PLANNING BOARD

FOR THE

CITY OF CAMBRIDGE

GENERAL HEARING
TUESDAY, APRIL 11, 2023
6:30 p.m.
Remote Meeting
Cambridge, Massachusetts

Mary T. Flynn, Chair
Steven A. Cohen
H Theodore Cohen
Hugh Russell
Tom Sieniewicz
Ashley Tan

Community Development Staff
Daniel Messplay
Swaathi Joseph
Evan Spetrini
Mason Wells
Erik Thorkildsen
Suzannah Bigolin
Khalil Mogassabi
Adithi Moogoor



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1 PROCEEDINGS 2 3 (6:30 p.m.) 4 Sitting Members: Mary T. Flynn, Steven A. Cohen, H Theodore 5 Cohen, Hugh Russell, Tom Sieniewicz, and Ashley Tan 6 7 MARY FLYNN: Good evening. Welcome to the April 8 11, 2023 meeting of the Cambridge Planning Board. My name 9 is Mary Flynn, and I am the Chair. 10 Pursuant to Chapter 2 of the Acts of Chapter 2 in 11 the Acts of 2023 adopted by the Massachusetts General Court 12 and approved by the government, the City is authorized to use remote participation at meetings of the Cambridge 13 14 planning Board. All Board members, applicants, and members of the 15 public will state their names before speaking. All votes 16 17 will be taken by roll call. 18 Members of the public will be kept on mute until it is time for public comment. I will give instructions for 19 20 public comment at that time, and you can also find instructions on the City's webpage for remote Planning Board 21 22 meetings.

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This meeting is being video and audio recorded and
1
2
     is being streamed live on the City of Cambridge online
 3
    meeting portal and on cable television Channel 22, within
 4
     Cambridge. There will also be a transcript of the
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    proceedings.
                I'll start by asking Staff to take Board member
 6
    attendance and verify that all members are audible.
7
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               DANIEL MESSPLAY: Louis Bacci, are you present,
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     and is the meeting visible and audible to you?
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               [Pause]
11
               DANIEL MESSPLAY: Absent. H Theodore Cohen, are
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     you present, and is the meeting visible and audible to you?
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               H THEODORE COHEN: Visible, and audible.
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               DANIEL MESSPLAY: Steven Cohen, are you present,
     and is the meeting visible and audible to you?
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               STEVEN A. COHEN: Present, visible, and audible.
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               DANIEL MESSPLAY: Tom Sieniewicz, are you present,
     and is the meeting visible and audible to you?
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               TOM SIENIEWICZ: Present, visible, and audible.
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               DANIEL MESSPLAY: Hugh Russell, are you present,
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    and is the meeting visible and audible to you?
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               [Noise]
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               DANIEL MESSPLAY: Ashley Tan, are you present, and
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     is and is the meeting visible and audible to you?
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               ASHLEY TAN: Present, visible, and audible.
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               DANIEL MESSPLAY: Catherine Preston Connolly, are
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     you present, and is the meeting visible and audible to you?
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               [Pause]
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               DANIEL MESSPLAY: Absent. And Mary Flynn, are you
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    present, and is the meeting visible and audible to you?
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               MARY FLYNN: Present, visible, and audible.
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               DANIEL MESSPLAY: That is six members present and
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     two members absent, which constitutes a quorum.
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               MARY FLYNN: Great. Thank you, Daniel.
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14
     (6:32 p.m.)
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     Sitting Members: Mary T. Flynn, Steven A. Cohen, H Theodore
                       Cohen, Hugh Russell, Tom Sieniewicz, and
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                       Ashley Tan
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               MARY FLYNN:
                            The first item tonight is an
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     Update from the Community Development Department. For
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     that, we'll be going to Daniel. Daniel, if you'll also
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     introduce Staff present at the meeting, please.
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               DANIEL MESSPLAY: Thank you, Chair Flynn. Daniel
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Messplay, Acting Director of the Zoning and Development

Division. With me here tonight also from the Zoning and

Development Division we have Swaathi Joseph, Evan Spetrini,

and Mason Wells.

We are also joined by our Urban Designers from Community Planning Erik Thorkildsen and Suzannah Bigolin.

And also from the Zoning and Development Division Adithi

Moogoor, our Zoning and Development Intern.

I believe we will also be joined by Bill Deignan from Environment and Transportation at some point this evening.

Just a quick update for tonight: So I just wanted to make a general announcement. If you're a member of the public and you are in attendance this evening to discuss the application for 6 Lilac Court, please be aware that the applicant has requested that that hearing be continued to May 2, 2023 so there will be no public comments this evening on that case. So again, if you're here for 6 Lilac Court, that's being continued until May 2.

Tonight, we will be discussing the Craig Kelley et al. Zoning Petition, as well as having a continued public hearing on 425 Mass Ave. We'll also be discussing a Board

of Zoning Appeal case for 60 Market Street.

Just a reminder that there will be no Planning Board next week on the eighteenth, so Planning Board will resume on April 25.

And at that meeting on the twenty-fifth we'll have a public hearing on the Monestime et al. Zoning Petition as well as a public hearing on 75 First Street. That takes us to the end of the month.

Just a couple upcoming zoning hearings that may be of interest this month: So on Thursday, there's a Housing Committee hearing to discuss some potential amendments to the Affordable Housing Overlay that begins at 9:30, followed by an Ordinance Committee hearing on Thursday as well for the Monestime et al. Zoning Petition, and that begins at 3:30 p.m.

And both of those meetings will be in the Sullivan Chamber, with the ability to also view and participate remotely.

And that concludes the CDD Update. And I will turn it back to the Chair.

MARY FLYNN: Great. Thank you. Do Board members have any questions before we move on? I don't see any.

1 2 (6:34 p.m.) 3 Sitting Members: Mary T. Flynn, Steven A. Cohen, H Theodore Cohen, Hugh Russell, Tom Sieniewicz, and 4 5 Ashley Tan MARY FLYNN: So we're moving onto the next item on 6 7 the agenda, which is a public hearing on a zoning petition by Craig Kelley and others to amend the Zoning Ordinance to 9 define and regulate shared vehicle and publicly-accessible, privately-owned electric vehicle charging systems in the 10 11 Table of Use Regulations. 12 And CDD Staff are going to start us off by giving us a summary of why we are discussing this. 13 14 EVAN SPETRINI: Thank you, Chair. This is a new 15 zoning petition submitted by a group of at least 10 registered voters. The petition is substantially similar to 16 17 two citizen zoning petitions under the same name, reviewed 18 previously by this body. But this iteration removes an element related to share mobility devices and platforms. 19 20 CDD Staff provided a memo with background and 21 commentary on the petition, which was assembled in consultation with Staff from the Environment and 22

1 | Transportation Planning Division and the Law Department.

The Board's action is to make a recommendation to the City Council.

MARY FLYNN: All right. Thank you. Appreciate that. I believe the presenter this evening is Craig Kelley. Mr. Kelley, you'll have up to 30 minutes for your presentation, and we hope you can be as concise as possible. And if you would introduce yourself and other members of your team and begin.

CRAIG KELLEY: Thank you very much. My name is

Craig Kelley. I'm here with Leonardi Aray, an Architect and

Urban Planner from Cambridge. Hearing what you all have on

your plate, I can see why you want us to be concise, and

we'll do our best to do so.

This is the Cambridge Transportation

Decarbonization and Congestion Mitigation bill. As Evan

noted, this is the third time something like this has been

submitted. This time we dropped the micro mobility part

because that just seemed to get in the way of people that

have the important issues around EV charging and car

sharing.

As the two previous iterations noted, though, this

is an attempt to allow platform-based commerce to intersect with Traffic, Parking and similar issues in Cambridge to make the city just a better place to live, work, visit, and to make it function better.

Next slide, please?

LEONARDI ARAY: Hi, everybody. So as you heard before, this is a two-part Planning -- Zoning change that will help decarbonize transportation, reduce the number of cars in Cambridge. And all that is going to be possible by leveraging the power of platform-based commerce, that helps us to get very easy access to services and products.

And by doing that, we're going to increase the electric vehicles' ownership for people that are uninsured and not getting the electrical vehicles because they don't find a place to charge it.

It also is going to expand the opportunities for people that don't own a car to have access to a vehicle as needed.

These proposals can be framed in very different ways. Craig and I have discussed this at length, as you can imagine. But the truth is that this one will give residents the ability to address climate change/congestion in other

related issues as they could do it in their own private driveway or parking space.

Next?

The reason why a zoning change is needed is because this essentially commercializes something that we inherently think of as being residential. That is, the parking spot in a residential district.

And I understand that the Board has expressed some angst about why this is a zoning change: That's the reason. If this were an allowed use already, we wouldn't need the zoning change. But because it is commercializing this space, we need to change the zoning.

A way to look at this is not hugely unlike home occupations -- places where people do certain things. We've allowed that for dentists and architects and even cooks.

And this is just expanding that to parking spots.

These are service transactions, right? You're purchasing electricity and car usage. You're not actually renting a parking spot.

So we're not altering anything actually having to do with a parking spot; the parking spot just happens to be where this stuff takes place. And thus they will be in

1 | accessory parking spots.

Next, please?

There are two parts to this bill. One is the EV charger part. And you don't have to spend hardly any time online to realize that people are pushing EVs at all sorts of levels. We want more EV users.

The problem is if you don't have more EV chargers, you can't get the users. And you can go to CNET, you can go to the New York Times, you can go to MIT, but I look at those three ones in the middle: Cambridge sources.

Cambridge's Sustainability Dashboard, Cambridge Climate

These things all talk the importance of EVs and the importance of, "Reliable access to electric vehicle supply equipment." In other words, access to a charging station.

Action Plan, and Cambridge Net Zero Action Plan.

So this isn't something that Craig and Leonardi dreamed up, this is something that Cambridge is repeatedly saying we need to move into the EV future.

Next, please?

Now the peer-to-peer car share is A) in this belt.

But B) it's something that the City of Cambridge has also

been talking about. You can see down at the bottom it says,

"From the Cambridge Community Development Department for

many people, car sharing is a more affordable alternative to

owning a car." The New York Times points out the same

thing. The National Equity Access points out the same

thing, and Zipcar.

And I'll admit, obviously Zipcar has a horse in this race, although I don't think they're making up their data. Zipcar says that 13 personally-owned cars are taken off the road for each Zipcar. That was from 2020. If you kick around the Internet, you'll see similar numbers put there by other types of studies.

One thing that we want to remember is the City already pushes peer-to-peer carshare. If you go onto CDD website, they actually have a link to Turo, which is one of the leading peer-to-peer carshare companies. And they will say "carsharing in Cambridge linked to Turo."

So the City is already promoting Cambridge-based carsharing. The problem is, as I noted earlier, we simply don't have the ability to do that in a residential district. And we see that with the EV chargers as well. The City when you go to EV charging under the CDD dashboard: They will

send people to privately-owned links for privately-owned EV charging systems.

So the City understands that this stuff is important and is promoting it. The roadblock is the residential district prohibiting this sort of commercial use.

Next slide, please?

And it turns out that the two are actually connected: Electric vehicles and shared vehicles have a connection.

And we've seen it: The Puget Sound Clean Air

Agency, the Journal of Science and Policy, Salon. These and
other places are commenting on that if we want to allow
basically non rich people to use electric cars, we need to
start thinking about how to carshare better. Carshare,
carshare, carshare; EV, EV, EV is brought up all the time in
all sorts of forums. And it connects in Cambridge. Thank
you.

Next slide?

So the -- you saw the change itself. It will cost nothing to the City of Cambridge. It would allow to expand the EV charger infrastructure. It would expand automobile

access without increasing automobile ownership. It would add three definitions and three uses and it's not waiving any of the dimensional requirements or any other requirements.

Next?

So this has been in front of you twice before.

It's been in front of the Ordinance Committee twice before.

Third time is the charm. We got a very favorable

recommendation from the Ordinance Committee last time we were there.

Unfortunately, the timing because of the summer and then Labor Day kicked in: The timing screwed up the advertising, so we couldn't get it to the Council in time before it expired. Hence, we have to jump through them again. But this time we're going to make it happen.

Next slide, please?

So this is how EV charging looks like in Cambridge right in City Hall, a historic building, a new device that is attached to the wall fortunately will look like an old payphone soon. It needs to be maintained. It needs to be clear and safe for people to use it.

The participatory budgeting, which I participated

on a few years ago does a lot of great things. But it's expanding a little bit of money to install these chargers.

Next, please?

Now, it could look a lot better, because when it comes to these private properties, there's a likelihood that people are going to maintain the property. They care for their front yard; they're going to control access of who's entering and leaving the site. So it could be very organized and very simple to achieve.

Next?

[Indiscernible] are a very suburban structure. I don't think that's the type of architecture in parking patterns that we want to be seeing. They have a little challenges; a lot of asphalt prices.

Next?

What it can look like is like this. You don't even look at -- you're not going to even look at it, because this is going to be done from your phone, from your computer. You're going to see the image of the car that you're looking for and then you find your destinations.

Next?

So this proposal is generically tailored. And as you

can see only full EVs would be allowed to charge to minimize parking scams. And they have to be charging. The 10-hour time limit reflects a rough estimate of what the full charging time for many electric vehicles is. It takes upwards of six, seven, eight -- sometimes even 12 hours at this point in life to fully charge a Tesla, for example. And very few people go to a gas station and get a quarter tank. You go there, you want to leave with a full tank, because that allows you to know more or less what your range is going to be.

You're only allowed one car per dwelling unit, as far as a share goes. So we're not going to have people running free to rental cars out there. We're not changing the use or the parking requirements or the dimensional requirements or anything else. The car charger is a car charger; that's all it is. The car that people are driving is still the car that people are driving, except now they get to share to other people.

And perhaps most importantly, this isn't mandatory. We're not saying, "This has to be done." We are simply saying, as Leonardi noted earlier, if people want to participate in this part of their efforts to make the world

a better place, if they want to cut down on congestion, if they want to help us get to a better, cleaner air quality place, then they can do this. It's not mandatory. No financial incentives or waivers or anything like that.

Next slide, please?

So there are downsides. And the real downside is you might not know who is using the car that's parked in your neighbor's driveway.

You know it's your neighbor's car, because it's been there for forever; you might not know the exact person who is walking up one day and driving off with it, or you might not know who's going to the parking Station that your neighbor has. You might not know them, but that's not the same as being anonymous.

So if there are any issues with usage -- someone say leaving coffee cups on the driveway or something like that -- the user can be found through the platform.

So it's kind of like your FedEx delivery or anyone else that accesses your driveway, your neighbors' driveway or something like that as they're doing something. You don't know who they are, but they're not anonymous. These aren't just drifters coming in and out.

Next slide, please?

So we have done the right-to-charge rule. That was signed by the Governor in December. Boston started it. It keeps people from arbitrarily or completely saying you cannot charge, put in an electric vehicle charger, in a condo or a homeowner's association.

And it's not an absolute, because sometimes there are good reasons not to put it in. But if you have a condo -- I don't know, say you're on Boylston Street or something, you've got a condo, you can't put an electric vehicle charger there absent some really solid reason not to.

That's the right-to-charge rule. That's where this discussion is going: Removing the barriers to installing electric vehicle chargers, removing the barriers to using and owning electric vehicles.

Next slide, please?

Temporarily, we've removed a lot of parking requirements. And I think that's fantastic. A city should not be defined by how many parking spots it has. There are so many other great things about being a city, it's difficult to look at parking lots and think that's the best use of our space.

Nonetheless, having a car is an important part of living for an awful lot of people, for whatever reason. I'm going to use one tomorrow to go visit a client and my dad out in Newton and deliver something. Other people use it to take their kids to the grocery store or to the doctor or whatever it might be. There are times when you want a car.

More personally-owned cars that are offered will allow a wider range of offerings. So I went without a car for several -- me and my wife and our two kids -- for something like 12 years, from when our youngest was, you know, 5 on up. And it was most difficult figuring out how to get our bicycles someplace, or how do we go camping, because there weren't roof racks allowed for us to put our camping gear on.

The more cars that are offered, the wider the range of options those accessories will be. And it becomes easier for people like me and my wife to say, "You know what? We don't need a car."

And I'll tell you, if you don't own a car, you don't drive as much. It's absolutely true.

Next slide, please?

So we've done this before a bunch of times. So

of 2021 were when I wasn't on the Council, but there are ones that are on there from when I was on the Council:

Short-term rentals were instrumental, and we've got the beekeeping zoning petition.

The City and the Planning Board as well as the City Council have looked at the things and said, "You know what? The old rules don't work quite right anymore. We need to change them." The home occupy amendments in particular we are now commercializing private kitchens.

Didn't use to. But now in a certain circumstance we are.

Short-term rentals we put a lot of work into making sure that we allowed that type of commercialization of residential property in a narrowly defined way.

We even asked a zoning amendment to allow carsharing. And in the discussion of that zoning amendment, it was advertised that 85 percent of Cambridge residents wanted carsharing, parking on private property. 85 percent.

So this isn't new stuff. This is stuff that we've been doing a lot of over the years. And it's just the natural extension for us to move into the electric vehicle charging sharing and the peer-to-peer charging sharing -- or

not charging sharing, the peer-to-peer car sharing.

Next slide, please?

So there may be other things that need to happen - other hurdles to jump. One is the utility franchise law
that's come up, but if you look at the question and answer
in the discussion online, they specifically say yes, a Mass.
EVIP participant can charge a fee to use the EV charging
station.

So other people have decided that for us.

Insurance coverage may be something that is a bump, whether people want to either rent out their EV charging spot and/or car or to use someone else's: You know, I don't know whether that's going to happen or not.

But none of this is even going to possibly be an issue, unless we allow it through the zoning, so without the zoning laws that keep people from going where they need to go.

Next slide, please?

So the last time I ended with a picture of a dinosaur, and that didn't go over all that well. So this time I'm ending with a picture of my poor little kitty, after he had had an operation.

And my poor little kitty is just an illustration of if you don't change when the times change, then bad things or inappropriate things or whatever are going to happen. So the cat didn't like that, the cat got better. We're in a place now where the world has changed, and we need to change with it.

I would add, too, that in addition to the use and definition changes, we're suggesting an amendment to 6.2 off-street parking to add the publicly accessible, privately electric charging systems and maybe install at any parking spot that conforms. We took that language right out of the carsharing amendment, which I commented on earlier, because we want to make sure that people are parking the way they're supposed to park.

So we took language that has already been approved to make sure that the parking we're talking about here is appropriate. And I think that's it.

MARY FLYNN: Okay. Well, thank you very much for the presentation. As I mentioned earlier, this is a public hearing, so we are going to move onto public comment at this time.

Any members of the public who wish to speak should

now click the button that says, "Raise hand." If you're 1 2 calling in by phone, you can raise your hand by pressing *9. 3 As of 5:00 p.m. yesterday, the Board has received no written communications on this case. Additional written 4 communications received after 5:00 p.m. yesterday will be 5 entered into the record. 6 So let's see. I will -- I'm looking at the list. 7 8 I don't see any hands raised, but I will ask for Daniel to 9 confirm that. 10 DANIEL MESSPLAY: Thanks, Chair Flynn. I'm seeing 11 the same. We do have quite a few attendees in the audience, 12 but I don't see any raised hands at this time. So maybe 13 we'll just do one last call. 14 If any members of the public wish to provide 15 comment on the Craig Kelley et al. Zoning Petition. So please use the "Raise Hand" function, or if you're dialing 16 17 in by phone, to press *9. 18 I do see a hand up here, so we'll go to Harold 19 Hayward. Harold, please begin by unmuting yourself and 20 giving your name and address. 21 HAROLD HAYWRD: Hi, can you hear me?

DANIEL MESSPLAY: Yes, we can.

22

HAROLD HAYWARD: Excellent. Harold Hayward, 30 Cambridgepark Drive. My spouse and I use carshare a lot, and it is super convenient. So we are all for these changes. That is all.

DANIEL MESSPLAY: Okay. Thank you very much. And Chair Flynn, that concludes the speakers on the list. So I'll turn it back to you. Thank you.

MARY FLYNN: All right. Thank you, Daniel. Okay. So now I'm 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 public comment on the additional comments ad materials. Additional written comments may also be submitted.

Do Board members have questions at all for Community Development Department Staff or the -- well, let's start with the Staff, and then we can go to the proponent if there's follow-up for the proponent.

And I do believe that Bill Deignan has joined the group, and he is the individual who is most closely involved with the parking issues in the city at that moment in terms of Community Development Staff.

So if you have any questions for him, he is available as well.

Tom?

TOM SIENIEWICZ: Thank you, Chair. I had a question for the parking specialist referenced in the memo is the EPA's effort to control the absolute number of parking spaces in Cambridge.

And I want to understand: It doesn't appear that we're creating new parking spaces, but if we took them into the commercial category, does that raise an issue?

BILL DEIGNAN: So good evening. I am Bill Deignan from the Community Development Department, and through you Madam Chair, I am not the parking specialist.

But I am the person who is responsible for working with all the departments in the city to install EV charging in publicly accessible locations. So I can talk to that.

In terms of your question about the parking freeze and the EPA, what I do know is that that issue is getting reexamined at some point soon.

And it really is my understanding -- under my understanding pertains to commercially available parking, so parking that's paid. I guess the proponents are saying this

is not paying for parking, it's for paying for electricity.

So I guess that's somewhat of an open issue maybe that will

need to be looked at further.

MARY FLYNN: Okay. Daniel, did you want to add to that?

DANIEL MESSPLAY: Yes, thank you, Chair Flynn. We did consult a bit with Stephanie Groll, who's our PTDM

Officer and is a bit more closely involved in issues related to the parking freeze and the cap on commercial parking.

And it's a -- to kind of maybe jump back to Tom's original question about whether or not sort of taking a parking space that is currently sort of accessory parking for residential use and then converting it to parking that would be made more broadly available, and whether that would constitute commercial parking, which would be subject to that commercial parking cap and the freeze.

I think there was some concern about that, Tom. I don't know if we have a definitive answer on that from our Law Department, but I do know that that was an issue that was raised previously and persisted, and per evaluation of the petition.

TOM SIENIEWICZ: It may be a -- thank you for that

-- it may be a question of rhetoric, right?

The petitioner has referenced the fact that this is properly before the Planning Board because it's an issue of zoning, because it's commercializing a residential space. And maybe if we could come up with a different Board, we wouldn't trip ourselves into the zone. Because we don't appear to be creating more spaces.

MARY FLYNN: Yeah. Good point. Any other questions from the Planning Board?

I have one for the proponent, which is I'm curious about this Turo platform. I was on it myself earlier today just to check it out a little bit. And it seems as though there are plenty of options in terms of using it.

I'm just curious as to whether other cities and towns where you can get these carshares, is it -- are they only available in business districts elsewhere, or have other cities and towns changed the zoning to accommodate other residential areas?

CRAIG KELLEY: That's impossible to tell for real, because not everyone bans this sort of thing anyway. And Turo registers the users.

MARY FLYNN: Okay.

CRAIG KELLEY: So already I could put my car on Turo if I wanted to.

MARY FLYNN: Yeah.

CRAIG KELLEY: And they don't know what the zoning says. They just assume, sort of, that they can do it. I think there are probably -- when I looked yesterday or the day before, I think there were three Turo cars. The availability comes and goes when you search. People take their cars in and out.

MARY FLYNN: Mm-hm.

CRAIG KELLEY: But this does tend to be a sticky point, both with the EVs and their -- the carshare. It tends to be a sticking point nationwide. And Cambridge would definitely be leading the way in helping people address the sort of progressive transportation need by moving forward with this zoning change.

MARY FLYNN: Okay. All right. I just -- I just was curious, because it seemed to me as though -- say, for example, I wanted to do the car sharing, you know, putting the electric vehicle charging aside for a minute -- it did seem like I would go ahead and do it. So I wasn't really sure why it was so important to kind of quietly get it in

zoning -- seeing and incorporate it. 1 2 But anyway, thank you for the answer. 3 Any -- Steve? Question or --4 STEVEN A. COHEN: I just want to confirm the fundamental issue here. And then this is not going to take 5 6 place in a public space? It's not going to be taking up public parking spaces? It's taking a space in private 7 spaces. Is that correct? 9 CRAIG KELLEY: Absolutely. Absolutely. We don't -- the City doesn't sort of zone the streets or whatever. 10 11 So I've got my parking spot. The zoning would allow me to 12 do something with that parking on my private property. 13 STEVEN A. COHEN: Right. So it's got to be 14 interesting that it even require approval of that since it's 15 in the private space. But it is interesting. I guess that, you know, if you have a space and 16 17 want to make it available for people for energy, that you 18 have a car yourself and you ordinarily are parking it in your own space that you might now be parking in the street 19 20 instead. And so, you know, it might have somewhat of an impact on the neighborhood, more cars parking on the street. 21

I'm not criticizing it or opposing it for that,

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but I'm just warning that it might have that impact in a
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     neighborhood. Is that correct?
               CRAIG KELLEY: Arguably, it would be neutral.
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    Because if I have my electric car but no charging spot, I'm
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    parking it on the street, because if I didn't have to park
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 6
     it on the street, I'd have my own charging spot, right?
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    Because that's the whole point of this, is for those
     thousands of people that don't have on-street parking,
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     they're already on the street.
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               So if I move my car into someone's driveway to
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     charge it one night and they move their car onto the street,
     it's a wash. So, you know, conceivably there's that one car
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     from the abutter car that's an electric car that maybe
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    wouldn't have bought one otherwise. But it's difficult to
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     see how this is going to be particularly impactful in that.
               STEVEN A. COHEN: No, that's -- I understand. So
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     the owner's car may be on the street, but somebody else's
     car will be off the street?
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               CRAIG KELLEY: Exactly.
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               STEVEN A. COHEN: I see.
                                         Thank you.
               MARY FLYNN: Okay. Any other questions from Board
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    members?
              All right. Then let's move into our discussion.
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Just note that in the past we have sent communications to the City Council on these petitions with -- without a specific recommendation, but just comments and thoughts on the petition. So I think one of the -- one of the documents was included in the package just for information.

Ted, what are your thoughts on the petition?

H THEODORE COHEN: Well, I am opposed to the petition and think we ought to give it a negative recommendation for a number of reasons. I certainly support wholeheartedly the switch to electric vehicles.

However, I think the charging stations really ought to be something that is a governmental function, and that we're -- as they say -- commercializing. We're privatizing what I think should be a governmental function.

Several years ago, I was in Oslo, Norway, which I think at that time had the largest number of electrical vehicles per population, and they had charging stations all along the public streets. It was as though they were parking meters.

And it seems to me that that is where we ought to be going; that the city if it's committed to electric vehicles, ought to be putting up charging stations

everywhere they can. And in that instance, they were in the tree lawn or the sidewalks,

The other real opposition I have to it is in the residential neighbors, because the proponents are correct, it is akin to a home occupation. However, those home occupations are generally indoors and do not impact upon the neighbors and the other abutters who are suddenly going to have cars coming and going next to their property for no reason — for no benefit to them, and probably a detriment to them.

The proponent's comment that they're not anonymous really does not address the fact that you're going to have cars at -- for up to 10 hours at a time from people you don't know and cars you don't know coming and going.

I just think that is inappropriate when we have dealt with the issue in the past in terms of carsharing, where generally it's not in residential neighborhoods, but where it is, we were very explicit about how close it could be to abutting properties, whether there needs to be fencing, whether there needs to be other means of keeping it private from the abutters and from the neighborhood.

It just seems to me that while the idea of moving

to electric vehicles is great and ought to be promoted, that this is not the right way to do it.

I think all the comments in the Staff's memo of all the rationales why this is not an appropriate place to do it and appropriate time to do it without further input and study is, you know, really relevant and ought to be where we're going.

Yes, I suppose we should promote electric vehicle charging stations in commercial and industrial districts, and wherever there is already commercial property. But I think commercializing every residential neighborhood in a manner that's going to be exterior to the property owner's property is wrong.

MARY FLYNN: All right. Thank you so much. Ashley, what are your thoughts?

ASHLEY TAN: Thank you. I will start off by saying I agree with the intent of the proponent, you know, to find a way to increase shared vehicles. I personally use a car a lot, I love it.

EV charging is going to be huge, but I agree with Ted that what is currently proposed is -- I find it pretty broad. It frankly scares me a little to be adding types of

vehicles into Table 4, which is really land uses and, you know, building types.

If we're adding shared vehicle or charging systems to this. Like, on the flip side, shouldn't we also need nonshared vehicles. And this opens a can of worms and is currently too broad.

And, you know, I note that home occupation is even a use in our Table of Uses is a note and it's a section, it's a note somewhere in Chapter 4 and -- so that's my concern. Maybe it's nitpicking a little, but I think it needs to be more carefully thought through how this works with Zoning.

MARY FLYNN: Okay. Thank you. Other Board members? Steve?

STEVEN A. COHEN: You know, I think that in principle, this is a positive thing. And it's given our politics and our values, I think that we can and should, you know, permit this to happen. I do think that there might be issues that we are not anticipating here.

And it seems to me as with many things in politics, it would make sense to have certain rules and restrictions by the government to define how and when, why

and so forth to make sure that there are no unanticipated consequences. You know, there should always be detailed rules by the government.

But in principle, I think this is okay. It's a new world, we have new issues. We have new aspirations in life. And I think this is a positive issue for us to be moving into. Think it through carefully, deal with restrictions, fine. But in principle, I think this is a positive thing. And I would be, you know, positive for it.

MARY FLYNN: Okay. Tom?

TOM SIENIEWICZ: Thank you. So this is the way I see it. I find the arguments made by the petitioner pretty cogent and powerful. I do believe this is an equity issue to some degree. Actually, I think peer-to-peer communication like this around cars and charging might even build community.

So I'm not so afraid of the strangers in my neighbors' driveways. It's an opportunity for me to get to know more of my neighbors. And if I'm leasing my electric car, I'll probably build relationships with the other 12 members that would be sharing -- 12 people who would be sharing that vehicle if the statistics are correct.

So there are some very positive things about this one, and the most powerful arguments may be that there are only -- to Ted's point -- there are only 35 public EV charging stations in this whole city. I -- learning that tonight is shocking.

And I think that given the pressing issue of climate change and greenhouse gas production, that we've got to move quickly here, and this might be a way to do it to harness free enterprise, which is the spirit of this nation, unlike the oil rich country of Norway.

So this may be a way to do it, although -- you know, I'd love it if the City of Cambridge would foot the bill to charge a car.

So that said, I'm listening to my fellow Board member Steve. I'm more close to him on this issue. I think being a City Planner, I think there needs to be more planning around -- I think there are unintended consequences that we haven't flushed out here.

The petitioner, to their credit, has shown us the bright side to this. And there definitely needs to be some more thought. And I appreciate that the memo was put together by both the Law Department, by our planners, by our

Urban Designers, by Transportation experts. It touches all of those things.

And then the fundamental question that I think Ted also raises: Whether it's appropriate for them, and Ashley raised whether it's appropriate for this to actually lodge in Zoning, rather than in some other ordinances, so that perhaps that's a political issue which is beyond the purview of this Board.

But I think what I would do tonight: Either give a neutral recommendation or recommend strongly that the City take this seriously and do a proper study to come up with what the proper way is to move quickly to more charging stations.

So it may be akin to this petition before us in the end: I don't know. But that's where I am on it tonight.

MARY FLYNN: Okay. Thank you. Hugh, do you have anything you would like to add?

HUGH RUSSELL: I am finding it very difficult to make up my mind on this one. I think the proposal is unlikely to do much harm, and it's a step in the right direction. I think -- I guess I'm also of the mind with my

colleague Tom in that this is a piece of the solution. And we really need a bigger piece.

And, you know, I mean I can imagine all kinds of scenarios. My house isn't on a street. My corridor would have to be about 125 feet long across a public sidewalk in order to get to the car. I don't think that's proper, putting trip hazards on sidewalks.

I can see the City deciding that the alleyway that abuts my house and abuts the pool would be a great place to put a whole bunch of electric vehicle chargers so their people would be coming and going all night using them. I wouldn't much like that, because my bedroom is six feet away from where the pool people park.

So I guess I would favor giving a favorable recommendation with a provision that it needs to be part of a larger system, and let the consult determine if they want to -- they want to do this piece now and it makes sense to them, let them do it. But if you only -- if you think this is going to solve the problem for a lot of people, it's not. So I don't know. I'm just kind of wandering around. You can tell I really don't know what to do.

MARY FLYNN: Yeah. I hear what you're saying. I

think it is great, because I think we all support the goals. 1 2 And I think we are way behind in you getting electric 3 charging stations in the city. I mean, as Tom pointed out, 35 is -- you know, we're not going to be able to do anything

with that. We really need to ramp up production or find a 5

different way to do it. 6

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But I do understand the concerns raised both in the memo and with -- and, you know, Ted and others have raised about impacts on neighbors or even on ourselves, in terms of how our neighbors' decisions might impact us.

So I've heard everything from a definite no to definite yesses to something in between, which is pretty unusual for the Board, because we're usually much more in sync on these things.

So let me see if this compromise, which is very similar I think to what Tom was proposing, would do it for the Board. And that would be to send a memo that talks about the different issues that have been raised, and to say that the Board is of varying opinions on this particular petition as to whether or not these specific changes are the right ones to accomplish the objectives that the -- was trying to reach, and that we suggest that there be a

continuation of the studies that are underway now in regards 1 2 to parking, and much more of a concerted and determined 3 effort to increase vehicle charging stations throughout the city. 5 And so, we wouldn't make a definite positive or 6 negative. It would be neutral, as the other correspondents 7 said, but just point out the positives and the negatives. 8 How does that sound to people? 9 HUGH RUSSELL: Well, that's where we are. 10 MARY FLYNN: Yeah. Right. Okay. Is there anyone 11 prepared to make a motion to send a correspondence to the City Council with just a summary of the plusses and minuses, 12 13 and where the Board currently stands on this. 14 TOM SIENIEWICZ: So just to be clear, Chair Flynn, you're saying no -- a neutral recommendation or a negative 15 16 or a positive recommendation -- a neutral recommendation? 17 MARY FLYNN: Neutral. 18 TOM SIENIEWICZ: -- recommendation with --19 MARY FLYNN: Similar to what we've done before, 20 which is just to express the discussion the Planning Board 21 has had outlining the plusses and minuses, the problems that

we see, and suggesting further study on the parking issue,

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et cetera. 1 2 Daniel, did you want to add to that? 3 DANIEL MESSPLAY: Yeah. I just wanted to be clear 4 that in the past the Planning Board has forwarded a report 5 with no positive or negative recommendations. So I -- that 6 might -- we might be saying the same thing, that's that's a 7 neutral recommendation. MARY FLYNN: Okay. 9 DANIEL MESSPLAY: But I think the -- just the technical action is forwarding the report with no positive 10 11 or negative. 12 MARY FLYNN: Or negative. Okay. Very good. right. So that's what we'll be doing. A motion to forward 13 14 communication to the City Council with neither a positive 15 nor a negative recommendation but with a summary of the discussion that we've had here this evening. 16 17 TOM SIENIEWICZ: I would make that motion. 18 think that's consistent with where the Board largely is. MARY FLYNN: Okay. Thank you. Is there a second? 19 H THEODORE COHEN: I'll second it. 20 MARY FLYNN: All right. So I think I heard Ted 21 22 before I heard Hugh, although Ted, would you rather I pick

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Hugh, since --
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              H THEODORE COHEN: No, I can live with that.
              MARY FLYNN: Okay. All right. So Ted is --
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               DANIEL MESSPLAY: Roll call on that motion?
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              MARY FLYNN: Roll call, please, yes.
               DANIEL MESSPLAY: H Theodore Cohen?
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              H THEODORE COHEN: Yes.
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               DANIEL MESSPLAY: Steve Cohen?
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               STEVEN A. COHEN: I guess with the understanding
    that some felt positive about this: yes.
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               DANIEL MESSPLAY: Tom Sieniewicz?
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               TOM SIENIEWICZ: Yes.
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              DANIEL MESSPLAY: Hugh Russell?
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              HUGH RUSSELL: Yes.
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              DANIEL MESSPLAY: Ashley Tan?
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              ASHLEY TAN: Yes.
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              DANIEL MESSPLAY: And Mary Flynn?
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              MARY FLYNN: Yes.
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               [All vote YES]
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               DANIEL MESSPLAY: That's all members voting in
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    favor on that motion.
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              MARY FLYNN: Great. Thank you. All right, well
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thank you so much to the proponents. We really appreciate
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     it your presentation --
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               COLLECTIVE: Thank you very much.
               MARY FLYNN: -- and all of you who have been
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    working on this. It is an important issue. Appreciate it.
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    All right.
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     (7:26 p.m.)
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     Sitting Members: Mary T. Flynn, Steven A. Cohen, H Theodore
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                       Cohen, Hugh Russell, Tom Sieniewicz, and
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                       Ashley Tan
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            MARY FLYNN: We're going to move on then to the next
     item on our agenda, which is a continued public hearing on
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     Case PB-395, a special permit application by Commonwealth
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     Specialty Baking C, LLC to establish a Formula Business at
     425 Massachusetts Avenue.
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          Before we begin, I need to note for the record that
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     there are only six Planning Board members in attendance.
    And my question to the applicant is are you prepared to
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    proceed with just the six members who are present here
    today?
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               GREGORY RICHARD: Yes. This is Gregory Richard,
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the Attorney for the applicant. We are prepared to move forward.

MARY FLYNN: Great. All right. Thank you so much. Appreciate it. All right. So then we are going to start this discussion with an update from CDD Staff, then we'll hear an update from the applicant followed by public comment and the Board will discuss the application.

Our action is to grant or deny the requested special permit, or we could ask for additional information and continue the hearing to a future date, if we determine that's necessary.

So CDD Staff will begin, and I'll turn it over to Mason for this portion of it.

MASON WELLS: Thank you, Chair Flynn. So tonight the Board -- the Board discussed this item at its meeting on February 28. As a reminder, the proposal is to locate a Formula Business in the Central Square Overlay District, which requires a special permit.

At that time, the Board asked the applicant to work with CDD Urban Design Staff to further develop the design for the storefront, with a particular emphasis on retaining transparency along the alleyway.

The applicant has developed new designs that are responsive to the Board's comments, and we'll present them tonight. Zoning and Urban Design Staff provided a memo highlighting the proposed changes, and we are happy to answer any questions the Board may have.

As mentioned in the introduction, the Board's action is to approve or deny the requested special permit. Thank you.

MARY FLYNN: Thank you, Mason. So we're going to go back to Attorney Gregory Richard, who is representing the applicant. You'll have up to 30 minutes for your presentation. But please be as concise as possible. We can allow more time at our discretion if need be.

And if you would please start by introducing yourself and other members of your team who are present?

GREGORY RICHARD: Thank you, Madam Chair, yes.

And I hope we don't take up the whole 30 minutes here with my presentation. My name is Gregory Richard, again. I'm the attorney for the applicant, Commonwealth Specialty Baking C, LLC. Joe Oppendisano, the manager for the applicant LLC, is with us tonight.

Also with us tonight is Tony Williams from Sign

Design Lab and Jonathan Young, from JZW Architects, who were involved with working with CDD STAFF to implement the changes that we made that we've filed with the Board since our last hearing.

Mason did a great job summarizing this, stole a little bit of my thunder. But I'll let it stand because he did a great job. And I don't want to rehash this too much, but just to recap: We are here. Our application is for a special permit to operate as a Formula Business.

And from the last meeting, it seemed that generally -- and I don't want to speak for the Board, but I'll just -- my general takeaway was that the application for the Special Use Permit as a Formula Business seemed to be generally okay.

The main focus and concern was on activating the alleyway that runs down the alleyway between the McDonald's and the proposed space off of Main Street.

And so, after the meeting we worked with CDD Staff, with Tony Williams from Sign Design Lab, Jonathan Young from JZW Architects, and we came up with a layout.

So I would like to, if you could please go to page 3 of my presentation: So essentially what we did was we

made some alterations to the floor layout that we feel are very significant and address the Board's concerns in terms of altering the floor plan.

So on the left side, we have the initial floor layout which -- and the red triangular box, rectangular box here, that was a storage area. That was on the left side.

The alleyway is on the left side of that red rectangle.

And the kitchen and the front counter were on the right side of the space, which you could see here on the yellow box.

Also I just want to note that in the front lobby in the blue circle, there were countertop self-serving stations that, you know, people can order from instead of ordering at the counter.

So on the right side of this slide, we have the updated floor layout. So essentially what we've done is we've moved the kitchen to the left side, which is going to allow for more open space along the alleyway. We've moved the storage area to the inside demising wall of the unit, so that's no longer on the -- along the windows, it's along the inside demising wall, which is a -- you know, a wall there.

So if you could go to the next slide page 4?

With the altered site, what we've been able to achieve is if you're looking at this if you're coming in from the front door, you have the kiosk station here, which is another improvement we made.

Instead of having a counter with the self-serving station on top of counters, we've implemented a freestanding kiosk, which opens up the space a lot more. There was going to be a waist-high countertop that was going to block some of the windows at the bottom. So with the freestanding kiosk, we've opened up the bottom of those windows a lot more.

Another thing was also the TV that's going to be on top of the kiosk: We've raised that height so that it's above eye level if you're looking from the outside looking into the store from the alleyway. So we've created a lot more visibility in that space.

And then you're looking at the kitchen area, which is now on the left side of the space versus the right.

If you can go to the next slide, please?

So in addition to updating the -- altering the floor plan, we also updated the signage, if you will, on the alleyway. So originally, originally, we had had an opaque

vinyl application to all the windows that was going to cover all the bottom windows -- not the transoms, but the large windows. It's going to cover all these windows except for the first -- you know, two and a half windows at the alleyway, at the end of the alleyway.

So we've -- what we've done is we've removed any application to about half of the windows. We've also, instead of using the opaque pink vinyl, the pink wave that we had in the original application, we've switched that to a pink frosted etch vinyl, so a pink frosted glass application.

And we've created the wave design instead of in the pink wave design like we have with the opaque, which was a different color screening and wave format: We're actually creating the wave through some open space in the window, so cutting that pink frosted glass to make that wave.

So we've opened up a lot more space. And the open windows and open -- you're going to be looking into the kitchen area now. You're going to be looking into the front lobby area, as opposed to having -- those windows would have had the back wall of the storage area, which would -- so there really was nothing to look at. Now you're going to be

seeing some of the bakers creating their creations in the back.

They are more -- we're still -- we still have that, the pink frosted glass in the back A) you know, to close off the back room, but also one of the main things is by switching the floor plan -- and if you can go back to Slide 3, please?

By switching the floor plan, what we've done is if you look on the updated floor layout, on the left side where the alleyway is you see the door towards the back, and then you have two refrigerators, those R1 units. And then you have a sink, a washing Station. So you're going to have the back of two fridges and the sink station there.

So the pink frosted glass is creating a more fil - is a filtered application, not an opaque application. So
you can still see into it a little bit. But it's also
providing that coverage, so you don't see the back of the
refrigerator or, you know, you're not looking at the back of
the sink there. But you're still seeing some open space at
the top.

So if you can go back to -- or go to page 6, please. This is just an updated rendering of the alleyway

with the pink frosted glass application showing the open windows.

If you go to page 7, this is just what was originally proposed. And this is the opaque vinyl. So if you go back to page 6 and then to page 7 again, you can see the big changes we made by having the pink frosted glass creating that -- wave, as opposed to the -- the varying colors to create the wave with the opaque vinyl.

If you go to page 8, please, you can see a proposed rendering. Now, I will say that the final window - - this is just a proposed rendering -- and, you know,

Jonathan Young did a great job putting this together, but,

you know, the -- please don't take this as 100 percent to

scale on that last window there that has the pink wave that

soups it up as opposed to in the actual design plans it

comes down more, creates more open space.

But this is just to give you a visual what it would look like looking into the space. You know, so you're going to see the front counter area. You're going to see the -- you see the freestanding kiosk with the TV above eye level. You see the mixing stations, which are that first window to the left of the partition brick, and then in the

back you see some of the kitchen.

That first window with the pink frosted glass application, it will be lower than that, but Jonathan did a great job. So we can see what it would look like on this.

So essentially, we feel like we've made significant improvements to address the Board's concerns to activate the alleyway. There's going to be more viewing into the space from the alleyway. We don't have the opaque vinyl anymore, we have the pink frosted glass that's creating a filtered look, as opposed to an opaque look.

There's more open space to look into the kitchen area, look into the front area, open up the lobby more with a freestanding kiosk as opposed to having the counter with the countertop self-serving stations.

So we're very excited about this. And in activating the alleyway, we'll feel that we've actually improved the floor layout of this; that -- so we're hoping that not only are we excited, we're hoping that the Board, you know, recognizes, you know, this -- what we've done to address the concern of activating that alleyway.

So with that being said, we're hoping that the Board will consider granting our requested relief from the

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application from the special permit to operate as a Formula
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    Business in this site. And my client is very eager and
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     excited to begin construction on this and open the store.
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     So that's my presentation. Thank you.
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               MARY FLYNN: Thank you very much. Appreciate it.
    All right. So we will now move on to the public comment
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    section of the hearing.
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               Any members of the public who wish to speak should
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    now click the button that says, "Raise hand." If you're
     calling in by phone, you can raise your hand by pressing *9.
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                   As of 5:00 p.m. yesterday, the Board had
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     received no written communication on this case. Additional
    written communications received after 5:00 p.m. yesterday
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14
    will be entered into the record.
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               Okay, I see at least one person who's interested
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     in speaking. So Daniel, I'll ask you to unmute speakers one
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     at a time. Speakers should begin by saying your name and
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     address, and Staff will confirm that we can hear you. After
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     that you have up to three minutes to speak before I'll ask
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     you to wrap up,
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               So Daniel, over to you.
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               DANIEL MESSPLAY: Thank you, Chair Flynn.
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do just -- I see one hand at the moment. I know we've got a few more attendees. So I'll just take this opportunity to quickly do again a last call, if anybody wants to speak on the public hearing for 425 Mass Ave to please use the "Raise Hand" function or if you're dialing in by phone to press *9.

Our first speaker on the list is Bob Flack. So Bob, please begin by unmuting yourself and giving your name and address.

BOB FLACK: Hi. Bob Flack, 49 Russell Avenue in Watertown. I represent the landlord at Market Central. And so I could -- I want to share my enthusiasm, by the way, for this kind of broadly. But really for the solution to a very difficult problem. I think the tenant has been fabulous to work with for over 18 months.

And I think this is a terrific solution for the tenant and for the city. This is a great product, a first-class act in terms of having a new store in Central Square. I think it will be a real hit for everyone.

And so, I encourage you to approve this at this hearing. Thanks so much.

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

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to you.
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               MARY FLYNN: Okay. Thank you so much. Board
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    members, so are there any questions for either the project
     team or our CDD Staff? If not, we can go directly into
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     discussion and comment. Who would like to start off?
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               Tom?
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               TOM SIENIEWICZ: Just quickly, I just wanted to
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     thank the applicant for working with us. I think the
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    proposal meets at least and addressed my concerns as
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    articulated in the last hearing. So very much appreciate
     the time and effort you put into this and the thoughtful
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12
    response. Thank you.
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              MARY FLYNN: Okay. Steve?
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               STEVEN A. COHEN: Yeah, I agree. I think it looks
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     fine.
              MARY FLYNN: Okay. And Hugh?
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               HUGH RUSSELL: Also in agreement. I'm very
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    pleased that they managed to -- make these changes.
19
              MARY FLYNN: Okay. Any thoughts from Ted or
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    Ashley?
               H THEODORE COHEN: I absolutely concur.
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                                                        I think
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    they've done a great job. And I'm looking forward to
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another retail facility opening up --
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 2
               MARY FLYNN: Okay.
 3
               H THEODORE COHEN: -- empty space.
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               MARY FLYNN: Exactly. All right. Well, it
     sounds, then, like we're in agreement, because I saw Ashley
 5
     nodding her head up and down in a positive way. I agree. I
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7
     think the proponent's done a very nice job of responding to
    what was discussed at the last -- the last part of the
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    hearing.
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                So in order to grant the special permit, the
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    Board needs to find that the proposal meets the following
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     criteria -- and we have criteria specified in the Central
     Square Overlay District -- special permit, section 20.304 or
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     0.5(4) which states:
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               "The design reflects, amplifies and strengthens
     the established historical character and existing buildings
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17
     and storefronts in Central Square.
               "Particulars of the design is varied from the
18
     formula, or standard design of the change in order to
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20
     reflect the unique character and conditions of Central
     Square, either generally or at the specific location."
21
22
               "And standard elements of the enterprise defining
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it as a Formula Business are modified to respect and provide unique expressions of Central Square history and traditions a well as innovation in physical design and marketing that will distinguish the Central Square location from other locations of the Formula Business are modified."

And we can clearly mention tonight, as we've heard at the last hearing, that many of the standard elements of the signage center have been changed to make it more meaningful to Central Square.

Does anyone have any problem finding in a positive way for those? Good on those. Okay. All right.

Then we have to find that it meets the criteria of the Central Square Overlay District, Section 20.300. We have to find that the proposed development is consistent with the goals and objectives of the Central Square Action Plan and there are a number of specifics that are laid out.

I think the ones that apply mostly are strength in the retail base to more completely serve the needs of the neighborhoods, preserve the Square's cultural diversity, create active, people-oriented space and provide retail establishments that serve diverse economic and social groups who live in the surrounding neighborhoods.

We also need to find that the building and site designs are consistent with the Urban Design plan for Central Square, as outlined in the Central Square Action Plan and the Central Square Development Guidelines, and that building, and site designs adequately screen the parking provided and are sensitive to contributing buildings.

Is everyone in agreement that we can make those findings? Yes, okay. I see many heads nodding and thumbs up.

All right. And then the last finding we need to make is with the General Special Permit Criteria, which is Section 10.43. And I'm not going to go through those, because everyone knows what they are. And I think in general we can make those findings as well.

Daniel, if I need to read them into the record, just let me know that. But I think we've not done that in all cases. So.

Are we comfortable with the General Special Permit findings? Okay. Once again, I see lots of thumbs up.

All right. Then, let's see. The Staff memos contain suggested conditions, I think which pertain to continuing Design Review and certification by Staff that

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    condition are met.
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              Are there any other conditions that Board members
    would like to include?
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               Okay. Not seeing any. Any other suggestions from
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     Staff? Not seeing any of those either. Okay. So then is
    there a motion to grant the requested special permits with
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    those conditions, based on the Board's finding that the
    applicable special permit criteria are met?
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               STEVEN A. COHEN: Steve so moved.
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              MARY FLYNN: Is there a second?
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              H THEODORE COHEN: Second.
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              MARY FLYNN: Ted. All right. Ted seconds it.
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    Daniel, could we have a roll call vote, please?
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               DANIEL MESSPLAY: Roll call on that motion:
    Theodore Cohen?
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              H THEODORE COHEN: Yes.
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               DANIEL MESSPLAY: Steve Cohen?
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               STEVEN A. COHEN: Yes.
               DANIEL MESSPLAY: Tom Sieniewicz?
19
               TOM SIENIEWICZ: Yes.
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               DANIEL MESSPLAY: Hugh Russell?
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              HUGH RUSSELL: Yes.
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1 DANIEL MESSPLAY: Ashley Tan? 2 ASHLEY TAN: Yes. 3 DANIEL MESSPLAY: Mary Flynn? MARY FLYNN: Yes. 4 5 DANIEL MESSPLAY: Catherine Preston Connolly? CATHERINE PRESTON CONNOLLY: 6 7 DANIEL MESSPLAY: And Mary Flynn? 8 MARY FLYNN: Yes. 9 [All vote YES] 10 DANIEL MESSPLAY: That is all members voting in 11 favor. 12 MARY FLYNN: Okay. And before we leave this 13 petition, or request for a special permit, we do need an 14 extension of time to draft and compile the decision. 15 does the permittee agree to an extension of time to June 15, 2023 to file a decision? Is the applicant okay with that? 16 17 GREGORY RICHARD: We do -- we would request if the -- if at all possible if it can be done sooner, we would 18 19 greatly appreciate it, just given the fact of how long this 20 process is taking -- has taken, and with the zoning at the appeal period, after the decision is filed. It would push 21 22 this out into potentially July before the building permit

```
can be applied for.
1
 2
               So we do -- we are okay with it, but we just
 3
     request if there's anything that can be done to expedite
 4
     that, we would greatly appreciate it and we thank you.
5
               MARY FLYNN: Sure. Yes. I mean I'm sure Staff
    will do their best to accommodate whatever they can in terms
 6
7
    of the timing.
               GREGORY RICHARD: Thank you.
               MARY FLYNN: Great. So is there a motion, then,
9
     to agree to an Extension of time to file the decision to
10
11
    June 15, 2023?
12
               STEVEN A. COHEN: So moved.
13
              MARY FLYNN: Is there a second?
14
              H THEODORE COHEN: Second.
15
               MARY FLYNN: Thank you, Ted. All right. May we
    have a roll call vote, please, Daniel?
16
17
               DANIEL MESSPLAY: Roll call on that motion:
     Theodore Cohen?
18
19
               H THEODORE COHEN: Yes.
20
               DANIEL MESSPLAY: Steve Cohen?
               STEVEN A. COHEN: Yes.
21
               DANIEL MESSPLAY: Tom Sieniewicz?
22
```

```
1
               TOM SIENIEWICZ: Yes.
2
               DANIEL MESSPLAY: Hugh Russell?
 3
               [Pause]
               Hugh Russell?
 4
5
              HUGH RUSSELL: Yes.
 6
               DANIEL MESSPLAY: Ashley Tan?
7
              ASHLEY TAN: Yes.
8
               DANIEL MESSPLAY: And Mary Flynn?
              MARY FLYNN: Yes.
9
10
               [All vote YES]
11
               DANIEL MESSPLAY: That's all members voting in
12
     favor.
              MARY FLYNN: Excellent. All right. Our thanks to
13
    the applicant and best of luck with the shop. Looking
14
    forward to eating cookies.
15
               GREGORY RICHARD: Thank you. We're looking
16
     forward to seeing you. Thank you. Have a good night,
17
    everyone.
18
19
    (7:48 p.m.)
20
    Sitting Members: Mary T. Flynn, Steven A. Cohen, H Theodore
21
                       Cohen, Hugh Russell, Tom Sieniewicz, and
22
                       Ashley Tan
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1
                 MARY FLYNN: The next item on the agenda is the
2
    public hearing for Case PB-9, a townhouse modification at 6
 3
    Lilac Court. We've received from the applicant a request to
    open the hearing and continue this case to May 2, 2023. Do
 4
5
    Board members have any questions?
 6
                   Okay. Is there a motion, then, to open and
7
    continue this hearing to May 2, 2023?
               STEVEN A. COHEN: So moved.
9
              MARY FLYNN: Thank you, Steve. Second, please?
10
              TOM SIENIEWICZ: Tom, second.
11
              MARY FLYNN: Thank you, tom. Roll call vote,
    Daniel?
12
13
               DANIEL MESSPLAY: Roll call on that motion:
14
    Theodore Cohen?
15
              H THEODORE COHEN: Yes.
16
               DANIEL MESSPLAY: Steve Cohen?
17
               STEVEN A. COHEN: Yes.
18
               DANIEL MESSPLAY: Tom Sieniewicz?
               TOM SIENIEWICZ: Yes.
19
20
               DANIEL MESSPLAY: Hugh Russell?
              HUGH RUSSELL: Yes.
21
22
               DANIEL MESSPLAY: Ashley Tan?
```

```
1
               ASHLEY TAN: Yes.
 2
               DANIEL MESSPLAY: And Mary Flynn?
 3
               [All vote YES]
               DANIEL MESSPLAY: That's all members voting in
 4
5
     favor.
               Thank you.
              CATHERINE PRESTON CONNOLLY: Great. Thank you. All
 6
7
     right.
9
     (7:49 p.m.)
10
     Sitting Members: Mary T. Flynn, Steven A. Cohen, H Theodore
11
                       Cohen, Hugh Russell, Tom Sieniewicz, and
12
                       Ashley Tan
13
                      MARY FLYNN: So then we're going to move on
14
     to the next item, which I believe is the final item on our
15
    agenda. And that's a review of Board of Zoning Appeal case
     -- a case to be heard this Thursday, April 13, 2023.
16
17
    matter of General Business, and our action is to decide
18
    whether or not to make any recommendation to the BZA case on
    this case.
19
20
               Then one case is BZA-213774, which seeks a special
    permit to construct a new mansard roof addition to an
21
22
    existing structure at 60 Market Street.
```

Hugh, I can see your hand up. Would you like to explain a little bit about this or comment?

HUGH RUSSELL: Yes. So it has a structural problem in the organization of the City; it doesn't permit the Staff of the Community Development Department -- directly through the Zoning Board. They're in different -- the City organization plan, they're quite far away from each other.

So I think it would be appropriate to think of that, and I've actually been part of a committee that's recommended that to the City Manager.

But in this case, there was a proposal to basically enlarge the attic area of the house to make it more useable. We pretty much support that kind of thing, adapting houses to make them work better for their occupants. But I didn't like the drawings. You know I'm an architect. And it seemed a little top-heavy.

And so, I made that comment that somehow that got to the proponent as revise the building, so it is no longer top-heavy. It looks high.

And so, we have -- all we have to do is tell the Zoning Board we like the revised design over the original

1 one. 2 MARY FLYNN: Okay. We do have Adam Glassman here, 3 who is representing the owner. And I believe, Mr. Glassman, that you have the revised plan. Do Board members have 4 5 questions for either Mr. Glassman or for CDD? 6 [Pause] 7 Okay. Does the Board want to make a 8 recommendation on the case? H THEODORE COHEN: I'm a little confused. So the 9 materials that were posted on the website, are they the 10 11 original plans, or are those -- are they the revised plans? 12 MARY FLYNN: My understanding that the plans that are on the website now are the original plans. 13 14 H THEODORE COHEN: So can we see the revised 15 plans? MARY FLYNN: I believe Mr. Glassman has those. 16 17 18 H THEODORE COHEN: Sure. 19 MARY FLYNN: Okay. Yeah. Okay. Can we see 20 those, Swaathi? 21 ADAM GLASSMAN: I'm about to share my screen. 22 MARY FLYNN: Oh, okay. Here we go.

1 ADAM GLASSMAN: All right. Are you seeing the 2 images with the curved Mansard? 3 MARY FLYNN: Yes, Mm-hm. ADAM GLASSMAN: Okay. These are the new plans. 4 5 And Hugh, I completely agree with all your comments about the top-heaviness, the geometry of it. Great suggestion. 6 7 Followed your recommendations. We raised the eave. introduced a fascia, we introduced a curve. So I think this 9 is what it wants to be. 10 MARY FLYNN: Okay. Any comments or questions from 11 the Board on these drawings? I think it was a good call by 12 Hugh, and the changes are very nice. 13 So my understanding is, Swaathi, that you have 14 been in touch with the Building Department and their recent 15 plans on file. So I quess we have the action of making a recommendation for just not making anything, not saving 16 17 anything, and just letting the Board deal with the new set 18 of plans by the Board of Zoning Appeal. What would the Board like to do? Hugh, you're 19 20 suggesting we send a recommendation? 21 HUGH RUSSELL: Yeah. I think why not? 22 MARY FLYNN: Okay.

```
1
               HUGH RUSSELL: It looks nice. Doesn't have to be
2
     lengthy or just -- in response to some, to our comments,
 3
     they improved the design. So I'm in.
               MARY FLYNN: Okay. Yeah. I think that makes
 4
5
     sense, just to make it clear for the Board of Zoning Appeals
     to why the applicant changed, and that it has the
 6
7
    recommendation of the Planning Board as positive to -- a
    positive response to the question and concern that was
9
    raised.
10
               So let me take that as a motion to send a brief
11
    note to the BZA in support of the revised plans.
12
     from Hugh. Can I have a second?
13
               TOM SIENIEWICZ: This is Tom. Second.
14
               MARY FLYNN: All right. Tom will second.
15
     then a roll call vote, please, Daniel?
               DANIEL MESSPLAY: Roll call on that motion:
16
17
     Theodore Cohen?
18
               H THEODORE COHEN: Yes.
               DANIEL MESSPLAY: Steve Cohen?
19
20
               STEVEN A. COHEN:
                                 Yes.
               DANIEL MESSPLAY: Tom Sieniewicz?
21
22
               TOM SIENIEWICZ: Yes.
```

```
DANIEL MESSPLAY: Hugh Russell?
 1
 2
              HUGH RUSSELL: Yes.
 3
              DANIEL MESSPLAY: Ashley Tan?
              ASHLEY TAN: Yes.
 4
 5
              DANIEL MESSPLAY: And Mary Flynn?
              MARY FLYNN: Yes.
 6
 7
               [All vote YES]
 8
               DANIEL MESSPLAY: That's all members voting in
     favor.
 9
10
              MARY FLYNN: wonderful. Thank you very much, Mr.
11
    Glassman, for --
12
              ADAM GLASSMAN: Thank you very much.
13
              MARY FLYNN: -- being here tonight. Yes, Steve?
14
              ADAM GLASSMAN: Goodnight.
15
              MARY FLYNN: Goodnight. Steve, your hand is up.
    Did you have a question or a comment?
16
17
               STEVEN A. COHEN: No, I'm sorry. I will --
18
              MARY FLYNN: Well, that's -- no, no, no, that's
    all right. But we're finished with the business on our
19
20
    agenda, unless there are additional comments from Planning
21
    Board members. Is there anything further from Staff? No
22
    meeting next week.
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DANIEL MESSPLAY: Correct. That was my only
 1
     update, and I don't believe we have any other updates at
 2
     this time.
 3
               MARY FLYNN: Very good. All right. Well, thank
 4
     you everyone. See you all soon. Goodnight.
 5
 6
               COLLECTIVE: Goodnight.
     [07:57 p.m. End of proceedings.]
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15	I have read the foregoing transcript of the
16	Planning Board meeting, and except for any corrections or
17	changes noted above, I hereby subscribe to the transcript
18	as an accurate record of the proceedings.
19	
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21	Name Date
22	

1	CERTIFICATE
2	Commonwealth of Massachusetts
3	Middlesex, ss.
4	I, Catherine Burns, Notary Public in and for the
5	Commonwealth of Massachusetts, do hereby certify that the
6	above transcript is a true record, to the best of my
7	ability, of the proceedings.
8	I further certify that I am neither related to nor
9	employed by any of the parties in or counsel to this action,
10	nor am I financially interested in the outcome of this
11	action.
12	In witness whereof, I have hereunto set my hand this
13	<u>8th</u> day of <u>May</u> , 2023.
14	
15	
16	Notary Public
17	My commission expires:
18	July 28, 2028
19	Catherine M. Burns Notary Public
20	COMMONWEALTH OF MASSACHUSETTS My Commission Expires July 28, 2028
21	
22	

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