latin School where we've had multiple events with the school collaborating with the bid in Starlight Square for my junior prom.

We had it at Starlight Square; we have jazz concerts and just a bunch of events I've been able to attend, where my classmates are able to perform in a space that really gives them an opportunity to share their work with the community.

And I think what Starlight Square really does; it gives space for young people to build community, but also for all people to build community.

One of the things that I think Central Square doesn't have enough is is outdoor space for people to come together in. Starlight Square has continued throughout the pandemic to be a safe place for that to happen.

And I really hope that, you know, we can collaborate to make sure this noise thing isn't too big of a problem, which I -- you just heard Erik talk about all the steps that Central Square BID is taking to bring that problem away.

And I just think that, you know, it's really crucial to have spaces for young people and all people to come together, show off what they're doing and make Cambridge a place that everyone wants to live.

Thank you.

DANIEL MESSPLAY: Thank you. The last speaker on the list is Dylan Russell. Dylan, please unmute yourself and begin by giving your name and address.

DYLAN RUSSELL: Hello. Can you hear me?

DANIEL MESSPLAY: You see. Please go ahead.

DYLAN RUSSELL: Hi. I'm Dylan Russell. I live at 40 Cottage Street. I grew up in Cambridgeport and I still live here. I've -- I'm calling to speak in favor of the

Monestime petition.

I've attended a whole bunch of events at Starlight, and I have friends -- artists -- that perform there.

And there's really no other place like it in Cambridge. There's just people coming together from, you know, different -- like -- walks of life and yeah, you just have a great community that really doesn't have anywhere else to go if this doesn't -- if this falls through.

So yeah, just wanted to speak in support of Starlight and yeah, that's all.

DANIEL MESSPLAY: Thank you. Madam Chair, that concludes the speakers on the list, so I will turn it back to you.

MARY FLYNN: All right. Thank you.

I'm now going to move from public comment to Board discussion. If this hearing is continued to a future date and additional information is received, there will be an opportunity for additional public comment on the materials. Additional written comments may also be submitted.

To start off, do Board members have questions for Community Development Department Staff?

Ted?

H THEODORE COHEN: Yeah. I have two questions. The first is exactly what are we discussing today? Since the Ordinance Committee requested the Law Committee's review, and the Law Committee and Staff have come up with an alternative -- or some alternative language, which seems to incorporate everything that the Monestime Petition was asking for.

Is that what we are responding to, that revision from the Law Committee? I'm -- yeah, from the Law Department? Or are we commenting about the original petition, which would then -- you know, I think raise the issues of could the language be changed to something different?

My second question is, where the request is for a special permit, is the special permit for an individual time-specific event, or is the special permit just sort of a carte blanche for any event that might take and place in a particular location?

ADAM GOULD: Through the Chair, I can attempt to the office answer that. Oh, sorry.

MARY FLYNN: Oh, yeah, go ahead, Mason. Thanks.

That would be great.

MASON WELLS: So the Ordinance Committee did approve the modified language that was sent from Law Department Staff. And that was what was considered and passed to a second reading by City Council. So that is the language that's being considered by City Council right now.

Formally, you have received the original petition language, but what the City Council is considering is the modified language.

For where the length of time for a special permit: It could be either for an unlimited time period or a special permit could place restrictions on the length of a permit and require an applicant to come back.

That is up to the special permit granting authority to make that decision. When it was a BZA special permit, they were providing time-limited special permit extensions, and then requesting that the applicant come back.

So I hope that answers your question.

MARY FLYNN: I think we have more questions. Ashley?

ASHLEY TAN: Thank you. If Staff doesn't know the

answer, maybe punt it to the proponent. But I was wondering, I know that the License Commission grants licenses for entertainment, whether it's -- I think it's like yearlong, or if it's a single entertainment license per day or per event.

But does -- you know, do outdoor retail, which I think is one of the uses -- does that require a license from the License Commission or no?

MARY FLYNN: Mason, do you want to answer that, or Daniel?

MASON WELLS: I'm not sure. I'm not sure if Daniel has an answer for that.

DANIEL MESSPLAY: I'm not sure either, Ashley. I know Michael the petitioner: He's had some experience going before the License Commission, so he may have some additional detail about how that process works.

MICHAEL MONESTIME: Yep.

MARY FLYNN: So this would have -- go ahead.

MICHAEL MONESTIME: I'm sorry, Chair. You can go ahead.

MARY FLYNN: Well, I was just -- we're just focused on the popup aspect, those uses, correct, Ashley?

The ones that would require a special permit?

ASHLEY TAN: Yes, correct.

MARY FLYNN: Correct?

ASHLEY TAN: Yes, correct.

MARY FLYNN: Okay. Yeah. Michael, go ahead.

MICHAEL MONESTIME: So in regards to the Popportunity seasonal market, which is as-of-right, the correspondence we do have for the License Commission is for a Hawker-Peddler permit, which enables them to be able to sell their wares in Cambridge. So they too are licensed and approved to sell in the city of Cambridge. I hope that answers the question.

MARY FLYNN: Do you know what the time frame is, though, for the licenses? I mean, do they get it for a season or for a specific date?

MICHAEL MONESTIME: Great question. So we interchange and swap out vendors seasonally, enabling as many people to participate as possible. So at each iteration of that, we do submit new Hawker-Peddler permit requests to the License Commission.

MARY FLYNN: Okay. Thank you. Hugh? What are your questions?

HUGH RUSSELL: This is a question I posed to the Staff, but I wanted to have it in the record at this meeting, which is that Starlight Square is a Line B use, and therefore when this gets enacted, and apparently, it's going to be enacted no matter what we do, that there will be no special permit required for Starlight Square.

Is that correct?

MARY FLYNN: That's my understanding. Daniel or Mason, you want to just verify or clarify?

MASON WELLS: Through the Chair, yes, that's correct. ISD has determined previously that this is an outdoor entertainment and recreation facility use, which would become an as-of-right use under the new petition language.

MARY FLYNN: And so, my understanding is, I mean, it applies to Starlight Square, but you could have potentially other outdoor entertainment venues open up elsewhere?

I don't know how realistic that is, but it could also happen that someone applied for a permit for such an establishment, and they would not need any special permit either, because it is as-of-right for anybody in the

Business B district?

MASON WELLS: That is correct.

MARY FLYNN: Any other questions before we move on to discussion? No? Okay. So then -- oh, Ashley? Do you have another question?

ASHLEY TAN: I had a question more for the proponent. Is there a reason why -- so the outdoor retail use would be by special permit, but entertainment is as-of-right, based on what I'm reading. Is there -- it's kind of like explain the reason for that.

MICHAEL MONESTIME: Yeah. So I think there's a small clarification just to speak to that. We are seeking as-of-right use for outdoor entertainment.

That other clause, which is -- let me just pull up my notes here -- "rooted in undefined use, outdoor retail or consumer service establishment, not otherwise defined. That's the second section to this.

So those are un-yet-imagined ideas that we really can't speak to today. We feel that those should still go through a process, and that the Planning Board approve, adjudicate those instances before this body.

So that is separate from the Popportunity vendors,

which are as-of-right outdoor, that are also licensed through the Hawker-Peddler licensing, just to clarify that.

MARY FLYNN: Okay. Thank you. Any other questions? All right. Seeing none, who would like to kick off the discussion?

[Pause]

It's a quiet group. Hugh? Thank you.

HUGH RUSSELL: So I have a problem with this, because I don't think we should be holding noisy events across the start from people's homes and houses, particularly in this particular case because it's affordable housing, the people who are in the housing have a lot less flexibility to move away from the nuisance.

Now, and so one of the speakers said, well, this really should be an interior venue. It shouldn't be an outdoor venue, because you control sound by the walls of the venue. And that's something that would take years to accomplish and an enormous amount of money.

So that's probably not on the table, although it would have the advantage of being available when it's raining or when it's cold and when it's snowing. It might actually be a good idea.

And it seems to have been demonstrated -- the Starlight Square venue has a lot of positive benefits, except for the people who have to live right on top of it.

So I had an office in Harvard Square for 40 years on Brattle Street. And we overlooked the Brattle Square. Maybe I should say we overheard Brattle Square, because that's where all the street musicians were.

And for us, it wasn't an enormous problem, because when the musicians were there, we could close all of our windows and turn on our air conditioner, and it wasn't too loud.

The biggest problem she was that we could still hear things and a lot of the people who were performing the 30 minutes of repertoire that they repeated all day long, you know, it got tedious. Actually, it was not all day, it was all month, all year.

Now, so I'm sensitive to that.

Now I'm going to mention a project I did, a housing project, which was a building of a public housing project that was on Route 95 in Stanford Connecticut. And so we hired an acoustical engineer.

The acoustical engineer made a map -- it was a

large site; there were, I don't know, 300- or 400- units of housing or 20 buildings ultimately -- he made a map and said, "Okay, at this point the sound level is such and such, and you need to not only put in acoustical windows, but you have to in fact beef up the wall of a building and the ceiling of the top floor, because that noise would make it unpleasant, and -- for the people who are living there."

And then there was a second zone where you'd just have to change the windows. And it was a very intricate map, because they -- you know, they could simulate all of this stuff.

A second -- another project they did is 169 O'Brien Highway, which when we converted it to residential use, was across the street from the Green Line Station and which had a very tight radius, and all the street cars that went around inside that yard screeched really, really loudly.

On the other side of the building there was a railroad with multiple trains. That was less of a problem. And we put acoustical windows into every window in the building.

So I think the solution here is to add -- oh, and

I learned about -- in talking to these acoustical engineers, they were doing a lot of work for -- ultimately for the team, who was inquired to provide noise separation in their facilities to nearby residences. So as they upgraded the facility, it kicked in.

And I learned that there were retrofitted -- just put on an extra storm -- acoustic storm window outside. Maybe you have to provide air conditioning, and that was done at the expense of the person who was making the noise.

So I think the proper solution here is for the City to step up to the plate and say, "We think this is a great thing. We understand it's got bad impacts on the immediate abutters, and so, we're going to pay to upgrade their windows and their ventilation systems, so that we can live in good -- you know, in as good neighbors."

Because I don't think it's possible to reduce the sound level of an outdoor performance venue to something that would be acceptable without doing something like this.

I guess -- so although it's a foregone conclusion that the Council is going to pass this, I would not be voting -- I will not be voting for this proposal.

And I would also comment that the standards for

granting the special permit, which don't apply to Starlight Square, are such that it would be very difficult for the Planning Board to make the necessary findings to grant a permit of a similar use.

Now, maybe they would -- that similar use would be unlikely, too, but, you know, the continued operation of adjacent uses would be adversely affected. It has been. We've heard the testimony. So those are my comments.

MARY FLYNN: Thank you. I was muted, I apologize. Are there other comments from Board members? Ted?

H THEODORE COHEN: Well, I certainly understood and empathize with all the comments Hugh has made, and all the comments of the nearby abutters, when I first read the petition I thought, "Gee, this is great. Why not?"

And then I also read the oppositions that were coming in and I've heard what the people said today, and I certainly do sympathize with them.

On the other hand, I think a lot of fun has gone out of Cambridge. And we could use a lot more street entertainment -- a lot more, you know, buskers in Harvard Square and Central Square.

And I think the success of having people at the

dance parties and at other events pushes me in the direction that while I feel sorry for the abutters, and it would be wonderful if the City took it upon itself to improve their windows and maybe their HVAC systems.

I don't see that happening at any time in the immediate future, and I would support this petition because I think that it is a benefit to a lot of people in the city -- fully understanding that it's certainly going to be a detriment to some people, and that hopefully the ongoing sound monitoring and other mitigation factors can be followed up all the time to make sure that the impact is as minimal as possible.

But I think, as I say, I would support it because I think the impact on the city would be greater than the detriments that are real -- I'm not discounting them. And if it becomes, you know, a possibility, then the bylaw can be changed again.

MARY FLYNN: Okay. Thank you. Lou?

LOUIS J. BACCI, JR.: Yeah. I really like everything that was done there. I do sympathize with the residents in the area, though. This is four, five nights a week. It's a little too much, I believe. I don't think I

can give it a positive recommendation. The City really needs to do something.

And I agree with Hugh that it's very difficult to do, but there are ways of mitigating some of this. Just think about living across the street from a concert venue that's open to the air every night. It's a little too much. I really hate to be against it, but I couldn't give it a positive recommendation, just because it is so onerous on the nearby residents.

MARY FLYNN: Okay. Thank you very much. Steve?

STEVEN A. COHEN: I guess I acknowledge that there may be some negative consequences for some people. But almost anything that you do anywhere, you know, has some negative consequences on some people. And if we didn't take any steps, if there's some negative consequences on some people, we probably wouldn't be doing anything anywhere.

And so, you know, the fact that some people might not like this and might have some negative consequences, and they're not enormous, terrible consequences, but I understand, and I acknowledge that there may be some negative consequences for some, but there will be great positive consequences for the great number of people in our

city.

And we have to make judgments. You know, as I say, if there's some negative consequences on some, you know, we wouldn't do anything anywhere for anybody.

So I just feel that this is a really positive thing. Most of our city is quiet. They're residential areas. There's no noise. There isn't music. You know, that's probably -- you know, I think 90 percent of the city.

And gosh, I mean there are suburban cities where you can go and it's perfectly quiet and there's no music and there's nothing to upset them. But we're not in some outlying suburb here; we're in Cambridge. This is a fundamental city, an exciting city.

If you live in Cambridge, you're not living in Cambridge to be quiet and boring, you're living in Cambridge because it is an interesting, fundamentally positive place, where there's all sorts of possibilities and experiences.

And music is part of that. It's a fundamental part of it. And historically, if anything, there's been more of that in the history of our wonderful city. And one of the sad facts is that we've had less of that over the years and decades.

So I don't diminish the fact that there will be some negative consequences for some. And I don't think terribly negative, but I acknowledge that there will be some. But in every judgment in politics in cities in every respect, you have to weigh the positives against the negatives.

And I think the positives here are great. And the negatives: I don't want to diminish them, but, you know, the negative impact will be relatively few, and there are ways that we can accommodate or diminish them. And I don't want to sound like a jerk about it, but if they don't like it, they can move.

So, as I say, I don't diminish the impact on them, but the positives here are great, and are much greater than the negative consequences. And so, I would certainly support it.

MARY FLYNN: Thank you. Ashley, you're next.

ASHLEY TAN: Thank you. So I'm torn. I love going to Starlight events, and so in short, I think generally I'm supportive.

But, you know, if this were to come to us as a -- it's not obviously coming to us as a zoning petition, but if

it were coming to us as a special permit, we'd hear about, you know, mitigation efforts and community outreach had been done; what -- like, if you have someone on a team that's communicating with the residents nearby, especially given it's -- you know, there's affordable housing nearby and folks who may not -- may not have seen the notices or even understand English.

I would love to see the proponent or other supporters of it, you know, step up and yeah, see what can be done to further mitigate any impact and -- and, you know, I know one of the supporters earlier mentioned that Starlight had been very welcoming and inclusive. And I hope that that can be the same too, the immediate abutters. And so, yeah, it is an encouragement. Thank you.

MARY FLYNN: Catherine?

CATHERINE PRESTON CONNOLLY: So I'm torn about how to act on this petition, not because of the kinds of projects that might come along, but because of how it has been handled procedurally by the City Council. I find the kind of fast-tracking of this to be contrary to good planning.

I mean, we're talking about Starlight as though it

is the only part of this petition and not really getting into any of the details about what we anticipate from future special permit applications down the road or other activities.

And I understand, like, you know, Starlight's season is supposed to start on Monday, I get it, but this is not how good decisions are made in Planning and Zoning. And I mean I think -- it's -- I personally feel like that needs to be communicated to City Council. This is not how this should be handled.

So I -- my thinking at this point is that it would abstain from the vote, because I don't want to vote against a good activity, and I hear all of the positive things about Starlight and agree that there are ways to mitigate the negative impacts. But I really think that this -- if we're going to do good planning around this use, this is not how it would go down.

MARY FLYNN: Thank you. Hugh, do you have additional comments?

HUGH RUSSELL: Well, I have a recommendation.

MARY FLYNN: Okay.

HUGH RUSSELL: I don't know if it's a

recommendation or a condition or something, but which is: Right now the residents who are impacted by this have nobody speaking for them.

MARY FLYNN: Yeah.

HUGH RUSSELL: And the -- they don't have -- in particular they don't have acoustical engineers who can advise them and advise everybody, you know, how do we -- how do we sell -- how do we make this work?

So I would recommend -- and I propose that we recommend that acoustical consultant be hired to try to make recommendations as to how to mitigate the populations of this and potentially other future, similar things. And that -- because without --

All right, well, I'll stop there. I mean, that's what I think we should do. We've got the -- it's unfair. We've got a bunch of people saying they want to do something, and a bunch of people who are saying, "Listen to us." And they don't -- they need the experts on their side.

MARY FLYNN: Okay. Thank you for that recommendation.

Lou?

LOUIS J. BACCI, JR.: Yes. Along with the

acoustical expertise, I think someone should look into a temporary structure here. There are a lot -- we've come a long way in temporary structures. I know it won't be done by Monday, but I think a lot could be done here and with a temporary structure to try to mitigate some of this noise trespass.

I mean, I've been to a lot of the functions around this, and in the neighborhood it's really loud. You know, you're talking 60, 70 decibels. If it were a construction site or a building or a factory, it would not be allowed.

So the people that live in the area have really very little input into this, and they feel put upon.

So I think we need to attach some kind of request for some mitigation here, just to try to help these people out. This is a -- you know, if it were a one night a week thing it might be a little different, but this is four, five nights a week.

And it's kind of hard to live with. I have a similar situation where I live. I have free concerts every weekend from Somerville. But they're a long way away, but it's still pretty noisy.

But I think the City should step up. If this is

what the City wants, I think the City's going to have to get involved a little more and see if they can't have some professionals mitigate some of these problems.

MARY FLYNN: Catherine, your hand is up. Did you have further comments or no? Okay. Okay. So -- so it seems as though we had obviously mixed feelings on this. Personally, you know, I'm torn also. I think, you know, the use is something the city needs. It is a benefit; it benefits a lot of people. The arts are very important. But I can absolutely guarantee that I would not want to live across the street from it.

And I do think it's different than a lot of other cultural activities in that, you know, again, it is a much longer period of time -- four or five nights a week, all through the summer.

I know people in my neighborhood have complained about that three-day-festival that happens over in Allston in June, and that's three days. You know, and everything goes away. So, you know, it's hard to live with.

That being said, I do agree with Catherine that I don't think that this zoning petition and the process is the appropriate way to address this. You know, this would be

the only business district or overlay that would allow this type of use without a special permit.

So you're going to have one district that, you know, allows this as-of-right and requires special permits for the other -- the other use category. And in the other overlay districts throughout the city, it continues to be the Board of Zoning Appeal. So that seems a little confusing too.

So I think where we are is we have two people who are in favor, two people who are against, and three who have mixed feelings about it. And we do know that it is moving ahead in City Council and is going to pass.

So I don't necessarily feel like the noise recommendations are a zoning matter, per se, but they clearly are pertinent to this matter and very, very pertinent and relevant.

So I would propose that we send neither a positive nor a negative recommendation, and just send our comments and suggestions in, noting the benefits that Starlight provides to the city, but also noting the very serious impacts that this has on abutters, and particularly abutters in mixed, lower-income housing, affordable housing, who --

again -- don't have the ability as some of us do to, say, make improvements like adding air conditioning in their own places or whatever.

So I do think that the City should -- you know, again, it's very supportive of Starlight; I think it needs to be supportive of the neighbors too. So I -- again, I don't think that it's necessarily zoning, but I agree that we should be making those remarks.

So what are the Board's reactions to sending a correspondence to the Council like that? All right, I'm seeing a couple of thumbs up.

HUGH RUSSELL: Yeah.

MARY FLYNN: Okay. Okay. All right. Could I have a motion, then, to send a communication to the City Council with neither a positive nor a negative recommendation on this petition, but outlining the positives and negatives as we have discussed tonight, and a list of suggested and a strongly encouraged sound -- potential sound mitigation measures, Daniel?

DANIEL MESSPLAY: Yeah. Just more of a housekeeping point, Chair Flynn: Because of the sort of aggressive schedule that this is on, I do want the Planning

Board to be aware that we will push as quickly as we can to get something drafted for this and get it signed and forwarded on. But there is a real possibility that the Council would take an action before this report could make it to them.

But we will certainly forward the report along, no matter what. It's just the schedule that it's on might make the time just a little bit too crunched for us to be able to send it on before our Council takes an action. So I just wanted the Board to be aware of that.

MARY FLYNN: Okay. Thank you. I understand what you're saying completely. Hugh, did you have another thought?

HUGH RUSSELL: Just there's a period of time that the Council cannot act without a recommendation. I -- has that period expired?

MARY FLYNN: I don't know.

DANIEL MESSPLAY: I believe, Hugh, that the statutory requirements just have the Planning Board hold the hearing and make a recommendation, but that the -- a report -- a written report or a deliverable from this body doesn't need to make its way to Council before the Council can take

an action.

HUGH RUSSELL: Oh, I thought there was a 30-day period? But I'm not the lawyer, and if Ted doesn't know about it, then it probably doesn't --

H THEODORE COHEN: I don't recall exactly what is required. And I think Staff will have to figure that out.

MARY FLYNN: Yeah. In essence, yeah.

H THEODORE COHEN: And they can convey whatever, you know, the ordinance and the statutes say to City Council. Obviously, they've -- the Ordinance Committee and City Council has already been acting on it. So I think, you know, they ought to get our comments as soon as possible, and then they have the Law Department that can advise them about whether they can proceed or not.

MARY FLYNN: All right. Yeah. Yes. And I think, Daniel, even if for some reason our comments don't get transmitted to the Council before they take a vote, I think it's still important that we go on the record.

And, you know, what we're asking or suggesting/recommending is for further action outside of zoning anyway. So it will be -- it will be something that could be considered and passed along, even after the fact.

So anyway, so is someone willing to make that motion?

STEVEN A. COHEN: Yes. Steve, so moved.

MARY FLYNN: Okay. Is there a second?

LOUIS J. BACCI, JR.: Louis second.

MARY FLYNN: Thank you, Lou. Daniel, could we have a roll call vote on the motion, please?

DANIEL MESSPLAY: Sure. Roll call on that motion: Lou Bacci?

H THEODORE COHEN: Before you do that, could we summarize what the motion is again?

MARY FLYNN: Okay. It's a motion to send a positive report to the City Council with neither a positive nor a negative recommendation, but outlining the points that have been made tonight in terms of both the benefits that Starlight provides to the city, but recognizing that there are, you know, serious detriments to the surrounding neighborhood.

Recommending that the City try to provide assistance to the abutters in terms of sound mitigation and that Starlight work with them on that, and also to Catherine's point, that we -- you know, we're just concerned

about this particular process and how it doesn't really provide an opportunity for good planning in this particular case. It's kind of a lengthy summary, but that's --

COLLECTIVE: [Laughter]

MARY FLYNN: -- that's what I was thinking. If somebody wants to summarize it in a better way, a more concise way, that's fine.

CATHERINE PRESTON CONNOLLY: I thought that an excellent summary, Mary.

MARY FLYNN: Thank you. Okay. So now we have Steve who made the motion, Louis seconded. So the roll call, please?

DANIEL MESSPLAY: On that motion, Lou Bacci?

LOUIS J. BACCI, JR.: Yes.

DANIEL MESSPLAY: H Theodore Cohen?

H THEODORE COHEN: Yes.

DANIEL MESSPLAY: Steve Cohen?

STEVEN A. COHEN: Yes.

DANIEL MESSPLAY: Hugh Russell?

HUGH RUSSELL: Yes.

DANIEL MESSPLAY: Ashley Tan?

ASHLEY TAN: Yes.

DANIEL MESSPLAY: Catherine Preston Connolly?

CATHERINE PRESTON CONNOLLY: Yes.

DANIEL MESSPLAY: And Mary Flynn?

MARY FLYNN: Yes.

[All vote YES]

DANIEL MESSPLAY: That's all members voting in favor.

MARY FLYNN: Excellent. Thank you. Mr. Monestime, thank you so much for your time. We appreciate it.

MICHAEL MONESTIME: Thank you.

MARY FLYNN: Okay.

* * * * *

(7:20 p.m.)

Sitting Members: Catherine Preston Connolly, Mary T. Flynn, Louis J. Bacci, Jr., Steven A. Cohen, H Theodore Cohen, Hugh Russell, and Ashley Tan

MARY FLYNN: Okay. The next item on the agenda is the second public hearing on case PB-231A, a Final Development Plan for a major amendment to a Planned Unit Development by US Parcel E, LLC, to construct a mixed-use

residential development on a parcel within the PUD.

We're going to begin by getting an update from Staff, then we will hear an update from the applicant followed by public comment, and then the Board will discuss the application.

Our action this evening is to grant or deny this special permit, or we could ask for additional information and continue the hearing to a future date.

So with that, let me turn it over once again to Mason, who will summarize the project.

MASON WELLS: Thank you, Chair. This is the second of two public hearings for a PUD major amendment application.

The first hearing was January 31, 2023, and the Board voted to make a positive preliminary determination on the development proposal after finding that it is in general conformance with the zoning and planning for the area and providing a list of questions and comments to be addressed in the final development plan.

Since then, the applicant has submitted a final development plan, including additional information and responses to the issues raised in the preliminary

determination.

The Board's task now is to review the final deployment plan and determine whether it remains in conformance with the area planning and zoning, and if it is responsive to the request in the preliminary determination in order to grant the PUD special permit.

The Board must also consider the criteria in Section 19.20 of the zoning ordinance in order to grant a project review special permit, which are included with our Staff memo along with other comments on the new materials.

Since this is for a single-phase development, as with other single-phase building PUDs in the past, the Board would as also be granting Design Review approval, subject to the recommended items for ongoing continuing Design Review by Staff.

The memo from the Zoning Staff also includes an overview of recommending new approval conditions, and existing conditions to be updated to reflect this amended PUD.

There is also another memo from TP&P Staff, which has been shared with the Board and representatives from Zoning, Urban Design and Traffic and Parking are present to

answer any questions the Board may have. Thank you.

MARY FLYNN: Great. Thank you, Mason. Jim Rafferty is here with us this evening representing the applicant.

Mr. Rafferty, or Attorney Rafferty, you will have up to 30 minutes to present. We hope you can be as concise as possible, but the Board can allow additional time at our discretion.

So if you would please start by introducing yourself and any other team members who are present, I will turn it over to you.

JAMES RAFFERTY: Thank you. And good evening, and welcome Madam Chair. For the record, my name is Jim Rafferty. I'm an attorney with offices located at 907 Massachusetts Avenue in Cambridge, appearing this evening on behalf of the applicant.

In this case, the application is represented by Urban Spaces. The petitioner in this PUD since its inception barely 10 years ago, this, as noted in the memo, is Amendment Number 7.

We were fortunate to receive a preliminary determination by this Board back in January 31. We're back

this evening with a final development proposal.

The program of the presentation has been informed by the information contained in the preliminary determination, as well as the request for additional information voted upon by the Board at that time.

Similarly, the Staff memo referred to provided consistent language around the same design issues.

With me this evening on -- from the applicant is the principal of Urban Spaces, Paul Ognibene. His associates, Jeff Hirsch and David Notter are present. From the Design team we have architects John Pears, Dan Skolski, and Steve Wychorski. All of us are gathered in the conference room at Urban Spaces.

We also have our Traffic Engineer on the call, Scott Thornton from Vanasse & Associates.

At this point, Mr. Pears is going to take the Board through the building. As noted, it's a single building. It's technically an addition to an existing building -- a one-story retail building that in the PUD has been referred to as, "Parcel D." This is an extension of that building.

So it is largely a residential building with a

ground floor, with some kind of active use, but we have been a candidate acknowledging there are challenges with First Street in terms of finding active uses on that floor.

So it remains the case that in this application, we're asking that a range of office and retail uses be permitted on that ground floor.

And so, for that reason, the application acknowledges the other categories of uses to be permitted on the ground floor. We'll get more on that from Mr. Pears as he walks you through the floor plan.

John?

JOHN PEARS: Good evening. My name is John Pears, and I'm a Design Consultant working under DMS Design, LLC, who are the Architects Of Record on the project. Dan Skolski is also with me and may speak.

As John said, I'm going to limit my presentation tonight to a response to the Planning Board preliminary determination, particularly the requests for modification and additional information. So it'll be a briefish presentation really just dealing with the issues that the Board had.

Next slide?

The site, just for reference -- I think you all know it well -- had First Street at the bottom. And 85 First Street is the existing retail building. And the proposed development site wraps in an ell from First Street up Spring Street and across behind over the existing 85 First Street parking lot to Hurley Street.

Next?

Just to remind you all, the existing building is in the dark gray. The basement of this building does not fill the whole site. It's only about a third of the site that has basement on it, and it includes a lot of bike storage, as well as the -- I'm noting here that the elevator machine room, which was located at this level, has been moved, and we will show you the new location at the second floor.

And this was done as part of our flood mitigation measures working with DPW quite extensively to come up with a plan that solves that issue.

Additionally, there's storage in the basement.

First floor, starting at the right-hand side of this particular slide, closest to the top, there are three trees that are on a neighboring property. And those will be

maintained.

A professional arborist has been consulted and will advise on the appropriate trimming to maintain those trees in place. There's a recessed guest bicycle parking area, and we now have access out of that for a transformer.

Another big design improvement, I think, was flood mitigation. So as you come down Spring Street to the middle of the slide is a note that specifically mentions the way in which we are going to keep this building dry.

We had different ways that we had proposed originally, and our final selected solution is that we are going to provide floodgates. In order for that to work, we need to build in some planters, which have helped quite a lot in some of their other comments that members of the Board and Planning Department had about the space underneath the building along that edge.

So this allows us with those planters, which are seat height, quite low, a few feet high, for the gate to rise automatically with no human intervention out of the sidewalk to the top of the planter in a recessed channel on either side.

If you go to the bottom of the slide, we have

consolidated the two entries for this flexible space, which will be commercial residential amenities, flex space.

Because of this, and not knowing exactly what the program will be, other than it will be an active use with lots of glass facing the streets, we consolidated the entry to make flood mitigation as seamless as possible.

So we've created a recessed area, and then a floodgate that comes up in line with the façade, and that is going to be an area of refuge for wheelchairs, and they will be rescued as with any other area of refuge that a wheelchair would be in, and able-bodied people would climb over the barrier, which is the normal way in which these systems work.

As you go to the back edge of the slide, starting right up the street there were some extensive comments about the transformer.

This is an existing, relatively small transformer that sits in that area of rectangular pink, and we tried to get adequate planting around it to screen it, and we just couldn't manage to do it and keep the bike paring, which we need in that location.

So we took another comment, a criticism of the

design, and that was that there was a cantilevered stair directly hovering above that, and we combined both of those issues into one solution.

So we came up with a screen that surrounds the transformer that has very large, 8'-wide gates that open up. And the screen is -- you'll see in later drawings -- compatible with the architecture of the building.

And I think it solves two issues. One is screening and two, there's no visual cantilever anymore in that location. I'm particularly happy with the outcome of that and the comments were very valuable.

I think that's it for this.

So in the transformer room and the electrical room, we additionally are raising all the critical equipment, which are the transformers and the electrical equipment, up on 24"-high concrete curbs. So we really do have a system that will maintain the safety of this in a flood event.

The back entry similarly that leads -- if you remember correctly -- to the parking and the adjacent site, we do have a path in a later slide that shows that also has a barrier, as does the one at the facility's entry. So all

the entrances are protected.

Next slide?

So you can see that this is the second-floor plan. And up in the dark green there's a pink bullet that shows that the elevator machine room has been moved out of the basement onto the second floor adjacent to the elevator shaft.

Coming down south on the plan is another pink box, which shows an area that was which shows an area that was quite confusedly represented before, but is more clearly represented now, and we have some sections showing that, of how we plan to get out of the amenity space indoors to the amenity space outdoors.

And that is where a stair and a lift -- and you'll see that there's a double-height space there that allows that to happen with adequate headroom.

Next?

This is the floor above at the third floor. And you can see that that studio has been peeled back to create a double-height space in the area adjacent to the glass, so that the stair can get inserted, and the lift can be inserted there.

Next?

There's been no changes on this floor plan.

Next?

Same with this one.

Next?

I guess same with this one.

Next slide?

Roof plan: On the right-hand side at the lower edge of Spring Street, we -- you'll see that from the three drawings that we have worked on the tower, and we've extended it wider up at the top, making it the more predominant element, and in later shots you'll see that it has been extended down to the sidewalk level.

There were comments about the fact that the tower felt unresolved, and I think I, in the last meeting, agreed that it was very weak at the base.

It's much stronger now as that tower comes all the way down to the sidewalk. There's also some minor changes to the back edge where the stair was in terms of parapets.

Next slide?

This is a view at the top left-hand of the amenity space, the outdoor amenity space. And we worked quite a lot

with creating a landscape that was low enough but provided relief where the windows for those lower floors are.

And if you look at the section in the bottom, the windowsill height is 2'10" and the parapet of the building comes up another 10" or so from that height.

And so, the window will not have the same generosity of glass that the units above do, but it is completely code-compliant and is acceptable from a market point of view.

The -- one other big change which helped enormously was that the balcony that was directly above at the third floor has been removed, and a Juliet balcony was put in its place. So that really made a big difference in terms of the amount of light into the units, as well as the views out of the units.

And you can just see on the lower left the view from one of the balconies over onto the outdoor amenity space.

Next slide?

This is a view along First Street with the existing retail building in place. One of the things we did with all the renderings is we tried very hard to more

closely approximate the actual colors of the brickwork and how it will respond in different light conditions.

I've been doing this for 40 years, and the hardest thing is getting colors on renderings to work. It's to do with the pixels, and it's really, really odd.

So we just try our best. We feel that the final samples of the lighter material, we don't want them to be quite as light as they are here; we want them to be a little darker than what they showed here, but every time that we try and get the renderings to do that, the brickwork look darker as well and they were unable to sort of give us the exact impression that we were trying to convey to you.

But you can see that the general configuration of the balconies, which are going to be clad in a wood-like product adds warmth to it, and to the overall composition.

The idea behind the design is that it picks up from the existing building that's there and kind of forms not an identical replica but a very close cousin with some distinct differences.

The existing retail building being much smaller has much more glass, and it doesn't have the white metal panel, which we have changed from our previous presentation

where it was cement board. We acknowledge that cement board has mixed results in the field in terms of the sophistication of the detailing.

So all cement board has been removed from the project and be replaced with metal panel, which is a far more sophisticated detail.

Next slide?

A view also on First Street looking at the way that the tower reads far more kind of strongly. We have a created some brick patterning and just a hint of the sill to create a shadow line at the floor lines, and the brick pattern on the base is a one-in, one-out course which goes into the planters on either side, and it forms a larger composition for the tower.

As the tower goes up, the drawing wall accurately represents the idea of the eyebrow being broken intentionally to allow light through on the First Street side and closed with a lesser overhang on the Spring Street side, creating a hierarchy between the two streets.

Next slide?

This is a series of -- I'm trying to think, because it looks like a repetition of some of the drawings.

So go to the lower left-hand slide, rather.

You will see we have some closeup renderings of that, but the cantilever is now filled in with a metal louver kind of system in the same dark metal that the brick is, and we created a much clearer articulation of the tower element on that corner, and then changed the metal panel on the back, and we also took the advice of one of the Planning Board members who suggested looking at removing the cornice along that edge.

And I think it's far more appropriate. It actually makes a building that is more honestly expressive of the different hierarchies of the different façades. So good call.

On the right-hand bottom, you can see those three trees that we're keeping in place, and you can see how the brickwork returns the corner and establishes an end to the façade that is the street façade and becomes the -- in our case -- rear facade.

Next slide?

Some closeups on the lower right-hand corner; there was a lot of discussion about the canopy with the equivalent of a double canopy, and about the material, which

used to be a stone material and the jointing, which was not articulated.

We spent a long time joining the stone, and then eventually came around to changing the material and picking up on the walls that we had produced on the balconies, and notice how the Juliet balcony handrail is going to be a rich, warm wood color.

So we've now introduced that, and we feel that it is far more residential in scale and feels a little bit more Cambridge to me than the -- possibly a little pretentious model that we had before.

I prefer it a lot. You can see the articulation of the patterned brickwork -- one in, one out course going up the wall. And you can see set into the sidewalk that black -- there's a grating that the water falls into, and it then lifts up that light line, which becomes the screen.

On the lower left-hand side, bicycle parking she was never well resolved. It's now, I think, very nicely resolved. It's been pulled forward to the edge of the sidewalk, it was more deeply recessed before. And it also has been consolidated, the louvers and the doors into one composition. So it's a very calm background.

The -- we also spent a lot of time on the lighting, on the underside of those canopies, and have different levels of rhythms. Now, you can see on the upper right-hand corner how the tower comes down to the street and has the opportunity to produce some modest sign.

On the left-hand side, this slide is still darker. than I would like, but it shows the transparency between the inside and outside and the main entry halfway down the block to the retail or commercial.

Next slide?

Just a quick -- you can see a detail of how the studio unit works with the double-height space below, and how the sections work and the heights and the headroom clearances and the lift. And this is just to show that we did take the comment quite far and have worked it up, you know, in a way that works.

Next slide?

Oh, some shots that we didn't have before: So on the right-hand bottom, this is as you come out of that entry that's below the building above, and showing the existing paving, existing sidewalk to remain, existing parking to remain, all we're going to do is surgically insert the

columns and building above at a pretty high height. You can see there's plenty of headroom there, with a good amount of lighting in that space.

As you turn into the middle slide, you can see the entry to what we -- I guess it's the back entry, and it's mainly there so that people can take shortcuts to the parking. It also is a way for bicycles to get inside as well, so we made an extra-wide door for that.

And then there's a view of the driveway and the transformer on the left-hand side. And you can see that there's a metal exposed steel-eye beam and column structure with movers that are similar to the movers elsewhere on the project and in the Phase 1 project in my first week. So there will be a consistency throughout. And that really solves the issue of the transformer screening.

We will note that the bollards must be removable. And that's not a tricky thing; they're just bolted. So when Eversource has to open that gate, they remove the bolts and takeaway those, open the gate, and that only happens sometimes every 10 years.

JAMES RAFFERTY: Bike racks?

JOHN PEARS: The bike racks. Thank you, Jim.

Next?

This is a little bit closer up. So you can see how that louver and the idea is for the scale of the louver to match the scale of the recess in our brickwork and really create a kind of a continuity of that little design element coming around the corner.

This shows the doors in the closed position. And I think earlier -- oh, in the top left-hand side you can see the doors in the open position, where the bike racks will be.

So there's no more vegetative screening. That just wasn't working. So we went for a different solution, which I think architecturally is better.

Next slide?

Oh, this was a request, "How far is it to walk from the building to the elevator and staircase of the parking?" It is 445 feet, and it's just down that existing sidewalk under the building, so you're undercover there, and then out onto the sidewalk and across that handy diagonal path. It almost looks like it was done intentionally.

And 445 feet is about 150 paces. So it just takes under two minutes to walk there. So it's quite a convenient

location.

Next?

I think I'm going too long. Is there anything exciting here? Oh, this is just showing the detail about the bike parking and how that all works, and the long-term bike parking on Spring Street and the bike parking and how that all works in the lower level. Thank you.

Next?

I don't think it's worth looking at these. They were here in case you had questions. You've seen them before, and there's been no substantial -- no changes at all, as far as I can remember to these unit plans. But maybe they might have been little tweaks with it.

JEFF HIRSCH: On the third --

JOHN PEARS: Third floor.

JEFF HIRSCH: -- of the three-bedroom --

JOHN PEARS: Okay.

JEFF HIRSCH: -- unit, yeah.

JOHN PEARS: Next?

And next?

And so, the third floor --

JEFF HIRSCH: Third bed -- third --

JOHN PEARS: -- third --

JEFF HIRSCH: -- three-bedroom.

JOHN PEARS: -- three-bedroom unit. Thanks, Jeff. Feel free to interrupt at any time. I'm happy to -- so you can see that two of the bedrooms have direct windows to the outside and the kitchen spaces, direct view to the right side. It's not an especially deep unit.

So we feel comfortable there's a direct sightline between the bedroom in the back right-hand corner, which would have a frosted glass light through that -- a glass light, and then a series of transom windows as well.

So we will be able to get, like, the natural light that we would like in there. The code does allow only artificial light and only artificial ventilation. But we feel that it's more pleasant to actually have the opportunity for some natural.

Next?

Elevations: Other than they are repetitious of the 3D, but they're just flat, so I think I'm going to save time by not walking you through them. If there's anything I need to say, feel free to ask a question.

Next?

And next?

SPEAKER UNIDENTIFIED: Thank you.

MARY FLYNN: Sorry. A little technical difficulty on my part. Thank you. Is that the conclusion of the presentation, or are there other comments from other members of the team?

JAMES RAFFERTY: The only other comment we have, Madam Chair, is that the application is also an application for a Project Review Special Permit under Article 19. We have submitted our TIS, it's been certified. There's a Traffic Department memo that embraces the mitigation measures, which are quite consistent with the mitigation measures that are already in place for the existing buildings in the PUD.

As I noted, Mr. Thornton is here, whether the Board wishes him to address the TIS or the findings associated that will allow the Board to conclude that the traffic will not have an adverse impact upon the city streets.

MARY FLYNN: Okay. We'll get to that when we get to the Board discussion and question portion. So as this is a hearing, let's move now then to public comment before we

get into the details of the project with the Planning Board.

Any members of the public who wish to speak should now click the button that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9.

As of 5:00 p.m. yesterday, the Board had received no written communications on this case. Written communications received after 5:00 p.m. yesterday will be entered into the record.

I think I see at least one hand. So maybe more as we go along. I'm going to ask Staff to unmute the speakers one at a time. Please begin by saying your name and address and Staff can confirm that we can hear you. And after that, you'll have up to three minutes to speak before I ask you to wrap up.

So Daniel, I'll turn it over to you.

DANIEL MESSPLAY: Thank you, Chair Flynn. And I just see the one hand up for right now. So we'll just do a quick last call if anyone else wishes to speak on this item to please use the "Raise hand" function.

Our first speaker is Heather Hoffman. So Heather, please begin by unmuting yourself and giving your name and address.

HEATHER HOFFMAN: Hello. Heather Hoffman, 213 Hurley Street, which is just a couple of blocks from the project. I have a couple of things that I hope that the Board will talk about.

One is, based on either developers' or architects' or other people's experience, whether this building is designed to encourage people to stick around to become neighbors, or is it designed for people to live there for a short period of time and then move on?

I was also interested in, since signage was mentioned, if there's anything more -- less generic planned than just the address? I have absolutely no problem with just having the address. That's all I saw. And I'm curious to know whether that's really what's being proposed for signage.

And noise and mechanicals: I am curious as to whether what we've -- well, whether we will see the mechanicals from our homes, or from walking around, and whether we will hear them.

Because as I've said many, many times: What you hear up in the air is quite different from what you hear on the ground. Up in the air from my bedroom, I hear stuff a

long ways away: Stuff that I can't even locate when I'm down on the ground.

So I'm just curious. There are a lot of people who still persist in living in this neighborhood, despite all of the efforts to make us leave. We haven't yet.

And so, I am curious as to whether this is going to be a good neighbor or a bad neighbor. Because it's -- it doesn't look as though it will be unpleasant to be around, and the question is whether it's going to be unpleasant other than in its looks.

Thank you.

DANIEL MESSPLAY: Thank you. Chair Flynn, that concludes the speakers on the list. So I will turn it back to you.

DANIEL MESSPLAY: Okay. Thank you, Daniel.

MARY FLYNN: So we're now going to move from public comment to Board discussion. Do Board members have questions for either the project team or Staff?

I don't see any. Okay. So part of the -- part of what we're doing tonight is also Design Review. So there's an Urban Design report on the project that has extensive points and suggestions for further review.

I know Suzannah is here. And Suzannah, I know that -- it seemed like there were -- that in general you were pleased, but there were a few unresolved issues on the list. And I'm just wondering if there's any in particular that you wanted to call to the Board's attention?

SUZANNAH BIGOLIN: Thank you. Probably -- I think we have sort of a lot of minor suggestions, because we are generally pleased. We were a little concerned about the sidewalk width on Spring Street, just with the new planters. We wanted to clarify that.

The ground floor has -- the height seems to have been reduced, so we queried that, and there's a cornice element that wraps down to the sidewalk grade, which we think is a bit of a pedestrian obstruction. Even though it is repeated in the Parcel D building, we don't it's necessary.

We did note the gray and black color palate remains unchanged, and we would have wanted to see something lighter and warmer, but we do understand the applicant's desire to kind of blend with the existing building.

With the sort of interior, the residential units, we thought that there was some sort of amenity concerns --

the sunken nature of the second-floor units adjacent to the roof deck, and also just the borrowed light and the typical three-bed layout and the impact of the roof access on the studio unit that's directly above it.

It does become quite a small, tight unit, once the unit's moved away to allow for the clearance of the head height.

I think they are our main areas of comment with the tower that now is -- comes down to grade, which was the Planning Board's suggestion. We miss the entrance that was there, and the reason for the kind of tower element, we thought. And so, we've wondered if that could be reinstated, and this sort of recessed a little, so there is space at the sidewalk. So that's I think most of our big issues.

MARY FLYNN: Okay. And are you last discussing those with the proponent, or do you feel like you're kind of at the point where you need the Planning Board weigh in on them?

SUZANNAH BIGOLIN: Yes. We've -- I think the proponents, we've made these comments previously. So some of them can be addressed through continuing review, if

things like the planter on Spring Street, if that needs to set back a little bit provide more sidewalk with. That could be easily accommodated through continuing review.

JAMES RAFFERTY: Madam Chair, in response to that, Ms. Bigolin is correct. We have been working with CDD in most of these changes.

It's also the case that DPW has been very helpful with allowing us to explore the very recently adopted flood resiliency requirements. So things like the planters and other components, we would anticipate would go through review by both DPW and CDD, to ensure that we've struck the right balance between sidewalk width and sustainability.

But the principal purpose and introduction of those planters was in response to the challenge we face with the adoption of the new ordinance after we had originally submitted the design and the application.

MARY FLYNN: Okay. Thank you. Board members, any questions? Hugh?

HUGH RUSSELL: Well, I thought you were going to ask for comments.

MARY FLYNN: Well, you can -- comments is fine.

HUGH RUSSELL: Okay.

MARY FLYNN: We can move on to those if people don't have questions. That's fine.

HUGH RUSSELL: So I think this -- you know, as is intended by the process, the development of the design has resulted in significant -- more improvements and suggestions. So I only have 10 comments.

And the most important one is what color is the brick? And I think because it shows differently on all of the various printed materials, I suggest we give a condition that says that the brick be no darker than the existing brick on the one-story building. And my preference would be actually to make it a shade lighter. But that's preference.

Two, the general appearance is improved and is completely acceptable to me.

The west wall color: I think we have to impose a condition that says that that is needs to be only a shade or two lighter than the brick. I think there's too much contrast in the rendering that we're seeing.

Parking: Yes, it's 435' from the lobby to the entrance, but the lobby -- an average of about 100' in the corridor system of the buildings. And it's a very large parking garage. So you conceivably might have to go 150' or

200'.

And so I'm suggesting that maybe they zone the parking garage so that the residents of this building get spaces that are closer to the access door. Because the residents of the other brick building can just take the elevator down to the garage, and they can use the part of the garage that's close to that elevator up here.

I have a suggestion that the window in the tower be in the center on each floor, and that it be square in shape. And I have to note that if you do that, the window will end up directly over the kitchen sink in the two-bedroom apartments. So right now it's kind of weird, what's shown. So I think just look at that.

Because six: I think I -- previously it was noted that the cornice ramping down to the sidewalk, maybe I can step in a bit, do something. I like the line coming down.

On the third-floor studio over the stair, I actually lived in an apartment that had -- I think it was the same size as this for two and a half years while I was a grad student. And it's true I had two south-facing windows, but I was in the basement. And so, in a way I can answer this by answering Heather's question: It worked fine for me

when I was in school. I wouldn't want to make my life there.

I think that there are going to be some really nice apartments in this building. There are going to be some that -- you know, a lot of the one-bedrooms don't have a window in the bedroom. And some people might want to find a place where they have more light in the bedroom.

I don't -- but I think these are all -- these are all reasonable apartments for people to live in. And I think that's -- so I don't feel that we need to take any action.

Paint the revised section on the first floor and on the top floor. It makes sense. The top floor needed that space, and the ground floor really doesn't need it.

The garage walkway is really quite nice now. It seems safe and well-lit.

And my tenth comment is that this is one of, you know, three blocks of projects, which will really transform this whole section of First Street and provide a great deal of housing. And it's well-designed. There's open space. This is really an amazing project, and I imagine it was pretty difficult to achieve this and with the developer.

So I want to really say, I recognize what you've achieved here. And I would ask my colleagues to vote to approve this design.

MARY FLYNN: Great. Thank you.

Lou?

LOUIS J. BACCI, JR.: Yeah, I agree it's come a long way. The only thing that jumped out at me were the actual -- the towers on Spring and Hurley. The windows seem to have disappeared.

To Hugh's point of putting a square window over the sink, I think that's a good idea. But they've kind of disappeared in these dark towers. Originally some of the -- Spring Street had a panel in it that had some matching color. It would be nice to have something there to detail these windows.

I don't know if on the early street side, if there's -- you could do something with the frames or something, but they're -- they've really disappeared. And I don't know if that was the intent, but it actually worked that way.

But for the rest of it, yes, it's a very great increase in the detail and so forth. And I think that the

work around the transformer was perfect, and I think it's ready to go.

MARY FLYNN: Okay. Thank you. Ted?

H THEODORE COHEN: So I had not been at the previous hearing on this, so I hope I'm not repeating anything, but is there a garage door at the entry to the garage? And if not, why not? I mean it just seems like a big open area that ought to have a door on it. And that's really --

HUGH RUSSELL: Are you talking about one on the --

MARY FLYNN: There's some -- yeah.

JAMES RAFFERTY: Well, if I might, Madam Chair, just to assist --

MARY FLYNN: Yes.

JAMES RAFFERTY: I think what Mr. Cohen's referring to is the -- what is today surface retail parking, which will remain the same. This building's going above it. So actually there isn't a garage attached to this building; the garage is across the street and accessed through an elevator.

HUGH RUSSELL: Could you put up that image again?

JAMES RAFFERTY: Sure.

HUGH RUSSELL: I think it's on Spring Street.

JAMES RAFFERTY: Right.

SWAATHI JOSEPH: Do you have a page number that I can pull up?

[Simultaneous speech]

JAMES RAFFERTY: The site plan that shows the -- you know, the one with the arrow to the garage?

UNIDENTIFIED: Oh yes, I was going to show the actual plan there.

UNIDENTIFIED: Yeah, show the one with the arrow to the garage.

UNIDENTIFIED: There you go.

UNIDENTIFIED: All right. That's number 19.

Am I muted or unmuted?

JAMES RAFFERTY: Well, you shouldn't be -- no, we're in.

UNIDENTIFIED: Number 19, please.

HUGH RUSSELL: No, there was one --

UNIDENTIFIED: That's it. There we go.

MARY FLYNN: There you go.

JAMES RAFFERTY: So the parking that's depicted here is the existing surface parking for the retail uses in

Parcel D. None of the residents of this building will be parking in that area. So there is not a door to that parking area, because it's for retailers.

H THEODORE COHEN: So there was an image that showed the transformer and then a large opening into parking next to it.

JAMES RAFFERTY: Yes.

H THEODORE COHEN: Can you find that?

JAMES RAFFERTY: Maybe the one that shows the lighting?

UNIDENTIFIED: It's labeled as page 17, but you'll - see it as the eighteenth slide.

UNIDENTIFIED: This is looking at the beginning of the presentation.

UNIDENTIFIED: That's the transformer. And go up one from there. There you go.

H THEODORE COHEN: Right. So this is on Spring Street?

[Simultaneous speech]

UNIDENTIFIED: Hurley Street.

JAMES RAFFERTY: This is Hurley. And there's a -- what's depicted in the far-left image, in the bottom left,

is the transformer is there today, it's not left, it's not --

H THEODORE COHEN: Right.

JAMES RAFFERTY: -- screened -- and the brick paved area is currently a surface parking lot for the retail building to the right. This building is going to be sitting on columns in that parking area.

But there is no door there, and there isn't a door on the left-hand side of that. That is a -- that is a surface parking lot that is going to have a building over the top of it supported by these pillars.

JOHN PEARS: And the reason why there cannot be doors on it is that all of the existing tenants, which includes the Post Office and other tenants, have parking there with rear entries, and they need the public to be able to drive in there.

And it's only public -- retail customers and people going to the Post Office -- that drive in. So there's no way that a door would work, because you wouldn't have a transponder.

And it's also not enclosed. It actually -- other than that stair tower that comes down, it's open to the left

and it's even open above part of the sidewalk is open to the air above. So it's not an enclosed parking structure, it's just a building over a parking lot.

H THEODORE COHEN: I see. Okay. And what is across? The entrance is on Hurley Street?

JOHN PEARS: Correct.

H THEODORE COHEN: What is across Hurley Street?

JOHN PEARS: It's the other building that is service parking for the retail of the other building that Urban Space has developed.

[Simultaneous speech]

JAMES RAFFERTY: That tells the story there, so.

JOHN PEARS: Yeah.

H THEODORE COHEN: So the entry to the area you've just showed me is to the left of where it says, "P and D and proposed development?"

JOHN PEARS: Correct. That's exactly 100 percent right.

H THEODORE COHEN: And across the street from that is an open parking lot?

JOHN PEARS: Correct.

UNIDENTIFIED: Retail.

H THEODORE COHEN: Okay.

JOHN PEARS: And then two curb cuts almost aligned.

H THEODORE COHEN: Okay. All right, fine. Thank you.

MARY FLYNN: Did you have any comments you wanted to make, Ted, or --

H THEODORE COHEN: No, I was just concerned about that, and being concerned that there might be residents on the other side of the parking who were seeing just an open area, and that why not put a garage door there? But I understand that that's the -- not the parking for this facility, but parking for the retail. I got it.

MARY FLYNN: Okay. Thank you. Other comments from Board members? I do have a question for the proponent. In regards to the ground-floor space, and needing flexibility given how difficult it is to do retail on the ground floor these days, the Staff memo talks about amenity space, but I thought what I heard tonight was that you were asking for either office on the first floor or retail.

Are you still considering amenity space on the first floor? And if so, what would count as an amenity on

the first floor?

PAUL OGNIBENE: Yes. Thank you for the question.

MARY FLYNN: Mm-hm.

PAUL OGNIBENE: We are in fact still keeping it as flexible as possible ideally, and that would mean perhaps it would be amenity space or retail or office. So all three operations are on the table as we see how things evolve on the street, if possible. And there's some amenity space in the lobby.

MARY FLYNN: So what kind of amenity space would it be? Are you talking like meeting rooms or a gym or --

PAUL OGNIBENE: Yes, those --

MARY FLYNN: -- like, are they active uses, or is it just going to be kind of dead?

PAUL OGNIBENE: So the green area, Plan North, is already sort of passive amenity space for the building. It's the lobby, the amil area, storage --

MARY FLYNN: Yeah.

PAUL OGNIBENE: -- for packages. And so, on the second floor, we have some more active amenity space in addition to the exterior roof deck.

Here we were brainstorming about a number of

ideas. You know, if it wasn't traditional retail or office, it could be sort of a hybrid where maybe we have a Zoom room studio, kind of like a Workbench or a -- or a WeWork where people could perhaps -- who live in the building or the general public use and rent -- you know, a place where they can have an home office experience outside of their actual apartment. That's one idea.

Another would be to have a more robust fitness area, which could sort of be both a gym for the broad community, and also focused on the residents. So ideas like that where they're hybrids, we can imagine amenities being used. Coffee shop, breakfast niche --

UNIDENTIFIED: Got it.

PAUL OGNIBENE: Breakfast niche, convenient store, pantry, those kinds of things.

JOHN PEARS: one of the most successful uses of a shared space -- I'm doing work and have done work in D.C., in New York, in Jersey City -- all over the shore, and admittedly the projects have been bigger. And I'm not sure if this one is too small.

But we've had great success, and his developers in that area have as well having a coffee shop that becomes a

wine bar after 5:00 and it has a door opening into the main lobby, and it has a door opening to the street, and it's basically both open to the members of the public, and it becomes amenity space for the units.

There is a restaurant on Washington Street in Boston called Ruka that opens directly into the hotel lobby area. And people from the hotel go in and out that way, and people from the street come in and out of that way.

So that's our perfect kind of -- me as the designer, the perfect mix where you have the members of the public and residents of the building having the opportunity to mingle in a semi-public, semi-private way. I've got my fingers crossed.

MARY FLYNN: Mm-hm. Well, I like those examples. I think, you know, the concern that was raised in the Staff memo is that the -- you know, we might inadvertently add use that's just not activated.

So I think this belongs as -- and the Staff can -- can chime in here if they need something more specific -- but I think as long as we're saying that it's active use amenities that enliven the space, that might be sufficient.

JAMES RAFFERTY: Yeah. Madam Chair, I would only

say that Urban Space has a long presence, as noted by Mr. Russell, in transforming a street. And it does still retain the lofty ambitions set forth in the early application when this project first started for First Street to become a very active retail corridor.

Two significant changes since then: The closing or the shuttering of the large portion of the mall and of course the pandemic. We look forward to the time when the other side of the street, when the development at New England Development concludes, has the type of active storefronts that were missing under the mall design, which faced a blank wall.

So we think that promise still exists. First Street is about to go through now, directly onto Monsignor O'Brien Highway, with the removal of the Lechmere Station.

MARY FLYNN: Mm-hm.

JAMES RAFFERTY: So we're very optimistic that the vitality of First Street, which candidly hasn't quite gotten to where we had hoped it would be, that that future is not that far off.

MARY FLYNN: Great. Well, let's hope so. Okay. Back to Board members. Are there other comments or

concerns? Just in terms of Heather's question on the signage, do you have any further input as to what signage on the building might be?

JAMES RAFFERTY: Well, I checked with Mr. Ognibene on both of Heather's questions. His answer to the second one is he does intend to be a good neighbor, as opposed to a bad neighbor, since she did ask.

MARY FLYNN: Yes. Yeah.

JAMES RAFFERTY: The signage is zoning compliant, with a residential address. The only modification would be, of course, depending on how that ground floor fits out.

So if a retail or a business use required signage, it would be consistent with the signage on the building deed. But there is -- the signage for the residential building will be as depicted there, largely related to the address. And then the balance of the signage would be of a scale consistent with what's on the adjoining building, building B.

MARY FLYNN: Okay. Thank you. Okay. So if there are no further comments from Board members, can I take it that we are prepared to take action this evening in granting the special permit? Does anyone have any concerns that we

can't meet, that the project as proposed does not meet the criteria?

No. Okay. So therefore, we shall move forward to grant the special permit with conditions once we make the findings.

And the findings are -- let's see -- in the Memo, we need to find -- approval or a PUD final development plan Section 12.36.4 that the plan continues to conform to the criteria for approval of a proposal and continues revisions to the development proposal in response to the preliminary determination. And we've seen that we have had revisions that do respond to the items that were listed in the preliminary determination.

For Project Review Special Permit section 19.20, the project is consistent with the Urban Design objectives set forth -- of the City, as set forth in Section 19.30. And we know that the proponents have been working very carefully and closely with the City's Urban Design team, and that there are items for continuing review, but generally the design conforms with demands for the area.

And the last is the General Special Permit Criteria, Section 10.43. I won't go through this, because

Board members are very familiar with them. So is everyone in agreement that we can make those findings? You can either just give me a thumbs up or shake your head.

Okay. So I'm seeing all thumbs up. Great. Thank you. Okay. So the Staff memo also contained suggested conditions to be included in the special permit decision. And then there's the standard conditions for continuing review and certification by this Staff that the conditions are met.

So we have the Design Review, the items that are included in the CDD Staff memo, and then the proposed mitigation measures in the Transportation Traffic and Parking memo.

Is the applicant in general agreement with conditions, those conditions that were discussed tonight? Or is there anything in particular that you want to discuss further with the Board?

JAMES RAFFERTY: Thank you, Madam Chair, just one. We are in agreement. Proposed condition 6 very wisely and Staff Memo condition Number 6 --

MARY FLYNN: Mm-hm.

JAMES RAFFERTY: -- wisely incorporates the

conditions in the prior PUD special permits, but there's one --

MARY FLYNN: Yes.

JAMES RAFFERTY: -- there's one slight exception we would ask the Board to recognize. And that is that with regard to the below-grade parking, there's conditions in the prior decision that limit that parking to the residential uses of buildings B and C.

We would like that limitation to extend to all residential buildings in the PUD, so that this building can park as proposed in that garage, without having any conflict with the condition in the earlier PUD decision.

MARY FLYNN: Okay. I think that sounds reasonable. Hugh, do you have a comment?

HUGH RUSSELL: No. I just wanted to have my condition of the color of the brick included.

MARY FLYNN: Oh. Thank you. Yeah. All right. So just to get back to Mr. Rafferty's point, I think that makes sense. Does any Board member disagree with including that as a revision to 6? No. Okay.

And then Hugh had two conditions on color. One was that the brick being on darker than the brick on the

existing building, and that the west wall color be only a shade or two lighter than that brick color. I think that was it. Other than that, Hugh, your ideas were recommendations, correct?

HUGH RUSSELL: Right.

MARY FLYNN: I believe, yeah. Okay. So we would add Hugh's conditions there. Okay. And is the applicant accepting of the color conditions?

JAMES RAFFERTY: Very much so. Mr. Pears tells me that he thinks they're excellent suggestions.

MARY FLYNN: Okay, great. Thank you. Okay. then is there a motion to grant the requested special permits with the conditions we've talked about tonight, based on the Board's finding that all the applicable special permit criteria are met?

STEVEN A. COHEN: Steve so moved.

MARY FLYNN: And is there a second, please?

LOUIS J. BACCI, JR.: Louis second.

CATHERINE PRESTON CONNOLLY: Catherine seconds.

MARY FLYNN: All right. I think Catherine got in just a second ahead of you, Lou. So we'll give Catherine the second. Daniel, could we have a roll call vote, please?

DANIEL MESSPLAY: Sure. Roll call on that motion: Lou Bacci?

LOUIS J. BACCI, JR.: Yes.

DANIEL MESSPLAY: H Theodore Cohen?

H THEODORE COHEN: Yes.

DANIEL MESSPLAY: Steve Cohen?

STEVEN A. COHEN: Yes.

DANIEL MESSPLAY: Hugh Russell?

HUGH RUSSELL: Yes.

DANIEL MESSPLAY: Ashley Tan?

ASHLEY TAN: Yes.

DANIEL MESSPLAY: Catherine Preston Connolly?

CATHERINE PRESTON CONNOLLY: Yes.

DANIEL MESSPLAY: And Mary Flynn?

MARY FLYNN: Yes.

[All vote YES]

DANIEL MESSPLAY: That is all members voting in favor.

MARY FLYNN: Okay. Thank you. There's one more item of business in regards to this permit. We need an extension of time to draft and file the decision. Does the permittee agree to an extension of time to June 20, 2023 to

file the decision?

JAMES RAFFERTY: Yes, Madam Chair.

WALTER SULLIVAN: Madam Chair, Walter Sullivan on behalf of the --

DANIEL MESSPLAY: Oh Walter, Walter, we're still on --

MARY FLYNN: No, no.

DANIEL MESSPLAY: -- we're still on the previous item.

MARY FLYNN: Yeah.

WALTER SULLIVAN: Sorry.

MARY FLYNN: Sorry. Yeah. They're looking for an extension of time too. It's okay, Walter. All right. We're looking for it.

JAMES RAFFERTY: I'm in agreement with Mr. Sullivan. If he was saying yes, I was going to -- we -- Ms. Joseph did nicely inform us of the necessity of the extension, and as we say here at Urban Spaces, whatever the City wants, we gladly give them. So we're happy to --

MARY FLYNN: If only everybody else thought that way. Okay. Is there a motion, then, to agree to an extension of time to file the decision to June 30, 2023?

STEVEN A. COHEN: Steve, so moved.

MARY FLYNN: Thank you. A second?

HUGH RUSSELL: Hugh.

MARY FLYNN: Hugh seconds. Okay roll call vote, please?

DANIEL MESSPLAY: Mary, I apologize to scramble us up a little bit. I just want to double check with Swaathi on that date.

MARY FLYNN: Okay.

DANIEL MESSPLAY: Was June 30 the correct date for that, Swaathi?

SWAATHI JOSEPH: Yes, with the decision granted June 30. We are looking for 60 days.

DANIEL MESSPLAY: Okay. Great. Thank you so much. Sorry about that.

JAMES RAFFERTY: Madam Chair, I assured my client that that wouldn't mean that if the decision was ready sooner, it couldn't happen, so --

MARY FLYNN: Correct.

JAMES RAFFERTY: -- I know how busy everyone is. Yes.

SWAATHI JOSEPH: And Jim, this is slightly

complicated -- well, more -- a little bit more elaborate that we need to make sure that we send the draft condition language to you to get your approval and signature in addition to getting the chair's signature. So there's some additional steps.

JAMES RAFFERTY: Understood and appreciate that.

MARY FLYNN: Great. Okay. Thank you. All right. So we have a motion on the floor. It was, I believe, Steve and Hugh. So could we have the roll call vote, Daniel?

DANIEL MESSPLAY: Sure. Roll call on that motion: Lou Bacci?

LOUIS J. BACCI, JR.: Yes.

DANIEL MESSPLAY: H Theodore Cohen?

H THEODORE COHEN: Yes.

DANIEL MESSPLAY: Steve Cohen?

STEVEN A. COHEN: Yes.

DANIEL MESSPLAY: Hugh Russell?

HUGH RUSSELL: Yes.

DANIEL MESSPLAY: Ashley Tan?

ASHLEY TAN: Yes.

DANIEL MESSPLAY: Catherine Preston Connolly?

CATHERINE PRESTON CONNOLLY: Yes.

DANIEL MESSPLAY: And Mary Flynn?

MARY FLYNN: Yes.

[All vote YES]

DANIEL MESSPLAY: That's all members voting in favor.

MARY FLYNN: Great.

JAMES RAFFERTY: Thank you again, Madam Chair and members for all your attention and effort. Have a good night.

COLLECTIVE: Thank you very much.

SWAATHI JOSEPH: Jim, just a quick request. I have e-mailed you the extension form. I need a name and signature, and we have to file it this Friday since the deadline is Monday. So --

JAMES RAFFERTY: You will have it first thing in the morning, Ms. Joseph.

MARY FLYNN: Wonderful. Thank you to you and the team. We appreciate all your work on this too.

JAMES RAFFERTY: Thank you.

MARY FLYNN: All right.

* * * * *

(8:28 p.m.)

Sitting Members: Catherine Preston Connolly, Mary T. Flynn, Louis J. Bacci, Jr., Steven A. Cohen, H Theodore Cohen, Hugh Russell, and Ashley Tan

MARY FLYNN: And now we're going to move on to Agenda Item No. 3. So Mr. Sullivan, this is your moment. We have a request for an extension of time for hearing a decision on Planning Board Case PB-363, a previously approved special permit for a cannabis retail store at 1908 Massachusetts Avenue. And we're going to get an update from CDD Staff. I believe Daniel is going to give that to us this evening.

DANIEL MESSPLAY: Thank you, Chair Flynn. And Walter, I hope I don't steal too much of your thunder here. The special permit was granted on October 22, 2020 to Porter Square Remedies, LLC.

The applicant has requested that pursuant to Section 10.46 of the zoning ordinance, the Planning Board grant an additional one-year extension to the special permit upon finding that the applicant has demonstrated good cause for why the special permit should be extended.

Representatives of the applicant are present and

eager to provide some additional details and answer any questions the Board may have.

And a letter was also submitted along with the extension request outlining efforts made by the applicant to advance the project since the special permit was originally granted.

MARY FLYNN: All right. Thank you. You did provide a very detailed enumeration of the reasons why an extension is requested. So in the interest of time, do Board members have any questions for the proponent?

H THEODORE COHEN: I can understand that in cannabis it somehow takes longer.

MARY FLYNN: It takes very long. Yeah. Any points that Board members wish to discuss with the proponent? Does anyone have concerns about granting the extension? No? Okay. So are we prepared, then, to make a motion to agree to this extension of time until June 1, 2024?

STEVEN A. COHEN: Yes.

MARY FLYNN: Okay. So that's Steve making the motion?

LOUIS J. BACCI, JR.: Louis second.

MARY FLYNN: Yeah.

STEVEN A. COHEN: Oh, I'm sorry. Steve. Yeah. So moved. Yes.

MARY FLYNN: Okay. All right. Louis second. Okay.

LOUIS J. BACCI, JR.: I'll second, Mary.

MARY FLYNN: Sorry, Walter. Unless you really feel the need to say something, we're just going to wrap up. Okay. Can we have a roll call vote?

DANIEL MESSPLAY: Roll call on that motion: Lou Bacci?

LOUIS J. BACCI, JR.: Yes.

DANIEL MESSPLAY: H Theodore Cohen?

H THEODORE COHEN: Yes.

DANIEL MESSPLAY: Steve Cohen?

STEVEN A. COHEN: Yes.

DANIEL MESSPLAY: Hugh Russell?

HUGH RUSSELL: Yes.

DANIEL MESSPLAY: Ashley Tan?

ASHLEY TAN: Yes.

DANIEL MESSPLAY: Catherine Preston Connolly?

CATHERINE PRESTON CONNOLLY: Yes.

DANIEL MESSPLAY: And Mary Flynn?

MARY FLYNN: Yes.

[All vote YES]

DANIEL MESSPLAY: That's all members voting in favor.

WALTER SULLIVAN: Thank you, Madam Chair.

MARY FLYNN: You're very welcome. Yes, and good luck moving forward. I know it's been a long haul till now, so we're hoping that the next year proves beneficial.

UNIDENTIFIED: Thank you very much for your time.

MARY FLYNN: So that concludes the business on our agenda. Are there additional comments from Staff?

DANIEL MESSPLAY: No additional comments at this time. Swaathi, did you have anything you wanted to add? Nope? We are all set. Thank you, Chair Flynn.

MARY FLYNN: Okay. Sure. Anything from Board members? So our next meeting is next week. Okay. So that's it. Our meeting is adjourned, and we'll see you all next week.

COLLECTIVE: Goodnight, everyone.

DANIEL MESSPLAY: Goodnight, everyone.

[8:31 p.m. End of proceedings.]

E R R A T A S H E E T

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I have read the foregoing transcript of the Planning Board meeting, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the proceedings.

_____ _____

Name Date

CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Michele Dent, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 14th day of May, 2023.

Notary Public

My commission expires:

June 12, 2026

Michele Y. Dent
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
June 12, 2026

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