



# ORDINANCE COMMITTEE

## COMMITTEE MEETING

~ MINUTES ~

Tuesday, February 28, 2023

3:00 PM

Sullivan Chamber  
795 Massachusetts Avenue  
Cambridge, MA 02139

The Ordinance Committee will hold a public meeting on Tuesday, February 28, 2023, from 3:00p.m. – 5:00p.m., to continue the discussion on Citizens Zoning Petition from Patrick Barrett et.al North Mass Ave BA-5 Zoning District Petition – APP 2022 #52.

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3:40 PM
Paul F. Toner	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council's Ordinance Committee was held on Tuesday, February 28, 2023. The meeting was Called to Order at 3:00 p.m. by the Chair, Councillor Zondervan. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2<sup>nd</sup> Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

**City Clerk LeBlanc called the roll.**

**Councillor Azeem – Present/Remote**

**Councillor Carlone – Present/Remote**

**Vice Mayor Mallon – Present/In Sullivan Chamber**

**Councillor McGovern – Present**

**Councillor Nolan – Present/In Sullivan Chamber**

**Councillor Simmons – Absent\***

**Councillor Toner – Present/Remote**

**Councillor Zondervan – Present/In Sullivan Chamber**

**Mayor Siddiqui – Present/In Sullivan Chamber**

**Present – 8, Absent – 1. Quorum established.**

\*Councillor Simmons was marked present in the Sullivan Chamber at 3:40p.m.

The Chair, Councillor Zondervan noted that the call of the meeting was to continue the discussion on Citizens Zoning Petition from Patrick Barrett et.al North Mass Ave BA-5 Zoning District Petition – APP 2022 #52.

The Chair, Councillor Zondervan introduced the Petitioner, Patrick Barrett, who was joined by Dan Sibor, Manager of North Cambridge Partners LLC. Patrick Barrett updated members of the Ordinance Committee on what has been accomplished since the previous meeting and reviewed the list of concerns that were addressed by neighbors and abutters which will be incorporated and addressed in the petition going forward, this document is referred to as a “Letter of Commitment” (Attachment A). Patrick Barrett also gave an overview of the updated zoning being proposed with the petition (Attachment B).

**The Chair, Councillor Zondervan opened Public Comment.**

Michael Rome, 18 Gold Star Road, Cambridge, MA, spoke against the petition and shared that they don’t believe it is cohesive. They asked for more outreach to residents and the community and not just the abutters.

McNamara Buck, 18 Gold Star Road, Cambridge, MA, shared that they agree there should be more housing in Cambridge, but believes the development would be too big and massive for the community and asked for members from the neighborhood to be included in the zoning change,

Irene Herman, 21 Cedar Street, Cambridge, MA, shared that they are an abutter and when the petition was first brought to the Committee they opposed it, but now, after attending many of the community meetings, they support the petitioner’s vision.

Eric Johnson, 24 Alberta Terrace, Cambridge, MA, shared that they are an abutter and agree with the proposed amendments that have addressed many of the community’s concerns.

Rita Guastella, 127 Reed Street, Cambridge, MA, shared that they are not a direct abutter but live in the neighborhood. They noted they had attended the community meetings which were very constructive and felt the concerns were heard by the petitioner.

James Williamson, 30 Churchill Avenue, Cambridge, MA, spoke against the petition and shared that more neighborhood outreach should have happened to those who live in the area, not just abutters and neighbors close to the proposed development.

Rhea Lesage, 20 Alberta Terrace, Cambridge, MA, shared that the whole process is upside down, but residents in the neighborhood took this petition very seriously and believes the conversations were productive.

Michael Brandon spoke against the petition and the lack of a planning study surrounding it and agreed with the City Solicitor.

The Chair, Councillor Zondervan had some clarifying legal questions around the petition regarding if a challenge were to be brought forward to the courts by residents. The City Solicitor, Nancy Glowa was available to respond.

The Chair, Councillor Zondervan recognized Councillor McGovern who shared he liked the idea of having twelve affordable homeownership units that the petition is offering.

The Chair, Councillor Zondervan recognized Vice Mayor Mallon who had clarifying questions around the Letter of Commitment. Patrick Barrett and Dan Sibor were able to respond, noting that the Letter of Commitment was intended for the developer to sign, saying they are committed to the proposed amendments that were discussed at various community meetings.

The Chair, Councillor Zondervan recognized Councillor Nolan who commented that she liked the vision of having affordable housing and was happy to see that residents in the neighborhood and abutters were involved in discussions. Councillor Nolan also made the suggestion of having the possibility of contract zoning around the twelve units.

The Chair, Councillor Zondervan recognized Councillor Carlone who expressed his concerns surrounding the petition and asked for clarity around the massing of the development. He also noted the importance of having guidelines that promote the character of the neighborhood.

The Chair, Councillor Zondervan recognized Councillor Azeem who had clarifying questions for the Petitioner around the number of bedrooms that would be offered in the housing units. Patrick Barret noted that it is something that is still be configured based on what is approved by the City. Councillor Azeem shared that he was in favor of the City having the opportunity to provide housing, and noted that people should remember what is on the inside of the building and not focus only on the outside around height and density.

The Chair, Councillor Zondervan recognized Mayor Siddiqui who thanked the Petitioners for reaching out to the abutters and residents in the neighborhood. The Mayor shared that although she supports affordable housing, she has reflected on what has been said by the Planning Board and taking that in to consideration would not favor the petition going forward.

The Chair, Councillor Zondervan recognized Councillor McGovern who had clarifying questions for the Petitioner around the height of the building. Patrick Barrett noted that the current zoning allows for fifty feet, he and the developers are asking for eighty, but their intent is to only build a little of sixty-nine feet. Councillor McGovern also asked for clarity on whether there were other buildings in the neighborhood that were currently over the fifty feet, to which the Petitioner noted there were two.

The Chair, Councillor Zondervan recognized Councillor Simmons who shared that she agrees with comments made by Councillor McGovern around homeownership and affordable housing. She noted that there have been many studies done in Cambridge that reflect the need for more housing in the City. Councillor Simmons shared that she would like to see the petition move forward.

The Chair, Councillor Zondervan recognized Councillor Toner who noted how all the concerns that have been discussed with the Petitioner have been considered and addressed with the abutters and residents in the neighborhood. He shared that he believes the development would be a better use of space and would support it going forward.

The Chair, Councillor Zondervan recognized Vice Mayor Mallon and Councillor Azeem who both thanked the petitioners. Vice Mayor Mallon offered comments around the Letter of Commitment and the possibility of having it be more of a legal document.

The Chair, Councillor Zondervan commented that he appreciates all the effort that has been made by the Petitioners to work with the abutters and neighbors and shared his legal concerns around the petition if were to move forward. He offered suggestions on contract zoning to make agreements legally binding between the Council and the landowner. He noted that he does support more housing, and the height and density is not of issue but believes the development should be approached in a different way.

The Chair, Councillor Zondervan recognized Councillor Carlone who had clarifying questions for Jeff Roberts, Director of Zoning and Development for the Community Development Department (CDD) around zoning density and height. Jeff Roberts noted that he believes the City Council adopted zoning language at last night's City Council meeting around Climate Resilience zoning which create exceptions around building heights.

**The Chair, Councillor Zondervan recognized Vice Mayor Mallon who made a motion to request that the City Manager direct CDD to provide language that would amend the Barret et. al petition to include the amendments proposed by the Petitioner and report back to the Council by March 13, 2023.**

**City Clerk LeBlanc called the roll.**

**Councillor Azeem – Yes**

**Councillor Carlone – Yes**

**Vice Mayor Mallon – Yes**

**Councillor McGovern – Yes**

**Councillor Nolan – Yes**

**Councillor Simmons – Yes**

**Councillor Toner – Yes**

**Councillor Zondervan – Yes**

**Mayor Siddiqui – Yes**

**Yes – 9, No – 0. Motion passed.**

**ORDERED: That the City Manager direct CDD to provide language that would amend the Barret et. al petition to include the amendments proposed by the Petitioner and report back to the Council by March 13, 2023**

**The Chair, Councillor Zondervan recognized Vice Mayor Mallon who made a motion for the Barrett et.al petition to be passed to a second reading to the full City Council with a positive recommendation.**

**City Clerk LeBlanc called the roll.**

**Councillor Azeem – Yes**

**Councillor Carlone – No**

**Vice Mayor Mallon – Yes**

**Councillor McGovern – Yes**

**Councillor Nolan – Yes**

**Councillor Simmons – Yes**

**Councillor Toner – Yes**

**Councillor Zondervan – No**

**Mayor Siddiqui – No**

**Yes – 6, No – 3. Motion passed.**

**ORDERED:** That the Barrett et.al petition to be passed to a second reading to the full City Council with a positive recommendation.

**The Chair, Councillor Zondervan recognized Councillor Simmons who made a motion to adjourn the meeting.**

**City Clerk LeBlanc called the roll.**

**Councillor Azeem – Yes**

**Councillor Carlone – Yes**

**Vice Mayor Mallon – Yes**

**Councillor McGovern – Yes**

**Councillor Nolan – Yes**

**Councillor Toner – Yes**

**Councillor Zondervan – Yes**

**Mayor Siddiqui – Yes**

**Yes – 9, No – 0. Meeting was adjourned.**

Attachment A – Letter of Commitment

Attachment B – Updated Site Plan

The City Clerk's Office received two written communications, Attachments C & D

**Clerk's Note:** The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record.

The video for this meeting can be viewed at:

[https://cambridgema.granicus.com/player/clip/453?view\\_id=1&redirect=true&h=a3f3df39dc604573dcf9cec65f9c8ab7](https://cambridgema.granicus.com/player/clip/453?view_id=1&redirect=true&h=a3f3df39dc604573dcf9cec65f9c8ab7)

**A Zoning Petition Has been received from Patrick Barrett et al. North Mass Ave BA-5 Zoning District Petition**

**A communication was received from Patrick W. Barrett III, regarding a presentation BA-5 Zoning Petition.**

**A communication was received from Director of Zoning and Development, Community Development Jeffrey Roberts, transmitting the Planning Board report.**

**A communication was received from Councillor Zondervan, transmitting a memorandum from the Planning Board.**

**A communication was received from Patrick W. Barrett III, regarding the updated memo, letter of commitment, and attachments for discussion.**

**A communication transmitted from Yi-An Huang, City Manager, relative to Awaiting Report Item Number 23-1, regarding a legal Opinion on whether the Barrett, et al. petition would need to be refiled should there be a Letter of Commitment attached to the rezoning, and whether the Barrett, et al. petition constitutes "spot zoning."**

Attachment A

### Letter of Commitment

This letter of commitment (the "LOC") dated February 24, 2023, by and between North Cambridge Partners LLC ("NCP") with a business address of 9 South Street, Chestnut Hill, MA 02467 and the abutting neighbors of Alberta Terrace, Cedar Street, and Harvey Street (the "Neighbors") located at various addresses along Alberta, Cedar, and Harvey, (together hereinafter the "Parties").

#### BACKGROUND

- A) The Parties wish to enter into an agreement as outlined in this LOC in relation to a proposed zoning change and development of a project located in part of the proposed BA-5 zoning district located at 2400-2414 Massachusetts Avenue (the "Project").
- B) The Parties wish to record their understandings and agreements in relation to what zoning will be passed, how it will be implemented, and various aspects related to construction, maintenance, and precautionary measures relating to the Project.
- C) Developer Statement: NCP is committed to working collaboratively with the surrounding neighbors, and to inviting them to share and develop a collective vision for the neighborhood. NCP acknowledges that material deviation from this MOU with the neighborhood would constitute a substantial detriment for the purposes of special permit review with the City of Cambridge.

- 1) **Purpose and Project.** This LOC sets out the basic terms upon which the Neighbors would consent to NCP proceeding with the requested zoning change filed in October 2022 with the City of Cambridge (subject to the requested amendments below), and the Project brought by NCP that is a result of that zoning change. The project is a mixed use, ground-up development that will consist of both residential condominium units for sale and ground floor retail.
- 2) **Commitments.** It is mutually agreed upon and understood by and among the Parties that:
  - a. The parties agree to work together and to cooperate in good faith, and to fully participate to develop the project throughout the development cycle.
  - b. A pre-construction survey will be initiated by NCP prior to any construction activities on the site. Construction activities include but are not limited to excavation of the site, demolition of any existing structure, and erection of a building project. Any damage caused as a direct result of construction activities will be the responsibility of NCP to repair. Professionals that may visit the site from time to time taking measurements, soil samples, and other project related data typically required to undertake a construction project will not be considered



construction activities. Subject to NCP's receiving permission to enter private property, as part of the preconstruction survey NCP will include the following:

- i. Camera survey of the existing sewer lines of the direct abutting parcels to 2400 Mass Ave.
  - ii. All structural and civil engineering assessments will be provided to neighbors.
  - iii. Structural engineer will assess risk to retaining wall on Cedar St and provide report to neighbors.
- c. NCP agrees to request that the Cambridge City Council amend the proposed zoning language to reflect the conversations with the Neighbors in the following ways:
- i. Amend footnote 1 to increase the distance from the residential district in the second sentence to fifty feet (50') from thirty-five feet (35').
  - ii. Amend footnote 4 to read "All ground floor retail spaces may be exempt from FAR calculations by special permit only, provided that the retail does not front a residential district."
  - iii. Prohibit lab uses.
- d. NCP agrees to a 1:1 parking ratio for all residential units that are constructed as part of a building project.
- e. NCP agrees to conduct and perform all studies and narratives required by Article 19.24 and to make those studies available upon request to the Neighbors. These studies include:
- i. Traffic Study
  - ii. Tree study
  - iii. Shadow Study (including opinion of impact on neighboring solar arrays)
  - iv. Urban Design Objectives Narrative
  - v. Sewer Service Narrative
  - vi. Water Service Narrative
  - vii. Noise Mitigation Narrative
- f. NCP agrees to work with the Neighbors to locate the entrance to the project for underground parking, trash, and other building functions, with a noted preference to have this located on Harvey St.
- g. NCP agrees to follow the regulations of Article 22 (Sustainable Design and Development) and to apply the newly adopted specialized stretch code to the Project.
- h. NCP will make available contact information of NCP and contractors during construction of the Project and to provide regular updates through an online solution or by direct communication to neighbors including pertinent information but not limited to:
- i. Road closures
  - ii. Work start times
  - iii. Type of work to be initiated



- iv. Construction management plan which will include a plan to address worker parking, making best efforts to identify a parking solution to keep workers from utilizing resident spaces.
  - i. NCP agrees as part of its work with the City of Cambridge to create a safe, pedestrian, and bike friendly plan for the Project. This includes the widening of sidewalks, illustrated in the massing study attached hereto, showing 11' on Alberta Terrace and Cedar St and at least 7.5' on Harvey St.
  - j. NCP will work with Neighbors, and especially direct abutters, to protect their properties during construction to limit impact of noise, rodents, and debris from impacting quality of life within the area of work. NCP will work directly with abutters on a case-by-case basis to address disruption inconveniences; this may include, for example, the offer of discounted co-working space, noise cancelling headphones, or some other mutually agreed upon resolution.
  - k. NCP is committed to creating a blend of private and public green and/or permeable open space within the site, which will total at least 15% of the lot area.
  - l. NCP pledges to not build any laboratory use on the 2400 Mass. Ave. site.
  - m. For portions of the building fronting the residential district, NCP pledges to not exceed the height boundaries in the massing study attached hereto.
  - n. The building at 2400 Mass. Ave. will be professionally managed, with a regular trash pickup schedule and rodent control plan. Garbage, recycling, composting (if any), and EV charging will be located in a proposed underground parking facility provided this does not violate any ordinance in the City of Cambridge or any requirements of the local utility.
  - o. NCP is committed to regular consultation with the neighborhood through the zoning process, planning/design, and all aspects of the project as it proceeds through the review process with the City of Cambridge, and to mitigating quality of life concerns to the best of NCP's ability during construction.
  - p. NCP commits to building a project that will not be a "fortress" such as closing all four sides of the locus. NCP commits to having some portion of the site open to the neighborhood.
- 3) **Term and Termination.** The understandings and agreements outlined in this MOU shall subsist until such time as the Project receives a certificate of occupancy from the City of Cambridge, and all remaining landscaping, construction, and other project related work is completed.
- 4) **Complete Agreement.** This Agreement embodies the complete agreement and understanding among the parties and supersedes and preempts any prior understandings, agreements, or representations by or among the parties, written or oral, which may have related to the subject matter hereof in any way.

SIGNATURE PAGE TO FOLLOW

By: DocuSigned by:  
*Dan Sibor*  
AB13622AC5354C8  
Dan Sibor  
Manager, North Cambridge Partners

**APPROVED**

**Neighbors of 2400-2414 Mass Ave**

# ATTACHMENTS

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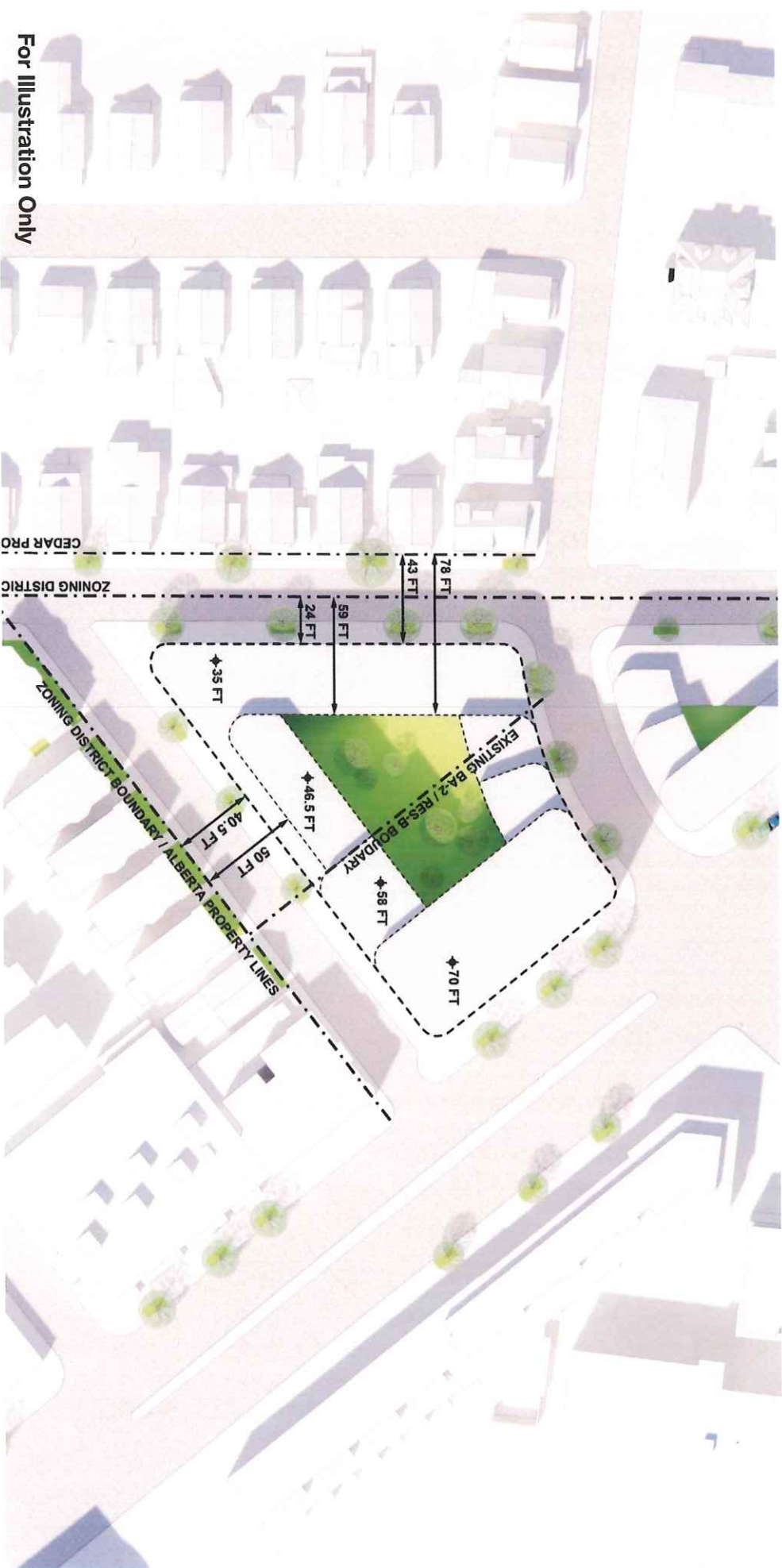
# Attachment B

Perspective - Cedar + Alberta





# Site Plan



For Illustration Only

Erwin, Nicole

Attachment C

**From:** Eric Johnson <ericj279@gmail.com>  
**Sent:** Tuesday, February 28, 2023 9:46 AM  
**To:** City Clerk  
**Subject:** Public Comment for Ordinance Committee Meeting 2/28/2023

Dear members of the Ordinance Committee,

My name is Eric Johnson, and I live at 24 Alberta Terrace #1, a direct abutter to the proposed zoning change and development. For the past 2 months, a group of my neighbors and I have had several meetings with, and have been working with, the petitioners to come to agreement on the zoning petition and their proposed development. This has been a very positive and constructive experience and I think their proposal will suit the site well. They have presented a letter of commitment with the agreements made between the developer and the abutters. Included in the letter is three proposed amendments to the zoning petition:

1. Amend footnote 1 to increase the distance from the residential district in the second sentence to fifty feet (50') from thirty-five feet (35').
2. Amend footnote 4 to read "All ground floor retail spaces may be exempt from FAR calculations by special permit only, provided that the retail does not front a residential district."
3. Prohibit lab uses.

My support of the petition is contingent on including these amendments. Please adopt the zoning petition with these amendments.

The letter of commitment also addresses other aspects of design, construction, and strategies to mitigate the impact on the abutters. I support the language of this letter of commitment and urge the City Council, the Planning Board, and the city departments to hold the developer to their commitments throughout the design, permitting, and construction process. We have come to agreement on many issues, including the maximum building massing they have shown and the amendments to the zoning petition. Please amend the zoning language per their proposed amendments, and not any further.

Thank you,  
Eric Johnson  
24 Alberta Terrace #1

Erwin, Nicole

Attachments D

**From:** Mcnamara Buck <buck.rome@comcast.net>  
**Sent:** Tuesday, February 28, 2023 3:18 PM  
**To:** City Clerk  
**Subject:** About development at Danehy

I live on Gold Star Road, a block away from this site. I walk there by there all the time.

I agree that we need more housing in Cambridge, and I think the Mass Ave corridor is a good place to do it. I tend to think that the building is too tall and massive. Others that I know think differently.

My suggestion and objection to this particular project is that the neighborhood, beyond the abutters has not been asked to give input to potential zoning changes.

about 10 years ago, the neighborhood was asked by CDD about what vision we had for this stretch of Mass Ave. Our strong answer was that as housing was developed, all retail that was currently available remain available. The zoning was changed to reflect this neighborhood desire.

We still will want this. But the changes coming are big, and we need to be part of envisioning this.

The cycle and bus lanes have caused contention in the neighborhood. It seems counterproductive to have the city make another decision for our neighborhood without input from those of us who live here.

There will be a variety of ideas. but shouldn't we trust the people to have the same kind of civil discussion CDD led us through 10 years ago during this time of much more significant change to our neighborhood.

Time moves forward, the needs of the city along with it. Lets all be a part of an honest and forward thinking discussion about how. I suspect the city will be surprised at the ideas and suggestions that can come out of such a discussion. I believe this is the what we need to do before piecemeal Zoning changes.