

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

2020 NOV 25 AM 11:22
CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

WRITTEN DETERMINATION MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT

Case Number:	303, Amendment 3 (Minor)
Address:	84 Wadsworth Street; 36 Memorial Drive; 226-254 Main Street; 65 Wadsworth Street; 16 Hayward Street; Hayward Street; 264 Main Street; 292 Main Street; 1 Hayward Street; 8, 26, 28, 34, 42 and 46 Carleton Street; Carleton Street; 310, 322 and 336 Main Street; 65 Carleton Street; 5 and 21 Deacon Street; 40 Ames Street.
Zoning:	Residence C-3B, PUD-5 Overlay District, Mixed Use Residential (MXR) Overlay District
Permittee:	Massachusetts Institute of Technology 238 Main Street, Cambridge, MA, 02142
Owner:	Massachusetts Institute of Technology MIT 8 Carleton Street LLC (with regard to 8 Carleton Street only)
Application Date:	January 27, 2020
Date of Determination:	June 16, 2020
Summary of Proposal:	Minor Amendment for modifications to a traffic mitigation item included in the special permit conditions, Condition 5.a., Traffic Mitigation and Monitoring Requirements. The proposed amendment does not include any changes to the approved uses, the amount of approved Gross Floor Area (GFA), or the approved GFA allocation between uses in the Special Permit.
Determination:	APPROVED AS MINOR AMENDMENT.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Design Review Submission dated 1/27/2020 including: Request Letter; excerpt of Kendall Square streetscape redesign plans prepared by ALTA Planning & Design dated 6/12/2018; Commitment Letter for the Approved Vassar Street Mitigation Measures dated 12/16/2019; draft Escrow Letter dated 8/6/2019; and excerpt of Vassar Street Cycle Track Extension Final Design plans prepared by VHB dated 6/8/2019.
2. Presentation given to the Planning Board on 6/16/2020.

Other Documents

3. Memorandum to the Planning Board from Cambridge Community Development Department (CDD) staff, dated 3/3/2020.
4. Memorandum to the Planning Board from Joseph E. Barr, Director of Traffic, Parking and Transportation (TP&T), dated 3/10/2020.

SUMMARY OF REQUEST

The Permittee seeks a Minor Amendment to Special Permit #303 first issued on June 23, 2016 and subsequently amended on April 18, 2017 (Minor), and July 18, 2017 (Minor).

The requested Minor Amendment would modify Appendix B of Special Permit Decision #303, which sets forth Traffic Mitigation and Monitoring Requirements, by substituting the text as set forth below for the existing text of Condition No. 5.a. of Appendix B entitled “Main Street/Vassar Street/Galileo Way Signals”:

Condition No.	Current Requirement	Proposed Modification
5.a. (Appendix B): “Main Street/Vassar Street/Galileo Way Signals”	Update traffic signal equipment by installing replacement equipment (i.e. controller conduit, mast arms, signal heads) and adjust signal timing changes, if necessary. Does not include changes to existing roadway configurations. Approximately \$150,000 estimated. Redesign and reconstruction of this intersection is in the item below.	The Applicant will contribute \$250,000 (the “Signal Contribution”) for the City to construct the Signal Upgrade in coordination with the construction of other roadway improvements that may be pursued by the City. Such a contribution will be delivered in accordance with and subject to the terms of any applicable “Escrow Agreement” that is entered into by and between the Applicant and the City.

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.

Condition 15 of Special Permit Decision PB-303 allows the Planning Board to approve modifications as Major Amendments or Minor Amendments according to the Board’s determination, provided the modifications remain in conformance with applicable zoning requirements.

Pursuant to Condition 15-b, the Planning Board shall approve a Minor Amendment upon making the following Findings:

- i. The change does not violate applicable Sections of the Zoning Ordinance, or if the change requires relief pursuant to a special permit or variance, such relief has been granted.*

The proposed modifications remain within the limitations of the PUD-5 zoning and would not affect any other sections of the Zoning Ordinance. The proposed modifications do not affect the density, floor area ratio, land usage, height, provision of open space, or other physical aspect of the approved Final Development Plan.

- ii. The change will not substantially alter the Findings upon which this Decision is based.*

The Board finds that the proposed change has only a minor impact on the proposal and therefore does not substantially alter the Board’s prior Findings. The memo provided to the Board from TP&T staff dated 3/10/2020 indicates that this request is being made following discussions with TP&T staff resulting from changes to the

City's future roadway construction plans, and that TP&T supports the requested modification.

Therefore, based on the information presented, the Board finds that the request meets the criteria for approval as a Minor Amendment.

DETERMINATION

The Planning Board hereby approves the requested Minor Amendment, subject to the following conditions and limitations. Hereinafter, Permittee shall mean the Permittee as defined in Special Permit Decision PB-303, issued by the Planning Board on June 23, 2016.

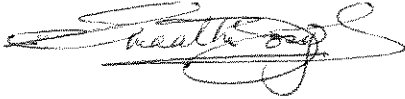
1. In Appendix B of Special Permit Decision PB-303, Condition No. 5.a. "Main Street/Vassar Street/Galileo Way Signals" shall be amended to read as follows:

The Permittee will contribute \$250,000 (the "Signal Contribution") for the City to construct the Signal Upgrade in coordination with the construction of other roadway improvements that may be pursued by the City. Such a contribution will be delivered in accordance with and subject to the terms of any applicable "Escrow Agreement" that is entered into by and between the Permittee and the City.

2. Compliance with the amended provision in Appendix B shall be contingent upon the City's acceptance of the terms of the aforementioned "Escrow Agreement."
3. The development shall otherwise continue to be subject to the Conditions set forth in Special Permit Decision PB-303.

Voting in the affirmative to APPROVE the Minor Amendment were Planning Board Members Louis Bacci, H Theodore Cohen, Catherine Preston Connolly, Mary Flynn, Hugh Russell, Tom Sieniewicz, and Associate Member Nikolas Bowie, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board.

For the Planning Board,

A handwritten signature in black ink, appearing to read "Catherine Preston Connolly", written over a horizontal line.

Representative to the Planning Board, authorized by Catherine Preston Connolly, Chair.

A copy of this determination approving Amendment #3 (Minor) to Planning Board Special Permit #303 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 decision has been filed on November 25, 2020, with the Office of the City Clerk by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision 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