



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date: March 23, 2021

Subject: Article 8.000 Nonconformity Zoning Petition

Recommendation: The Planning Board RECOMMENDS ADOPTION, with comments for further consideration.

To the Honorable, the City Council,

On March 9, 2021, the Planning Board (the “Board”) held a public hearing to discuss the City Council Zoning Petition to amend Article 8.000 of the Zoning Ordinance to bring the Zoning Ordinance into conformance with the Supreme Judicial Court (SJC)’s interpretation of G.L. c.40A, §6 in *Bellalta v. Zoning Board of Appeals of Brookline*, 481 Mass. 372 (2019) (the “Petition”). The Petition would permit the alteration or enlargement of a preexisting dimensionally nonconforming detached single-family dwelling or two-family dwelling by special permit from the Board of Zoning Appeal (BZA). Staff from the City’s Law Department provided an overview of the Petition and answered questions from the Board, and there was one commenter from the public.

Following deliberation, Board members expressed overall support for the concept and acknowledged that it is important for the City to comply with state law. Board members raised the following questions and comments for further consideration by the Law Department:

- Why is the provision limited to detached single-family and two-family dwellings, should attached row houses have similar protection?
- The last sentence in the proposed language is repeated from the opening paragraph of Section 8.22.2. Is there a need to repeat it?
- Is the requirement to satisfy the special permit criteria in Section 10.43, particularly Paragraph (f) with reference to the City’s Urban Design Objectives, appropriate if municipal ordinances cannot impose a requirement greater than G.L. c.40A, §6?

At the conclusion of the hearing, the Board voted unanimously (6-0) to transmit a favorable recommendation with the above comments.

Respectfully submitted for the Planning Board,

Catherine Preston Connolly

Catherine Preston Connolly, Chair.