



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

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WRITTEN DETERMINATION MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT

Case Number:	231A Amendment 8 (Minor)
Location of Premises:	109 First Street (85 First Street; 107-119 First Street; 121-139 First Street; 159 First Street; 65 Bent Street; 29 Charles Street; 14-26 Hurley Street)
Zoning:	Business A / PUD-4B
Applicant:	TGS Cambridge, LLC, d/b/a The Gardner School 302 Innovation Drive, Suite 130, Franklin, TN 37067
Owners:	TR 107 First LLC c/o Barings LLC, 300 South Tyron St., Suite 2500, Charlotte, NC 28202
Application Date:	June 23, 2023
Date of Determination:	July 18, 2023
Summary of Proposal:	Minor Amendment to Planned Unit Development Special Permit PB-231A for conversion of approximately 10,488 square feet of retail space at the ground floor corner of First Street and Charles Street to daycare use (Section 4.33.b.2).
Determination:	APPROVED AS MINOR AMENDMENT.

Copies of this Written Determination and plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this Written Determination, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

DOCUMENTS SUBMITTED

Documents Submitted by Permittee

1. Request for Minor Amendment to PUD Development Plan, dated 06/23/2023, including Cover Sheet, Dimensional Form, Ownership Certificate, narrative, and floor plan, elevations and site plan prepared by NORR, dated 05/12/2023.
2. Presentation slides shown to the Planning Board on 07/18/2023.

City of Cambridge Documents

3. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 07/13/2023.

SUMMARY OF REQUEST

The Permittee seeks a Minor Amendment to Planned Unit Development Special Permit PB-231A to convert approximately 10,488 square feet of designated retail space at the ground floor of Parcel B at 109 First Street to a Preschool, daycare center, kindergarten, not exempt by statute use (Section 4.33.b.2).

FINDINGS

1. Minor Amendment to Planned Unit Development Special Permit (Section 12.37)

The following standards are set forth in the Zoning Ordinance regarding Minor Amendments to Planned Unit Development Special Permits.

12.37.1 Amendments to the Final Development Plan shall be considered major or minor. Minor amendments, as specified in Section 12.37.2 shall be authorized by written approval of the Planning Board. Major amendments, as specified in Section 12.37.3, shall be considered as an original application for a Special Permit to construct a PUD and shall be subject to procedures specified in Section 12.34 through 12.36. The Planning Board shall decide whether proposed changes are major or minor.

12.37.2 Minor amendments are changes which do not alter the concept of the PUD in terms of density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to, small changes in the location of buildings, open space, or parking; or realignment of minor streets.

The Board finds that the following conditions of Special Permit Decision PB-231A provide some guidance to determine what changes would constitute Minor Amendments as they pertain to the current proposal:

1. Condition #2.e: “Uses not explicitly authorized in this Special Permit Decision may be permitted upon the issuance of a Minor Amendment by the Planning Board in accordance with Condition #13 below, provided that such uses are allowed by the Zoning Ordinance or approved in accordance with Section 13.52.6 of the Zoning Ordinance where applicable.”
2. Condition #13: “The Planning Board may grant future Major or Minor Amendments in accordance with Section 12.37 of the Zoning Ordinance. Except where Minor Amendments are explicitly identified in this Special Permit Decision, the Planning Board shall determine whether a proposed amendment is major or minor according to the provisions set forth in Section 12.37.”

The Board finds that sufficient information has been provided in the Request for Minor Amendment dated June 23, 2023 to determine that the proposed modifications are consistent

with the Conditions of Special Permit Decision PB-231A, as amended, and therefore may be approved as a Minor Amendment.

The Board finds that the proposed partial conversion of ground floor retail use to a daycare use is a positive benefit to the area and its residents and does not fundamentally alter the concept of the original PUD. The Board notes that this area of East Cambridge is the site of additional residential development, and that this use provides a valuable service to the broader area and its residents. The Board also notes that daycare uses may help support an active pedestrian realm along First Street, which is a primary goal of the PUD.

DETERMINATION

Based on a review of the documents submitted and the above Findings, the Planning Board hereby approves the requested changes as a Minor Amendment to the Planned Unit Development (PUD) Final Development Plan authorized by Planning Board Special Permit Decision PB-231A, subject to the following conditions and limitations:

1. In approving the Minor Amendment, the Board hereby makes the following modification to the Conditions of Special Permit Decision PB-231A, with reference to the Conditions set forth in Amendment #7 (Major):
 - a. Condition 2.a: “Retail uses allowed in Section 13.52.4 shall be permitted in the retail spaces designated in the Final Development Plan at 159 First Street, Parcel A, Parcel B and Parcel D. Notwithstanding the foregoing, up to 3,788 square feet of the ground story of Parcel A may contain a Bank, trust company or similar financial institution use (4.34.e in the Table of Permitted Uses); and up to 10,488 square feet of designated retail space at the ground floor of Parcel B may contain a Preschool, day care center, kindergarten, not exempt by statute (4.33.b.2 in the Table of Permitted Uses).”
 - b. Condition 4.g: “Surface parking spaces shall be authorized as illustrated in the Final Development Plan on Parcel A, Parcel B, Parcel D, and Parcel E for use only of ground-floor retail establishments. Notwithstanding the foregoing, the surface parking spaces as illustrated in the Final Development Plan on Parcel B shall be authorized for use by the approved Preschool, day care center, kindergarten, not exempt by statute use (4.33.b.2 in the Table of Permitted Uses). The number of surface parking spaces may not be increased, but any future reduction in surface parking shall be allowed for the purpose of creating additional landscaped open space, outdoor space associated with adjacent retail uses, or similar functions, to the extent allowed by the minimum applicable requirements of the Zoning Ordinance. Planning Board approval shall not be required to authorize such a reduction in surface parking, but CDD and TPT shall review any associated design modifications in accordance with the Design Review conditions above and below. Any reduction in surface parking spaces on Parcel D as a result of a Minor Amendment contemplated in Paragraph 1 (c) herein shall similarly not require Planning Board approval.”
2. The Applicant shall address the following design comments through the continuing design review process by staff for Parcel B. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
 - a. Signage details.
 - b. More detailed elevations that show specific signage and how the interior design of the facility has an impact on the transparency of windows.
 - c. Details of any proposed window treatments, including level of opacity, application method, and usage.
3. Except as explicitly set forth above, the Conditions of Special Permit Decision PB-231A and all subsequent amendments shall continue to be in effect.

Voting in the affirmative to APPROVE the Minor Amendment were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Mary Flynn, and Tom Sieniewicz.

For the Planning Board,

A handwritten signature in cursive script that reads "Mary Flynn". The signature is written in black ink and is positioned above the printed name.

Mary Flynn, Chair.

A copy of this determination approving Amendment 8 (Minor) to Planning Board Special Permit PB-231A shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and accurate copy of the above determination has been filed on August 22, 2023, with the Office of the City Clerk by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the determination have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:
_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk