



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	November 18, 2014
Subject:	Teague, et al. Zoning Petition
Recommendation:	The Planning Board recommends adoption of Part 1, but does not recommend adoption of Parts 2 or 3.

To the Honorable, the City Council,

The Teague, et al. Petition proposes three changes to the Zoning Ordinance. Taken as a whole, these proposals reflect public discussion that has occurred over the course of this year related to the procedures of the Planning Board and other permitting agencies.

The Planning Board has expressed a desire to explore ways to improve those procedures through changes to its own rules. One particular goal is to strengthen neighborhood participation. The Community Development Department (CDD) is currently in the process of gathering ideas and feedback from a range of community stakeholders, which will be followed by a discussion of recommendations to improve Planning Board rules and procedures. Also, the Planning Board will participate in roundtable discussions with the City Council in December and January, at which these topics can be discussed.

The Board has the following comments about the specifics of this zoning proposal:

Part 1: The slight difference between the Zoning Ordinance and state law regarding the time period for consideration of zoning amendments has been a cause of confusion, and the Board believes that this change will help provide greater clarity. The City Solicitor and CDD staff have also expressed support for this change.

Part 2: The Board acknowledges that special permit decisions are discretionary actions, but that they must be based on rational findings. The City Solicitor has explained that the current text of the Zoning Ordinance, establishing that special permits are normally granted when the general and specific criteria set forth in the Zoning Ordinance are met, is supported by a large body of case law in which courts have held that permit granting authorities do not have unlimited discretion to deny special permits without sound reasoning. The Board's view is that the appropriate exercise of discretion is to interpret and apply the established criteria to a particular case, and that if the granting authority determines that the criteria are satisfied, the reasonable conclusion is to grant the special permit. Furthermore, changing the text in Section 10.43 from "will normally" to "may" seems to weaken the significance of the general criteria enumerated in that section. Therefore the Board does not support this change.

Part 3: The Board agrees with the notion that planning studies should be incorporated into the special permit review process, as is currently the case, and understands that the City is about to undertake a comprehensive citywide planning process. However, it is not certain precisely what will be the title and form of the document (or documents) that will result from the planning process. Furthermore, it may be precipitous to require that building permits and variances must conform to a master plan, because those permits are also governed by building codes and other state regulations and it is not known how a future master plan would align with those regulations. Therefore the Board believes it would be premature to include such a reference at this time.

Respectfully submitted for the Planning Board,

A handwritten signature in black ink, appearing to read "H Russell", with a stylized flourish at the end.

Hugh Russell, Chair.