



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2023 JUN 29 PM 12: 04

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## BZA Application Form

BZA Number: 229609

### General Information

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit:   X                        Variance:                             Appeal:       

**PETITIONER:** Cambridge Montessori School, Inc. C/O Charles Le Ray

**PETITIONER'S ADDRESS:** Dain, Torpy, Le Ray, Wiest & Garner, P.C., Boston, MA 02110

**LOCATION OF PROPERTY:** 129 Sherman St., Cambridge, MA

**TYPE OF OCCUPANCY:** Institutional (elementary school)                      **ZONING DISTRICT:** Residence B Zone

**REASON FOR PETITION:**

**DESCRIPTION OF PETITIONER'S PROPOSAL:**

To amend/remove conditions on a previously granted special permit 7039 (for institutional use) relating to off-site parking and pick-up/drop-off of students. No changes to the existing building or use are proposed.

**SECTIONS OF ZONING ORDINANCE CITED:**

Article: 4.000                      Section: 4.55.1.3 (Existing Lot Status).  
Article: 4.000                      Section: 4.56.c1, 4.56.c2 & 4.56.c7 (Table of Institutional Use Regulations).  
Article: 10.000                      Section: 10.40 (Special Permit).

Original  
Signature(s):

Charles Le Ray  
(Petitioner (s) / Owner)

(Print Name)

Address: 175 Federal Street, 15<sup>th</sup> Floor, Boston, MA 02110  
Tel. No.                      617.542.4880  
E-Mail Address:              cleray@daintorpy.com

Date: 28 June 2023

**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Cambridge Montessori School, Inc  
(OWNER)

Address: 161 Garden St., Cambridge, MA 02138

State that I/We own the property located at 129 Sherman St., which is the subject of this zoning application.

The record title of this property is in the name of Cambridge Montessori School, Inc.

\*Pursuant to a deed of duly recorded in the date 1/5/96, Middlesex South County Registry of Deeds at Book 25953, Page 064; or

Middlesex Registry District of Land Court, Certificate No. TX  
Book 4 Page 17.

Michael Flannery  
President, Board of Trustees  
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

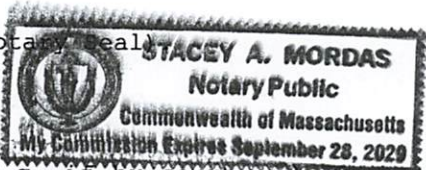
\*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Suffolk

The above-name Michael Flannery personally appeared before me, this 7 of June, 2023, and made oath that the above statement is true.

Stacey A. Mordas Notary

My commission expires 9/28/2025 (Notary Seal)



• If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

## **Narrative Accompanying Request by Cambridge Montessori School to Remove Conditions 13–16 from Special Permit No. 7039**

Cambridge Montessori School, Inc. seeks amendments to Special Permit No. 7039, granted in 1995 for the use of its property at 129 Sherman Street<sup>1</sup> (the “School Site”) as a pre-school and elementary school. The requested changes will align the special permit’s conditions with the School’s evolving student drop-off/pick-up practices and with the City’s current parking requirements. Specifically, the School asks that Conditions 13–16 be removed. This would remove the requirement for off-street parking spaces and recognize that student drop-off/pick-up will occur within an existing, dedicated loading zone along Sherman Street rather than in the adjacent parking lot.

### **Background**

Established in 1963, the Cambridge Montessori School uses a curriculum based on the principles of Dr. Maria Montessori (1870–1952) whose holistic vision of education focuses on the cognitive, social, emotional, and physical needs of the child. Dr. Montessori believed that finding one’s place in the world, finding work that is meaningful and fulfilling, and developing the inner peace and depth of soul that allows one to love are life’s most important goals. Montessori schools have as their foundation her deep respect for children as unique individuals, and her profound concern for their social and emotional development.

In addition to a robust academic curriculum, the School teaches practical life skills including time management, self-regulation, conflict resolution, and collaboration, all from a very young age. Often overlooked in other schools, these skills are paramount to a Cambridge Montessori education. All classrooms are led by Montessori-trained teachers, who are highly skilled and compassionate. This creates a safe and supportive school community where students feel comfortable taking risks and sharing their ideas, thoughts, and feelings.

Like many independent schools, Cambridge Montessori was founded by a dedicated group of parents including the Paukulis, Minsky, and Lockhart families. First housed in various Cambridge churches, the School opened its doors in 1963 to its initial 50 students at St. Bartholomew’s Church, followed by a site at the parish house of Christ Church. By 1969, with the confidence and enthusiasm of parents, teachers, and then head of school, Jacqueline Scott, the School expanded its program beyond the preschool level to reach out to a broader community. The School relocated to the Armenian Holy Trinity Apostolic Church to accommodate its growing student body.

Tremendous support and fundraising efforts within the community, led by the Board of Trustees, made a reality of the dream of acquiring permanent facilities for the School. Since 1974, Cambridge Montessori’s Toddler/Primary Program has been located at 161 Garden Street, adjacent to Danehy Park. In 1996, the School acquired the School Site and converted the existing, industrial building into what is now known as the Elementary Building. In 2008, the School rented 5,000 square feet in the Brickyard Office Park, midway between its existing buildings, for additional office, studio, and classroom space for arts and the Middle School. In 2014, the Brickyard space was further expanded and now houses five additional administrative offices and a conference room.

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<sup>1</sup> Historically, *e.g.*, in Special Permit #7039, the School building was known and numbered as 129 Sherman Street, with the School’s small outbuilding to the rear known as 52R Bellis Circle. Today, the Assessing Department and Cambridge GIS Viewer identify the combined property as 52R Bellis Circle.

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The original, front portion of the Elementary Building was built in 1945 for the Henry Owens moving and storage company. In 1959, the original building was remodeled and extended back from Sherman Street to a depth of 200 feet, with the front portion used for office space and the rear portion used for storage. In 1965, the “shed” building at the rear of the School Site was constructed as additional warehouse space. By the early 1970s, approximately half the main building was used for storage, the rebuilding and repairing of racing cars, and miscellaneous other purposes. The Abathaw Construction Company used the remaining half of that building and the shed for storage and repair purposes. In the 1980s the School Site underwent changes in ownership, and S+H Construction began occupying much of the property. By 1994, S+H Construction was the only tenant.

In 1995, the Zoning Board of Appeal granted the Cambridge Montessori School a special permit under the Institutional Use Regulations to allow the use of the School Site as a pre-school and elementary school. As there was not room on-site to provide the then required off-street parking, the ZBA included in its decision conditions related to the provision of off-street parking on an adjacent property. Those conditions provide that:

13) that th[e] special permit only be effective if the applicant enters into a lease agreement as spelled out in the letter of intent for fifty (50) parking spaces, or the approximately fifty (50) parking spaces to the rear of what has been identified as the Margosian Parking Lot which is at 137 Sherman Street;

14) that as to the use of those parking spaces, there must be a parking freeze determination that they exist, and if the school subleases any of the spaces they must always retain at least twenty (20) spaces for use exclusively by the Montessori School, that there be preferably more during drop-off and pick-up hours, but that at least twenty (20) spaces be reserved exclusively for Montessori School use all day and night;

...

16) that the gate to the parking lot on the outside of Bellis Circle be limited to allow only pedestrian traffic during the hours that it is in use, and also that the members of the school community be required to use the 137 Sherman Street entry to the parking lot and not to traverse Bellis Circle;

The special permit also included a condition pertaining to student drop-off and pick-up:

15) that the access for the children from the parking lot be as shown in the diagram which was presented to the members of the Board [of Zoning Appeal] by the Petitioner, that the applicant will take responsibility for seeing that this is made as safe for the children and as convenient for the Bellis Circle traffic as is possible and work out the details for school crossing help;

The Cambridge Montessori School has owned and operated the 129 Sherman Street property as a school since 1996. In 2017, the school acquired the t 137 Sherman Street parking lot property, with the intention of developing a new, centralized school facility at that location. Fundraising for this project proved to be much more difficult than anticipated. And the Covid-19 pandemic further strained the school’s resources and fundraising efforts. In 2022, the Board of Trustees reluctantly concluded that the 137 Sherman Street plan was not economically viable and that it was not in the School’s best financial interests to continue to own the property. Accordingly, School sold the

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parking lot property in early 2023. The purchaser agreed to lease parking spaces to the school, but that time is coming to an end.

In 2018, in conjunction with the extension of Sherman Street's center median, the City eliminated on-street parking spaces along 129 Sherman Street to create a dedicated loading zone for the School. Since the onset of the Covid-19 pandemic, the School has been using this area more actively for student drop-off/pick-up, including as the primary drop-off/pick-up area for its current summer program.

### **Applicable Zoning**

The School Site is located in a Residence B zoning district (as is the 137 Sherman Street parking lot). Accordingly, the School's use of its property is governed by Cambridge's Institutional Use Regulations, Section 4.50 of the Zoning Ordinance. The School Site is not within a specific Institutional Overlay District. Because it already contains an institutional use listed in Subsection 4.33 of the Use Table, the School Site's Existing Lot Status is Category 3. Table 4.56 provides that, for Category 3 lots outside Institutional Overlay Districts, pre-schools, kindergartens, and primary schools are allowed by right.<sup>2</sup>

On October 24, 2022, the Cambridge City Council enacted Ordinance 2022-5 which amended Article 6 of the Cambridge Zoning Ordinance by eliminating minimum parking requirements for all uses throughout the City. To that end, Zoning Ordinance Section 6.31 now provides that:

Notwithstanding any other provision in this Zoning Ordinance, the minimum accessory parking required for all uses shall be zero (0) parking spaces, including in all overlay districts.

### **Institutional Use Criteria**

The Cambridge Zoning Ordinance does not have criteria for considering a request to remove special permit conditions which have become obsolete or were based on zoning requirements that were subsequently abolished. The Zoning Ordinance does provide, in Section 4.57, that in deciding whether to grant an Institutional Use special permit the Board of Zoning Appeal should consider whether the benefits of the proposed use at that location will outweigh its detriments. It would seem reasonable to also apply the same criteria to the amendment of an Institutional Use special permit. Section 4.57 provides that in making such a determination the Board shall consider and address the following factors as appropriate:

#### **Potential Benefits:**

1. *The building design or site plan would be compatible with the neighborhood.*

As the Zoning Board of Appeal found in 1995, the Cambridge Montessori School's use of the School site is compatible with the neighborhood, and more compatible than were the

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<sup>2</sup> A special permit is required for a primary school, unless the pre-existing institutional use of the lot is in the same use category in Subsection 4.56. CZO, § 4.56 n.5. Here, the Cambridge Montessori School has been using the School Site as a primary school for nearly twenty-five years.

prior commercial uses. The elimination of off-site parking and the relocation of student drop-off/pick-up will not change the building design or site plan.

2. *The institution would be accessible to or primarily oriented toward neighborhood residents.*

The Cambridge Montessori School welcomes children from throughout the City. Currently, twelve of the School's thirty-eight elementary students are from the surrounding area and an additional fourteen are from elsewhere in Cambridge. Overall, more than half of the School's students are from the surrounding area.

3. *The institution would fulfill an identified neighborhood need.*

The School helps fulfill a city-wide need for educational opportunities for children. The School is amenable to providing space in the building for community functions during non-school hours.

4. *The institution would fulfill an identified citywide need.*

As the Board of Appeal found in 1995, the School responds to a city-wide need for additional space in non-profit schools. The School helps fulfill a city-wide need for a variety of educational opportunities for children. The School welcomes children and faculty of differing races, cultures, genders, ages, abilities, languages, economic and social backgrounds, political beliefs and religions, family structure, nationalities, gender identities, and sexual orientations into a safe, accepting, and respectful environment where they learn together while honoring and embracing their humanity.

5. *Institutional use would be particularly appropriate on the lot given previous use of the lot.*

The School has been using the School Site for primary school uses for nearly twenty-five years. The elimination of off-site parking will not change the use of the School Site. The relocation of the student drop-off/pick-up area will eliminate the need for students to cross Bellis Circle.

6. *Institutional use would be particularly appropriate on the lot given institutional use of adjacent or nearby lots.*

No adjacent or nearby lots are currently in institutional use. The entirety of this lot has been in institutional use for over a quarter century.

7. *Residential development would not be feasible or reasonably practical on the site.*

Conversion of the School Site to residential redevelopment would not be feasible or reasonably practical. First, this would require relocating the School's entire elementary school program elsewhere. The School does not own or lease such an alternate location. Second, the conversion of the existing Elementary Building—which was originally built as warehouse and office space—to residential use would be costly and inefficient. A developer intent on demolishing the existing buildings to build housing would face significant front, side, and rear yard, and lot area per dwelling unit constraints that would limit such a project's yield to no more than a handful of dwelling units. Acquisition, demolition, permitting, and construction costs would be prohibitive for such a project.



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8. *The proposed institutional use would create a stronger buffer or a more gentle transition between residential and nonresidential areas.*

The School Site is surrounded by residential properties also in the Residence B zoning district. There are no nonresidential areas to buffer. Until recently, the adjacent property at the intersection of Bellis Circle and Sherman Street was occupied by Jose's Mexican Restaurant; that building is being converted to a single-family residence.

9. *The proposed institutional use would result in a net improvement to the neighborhood by being more compatible than the previous use of the lot.*

The elimination of off-site parking will not change the School Site's current institutional use. The shifting of student drop-off/pick-up from the 137 Sherman Street parking lot to the dedicated area in front of 129 Sherman Street will eliminate the possibility of school-related traffic using Bellis Circle to exit the 137 Sherman Street parking lot. It also will eliminate the need for students to cross Bellis Circle. The School's use of the School Site is more compatible with the surrounding neighborhood than were the previous commercial and industrial uses.

#### **Potential Detriments:**

1. *Development of the institutional use would substantially contravene the objectives of the Cambridge Institutional Growth Management Plan.*

As the Board of Appeal found in 1995, conversion of the School Site to educational use did not contravene the objectives of the Cambridge Institutional Growth Management Plan (published in May 1981). The Plan is a report on the Community Development Department's then two-year effort on a proposal to implement the home rule legislation allowing the City to impose zoning regulations on the use of land for religious and educational purposes. Much of the document is an elucidation of the use evaluation matrix process that had been used and a proposed strategy that was later rejected/revised. Elimination of the requirement for off-site parking will not cause the use of the School Site to contravene the Plan's objectives. The Plan includes the Community Development Department's January 1981 Revised Strategy for Managing Institutional Expansion, which recommended that:

The majority of institutional use categories should be conditionally allowed with only very compatible uses allowed by-right and very incompatible uses prohibited.

Consistent with that recommendation, the Institutional Use Regulations subsequently enacted as Section 4.50 of the Zoning Ordinance provide that the School's pre-school and kindergarten uses are allowed by right and the initial transformation of this former industrial property to include primary school use required a special permit. Eliminating the requirement for off-site parking would be consistent with the current Cambridge Zoning Ordinance and would not contravene the Plan's objectives.

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2. *The intensity of the institutional use would be substantially greater than the use intensity of residences in the neighborhood, including traffic, building bulk, parking demands, etc.*

Eliminating the off-site parking requirements will not change the intensity of use of the existing Elementary Building. Shifting the student drop-off/pick-up area from the 137 Sherman Street parking lot to the existing, dedicated loading area on 129 Sherman Street will reduce traffic on Bellis Circle and eliminate the need for students to cross that street.

3. *The activity patterns, including pedestrian and vehicle travel to and from the institution would differ from existing neighborhood activity patterns so as to adversely impact the neighborhood.*

Shifting the student drop-off/pick-up area from the 137 Sherman Street parking lot to the existing, dedicated loading area in front of 129 Sherman Street will eliminate the necessity of children crossing Bellis Circle.

4. *Development of an institutional use would eliminate existing dwelling units.*

The elimination of the off-site parking requirement will not eliminate any existing dwelling units.

5. *Development of an institutional use would eliminate nonresidential services or activities which are beneficial to the neighborhood.*

Eliminating the requirement for off-street parking and relocating the student drop-off/pick-up area will not eliminate any nonresidential services or activities.

Thus, the requested removal of special permit conditions 13–16 will provide the benefits contemplated by most of the criteria of Section 4.57, and will not create any of the potential detriments identified in that section.



### General Special Permit Criteria

Section 10.54 of the Zoning Ordinance provides that:

Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) It appears that requirements of this Ordinance cannot or will not be met, or
- (b) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
- (d) Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or
- (e) For other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and
- (f) The new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

The Ordinance no longer requires accessory parking for institutional uses. The elimination of Conditions 13–16 will make the special permit consistent with the requirements of the Ordinance.

Shifting the student drop-off/pick-up area to the existing, dedicated loading area along Sherman Street will simplify traffic patterns and reduce traffic hazards by eliminating the need for students to cross Bellis Circle. Eliminating off-site parking will reduce vehicle trips to/from the school. Removing the conditions will not change the established neighborhood character.

Making the school subject to the same parking requirement as the adjacent residential uses, *i.e.*, eliminating the requirement for accessory parking, will not adversely affect the continued operation or development of adjacent uses permitted by the Ordinance. All of the adjacent properties, other than the 137 Sherman Street parking lot, are occupied by residential uses.

Eliminating the requirement for off-street parking and relocating the student drop-off/pick-up area will not cause any nuisance or hazard to the citizens of the City. Nor would those changes impair the integrity of the neighborhood, the surrounding Residence B zoning district, or any adjoining district. Rather than derogate from the intent and purpose of the Ordinance, removing the requirement for off-street parking would align the special permit's conditions with the current intent and purpose of the Ordinance.

Because there will be no change to the existing use or building, the Urban Design Objectives of Section 19.30 are not applicable.

**57A Application Form**

**DIMENSIONAL INFORMATION**

**Applicant:** Cambridge Montessori School, Inc.  
**Location:** 129 Sherman St., Cambridge, MA  
**Phone:** 617.542.4880

**Present Use/Occupancy:** Institutional (elementary school)  
**Zone:** Residence B Zone  
**Requested Use/Occupancy:** Same

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		n/a	same	n/a	(max.)
<u>LOT AREA:</u>		n/a	same	n/a	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> <sup>2</sup>		n/a	same	n/a	
<u>LOT AREA OF EACH DWELLING UNIT</u>		n/a	n/a	n/a	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	n/a	same	n/a	
	<u>DEPTH</u>	n/a	same	n/a	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	n/a	same	n/a	
	<u>REAR</u>	n/a	n/a	n/a	
	<u>LEFT SIDE</u>	n/a	same	n/a	
	<u>RIGHT SIDE</u>	n/a	same	n/a	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	n/a	same	n/a	
	<u>WIDTH</u>	n/a	same	n/a	
	<u>LENGTH</u>	n/a	same	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		n/a	same	n/a	
<u>NO. OF DWELLING UNITS:</u>		0	0	0	
<u>NO. OF PARKING SPACES:</u>		~20	0	0	
<u>NO. OF LOADING AREAS:</u>		0	0	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		n/a	same		

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.:

n/a

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

EXISTING LEGEND	
SS	SEWER LINE
⊙	SEWER MANHOLE
W	WATER LINE
G	GAS LINE
⊕	UTILITY POLE
⊕	GAS VALVE
E	OVERHEAD ELECTRIC SERVICE
W	WATER VALVE
□	CATCH BASIN
○	FENCE
-205-	CONTOUR LINE (MJR)
-195-	CONTOUR LINE (MNR)
X	SPOT GRADE
⊕	DRAIN MANHOLE
⊕	HYDRANT
⊕	TREE

\*\*\*ZONING BYLAW FOOTNOTES\*\*\*

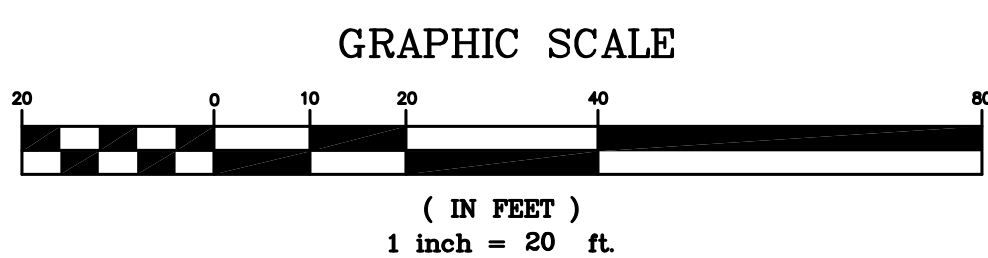
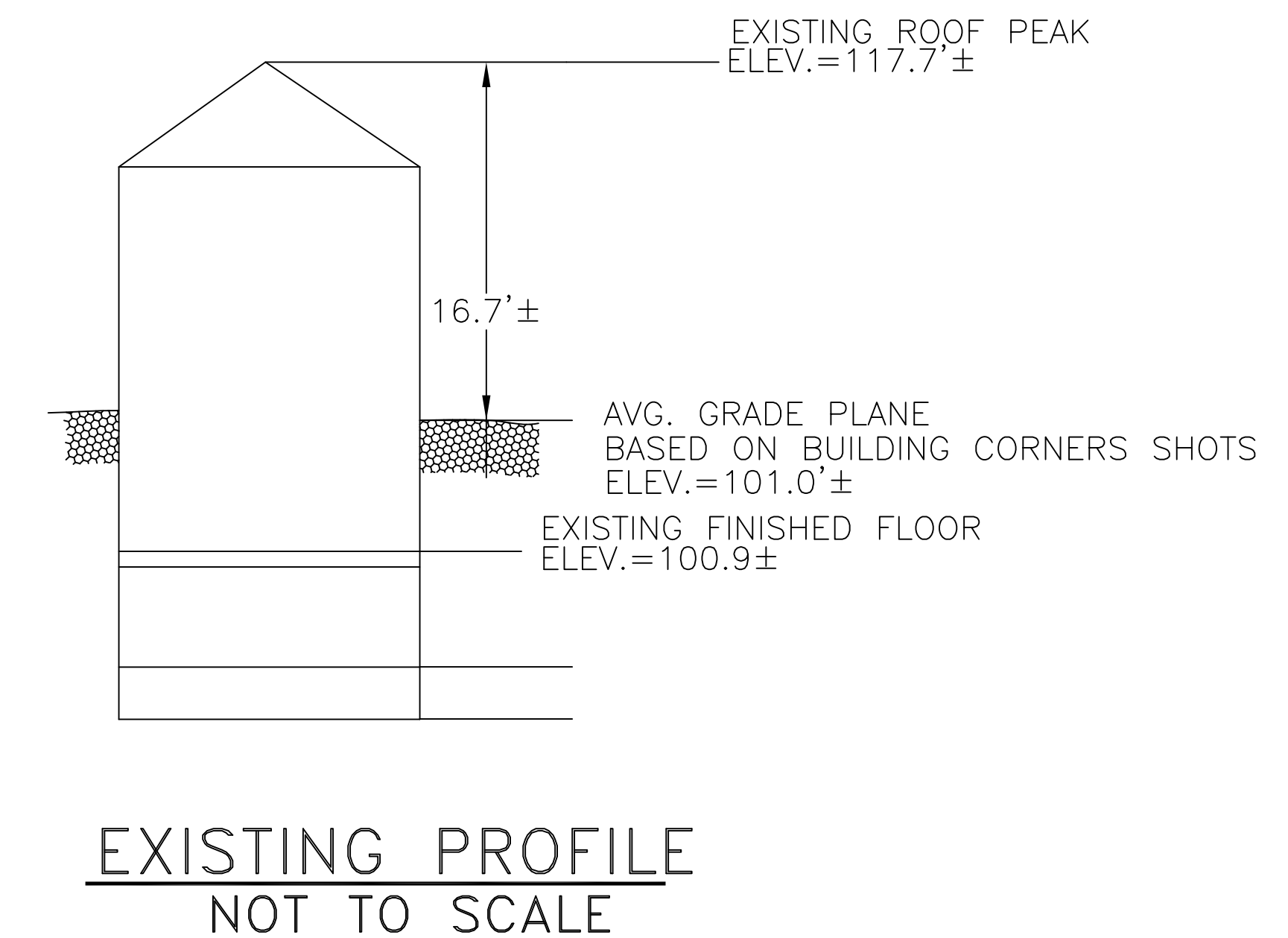
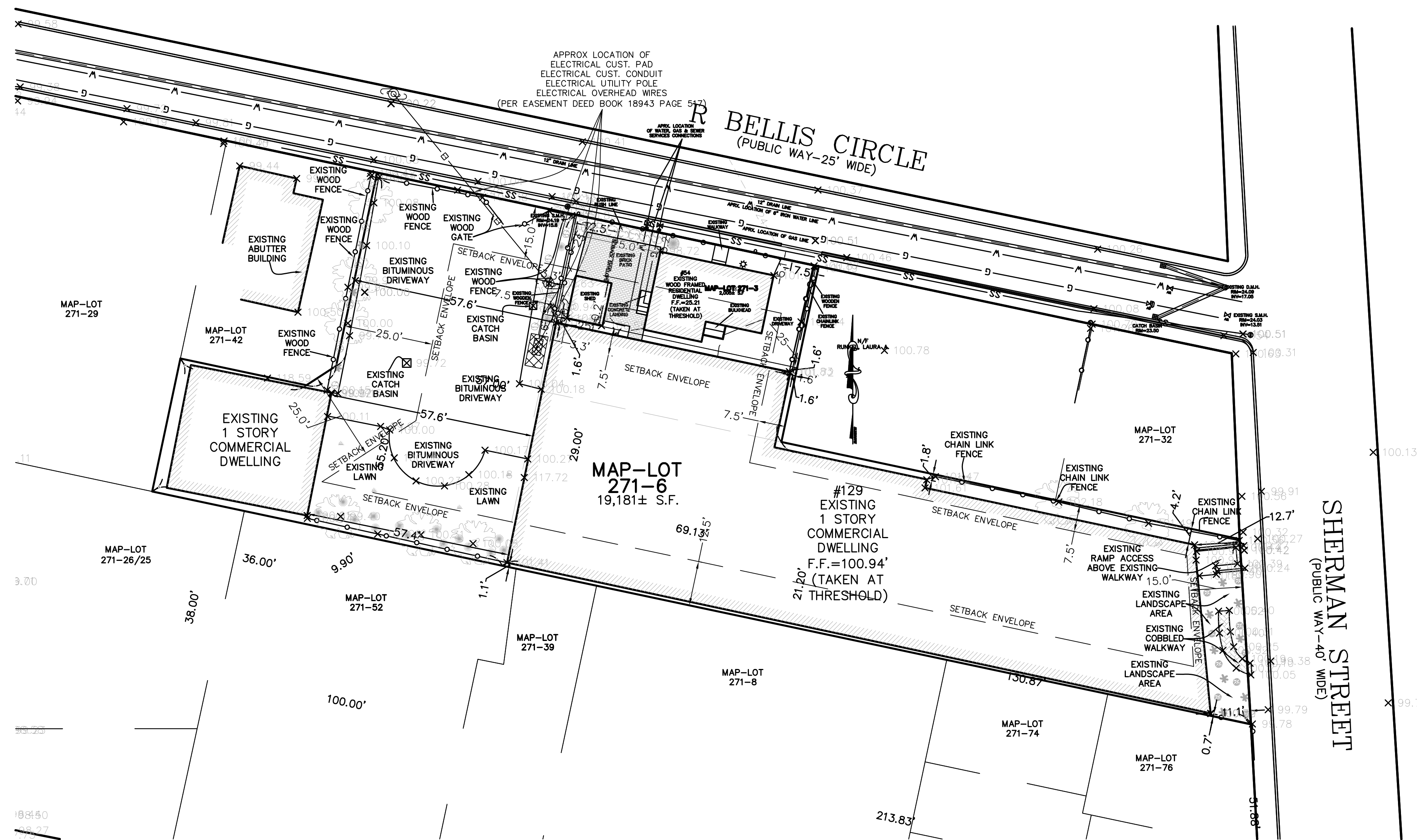
(C) = IN NO CASE MAY A BUILDING BE NEARER THE REAR LOT LINE THAN TWENTY (20) FEET IN RESIDENCE C-2, C-2B, C-2A, C-3, C-3A, C-3B DISTRICTS. IN RESIDENCE C AND C-1 DISTRICTS, NO BUILDING MAY BE NEARER THE REAR LOT LINE THAN TWENTY (20) FEET PLUS ONE ADDITIONAL FOOT OF REAR YARD FOR EACH FOUR FEET THAT THE DEPTH OF THE LOT EXCEEDS 100 FEET, UP TO A MAXIMUM OF THIRTY (30) FEET. IN RESIDENCE A-1, A-2, AND B DISTRICTS, NO BUILDING MAY BE NEARER THE REAR LOT LINE THAN TWENTY-FIVE (25) FEET PLUS ONE ADDITIONAL FOOT OF REAR YARD FOR EACH FOUR FEET THAT THE DEPTH OF THE LOT EXCEEDS ONE HUNDRED (100) FEET, UP TO A MAXIMUM OF THIRTY-FIVE (35) FEET. FOR PURPOSES OF THIS FOOTNOTE C, THE LOT DEPTH SHALL BE THAT DISTANCE MEASURED ALONG A LINE PERPENDICULAR TO THE FRONT LOT LINE AND EXTENDING TO THAT POINT ON THE REAR LOT LINE MOST DISTANT FROM THE FRONT LOT LINE.

(J) = APPLICABLE TO THE FIRST FIVE THOUSAND (5,000) SQUARE FEET OF LOT AREA. FOR THOSE PORTIONS OF ANY LOT EXCEEDING FIVE THOUSAND (5,000) SQUARE FEET, THE APPLICABLE MAXIMUM RATIO OF FLOOR AREA TO LOT AREA SHALL BE 0.35 FOR ALL PERMITTED RESIDENTIAL USES AND THE MINIMUM LOT AREA FOR EACH DWELLING UNIT SHALL BE FOUR THOUSAND (4,000) SQUARE FEET. HOWEVER, FOR ANY LOT IN EXISTENCE AS OF JUNE 30, 1995 THAT IS SUBSEQUENTLY SUBDIVIDED INTO TWO OR MORE LOTS, THE TOTAL AMOUNT OF GROSS AREA AND NUMBER OF UNITS ON THE SUBDIVIDED LOTS, IN TOTAL, SHALL AT NO TIME EXCEED THAT PERMITTED BY THIS FOOTNOTE (J) ON THE LOT BEFORE THE SUBDIVISION OCCURRED. UNLESS OTHERWISE PERMITTED BY SPECIAL PERMIT FROM THE BOARD OF ZONING APPEAL, THE GROSS FLOOR AREA AND DWELLING UNITS PERMITTED ON EACH SUBDIVIDED LOT SHALL BE IN THE SAME RATIO AS THAT LOT'S AREA IS TO THE AREA OF THE UNSUBDIVIDED LOT. NOTHING IN THIS FOOTNOTE (J) SHALL PROHIBIT THE SUBDIVISION OF A TOWNHOUSE DEVELOPMENT CONFORMING AT THE TIME OF ITS CONSTRUCTION, AS PERMITTED IN SECTION 11.10.

ZONING LEGEND			
ZONING DISTRICT: RESIDENCE B			
	REQUIRED	EXISTING	PROPOSED
MIN. LOT SIZE	5,000 S.F.	21,186 S.F.	21,186 S.F.
MIN. LOT AREA PER DWELLING UNIT (J)	2,500 S.F.	-	-
MIN. YARD FRONT	15'	11.1'	11.1'
SIDE (RIGHT)	7.5'	1.8'	1.8'
SIDE (LEFT)	12.5'	0.7'	0.7'
REAR (C)	25'	57.6'	57.6'
MIN. OPEN SPACE	40%	20.9% ±	20.9% ±
MIN. LOT WIDTH	50'	38.0'	38.0'
MAX. BLDG. HEIGHT	35'	16.7'±	16.7'±
MAX. F.A.R. (J)	0.5	-	-

NOTES:

1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 11/23/2019.
2. DEED REFERENCE BOOK 25953 PAGE 064, (1996 DEED)  
DEED REFERENCE BOOK 68848 PAGE 459, (2017 MORTGAGE)  
DEED REFERENCE DOCUMENT #-1527659, (2010 LAND COURT MORTGAGE)  
PLAN REFERENCE PLAN #-40664-A, (LAND COURT)  
PLAN REFERENCE BOOK 19-B, PLAN 57,  
PLAN REFERENCE BOOK 9320, PAGE 186, (PLAN 142 OF 1959)  
MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS.
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0419E, PANEL NUMBER 0419E, COMMUNITY NUMBER: 250186, DATED JUNE 4, 2010.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAN NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
8. ZONING DISTRICT = RESIDENCE-B



PETER NOLAN & ASSOCIATES LLC SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE EXTENT OF PETER NOLAN & ASSOCIATES LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COST.  
COPYRIGHT 2019 PETER NOLAN & ASSOCIATES LLC  
All Rights Reserved

SCALE	1"=20'			
DATE	11/26/2019	REV	DATE	REVISION
SHEET	1			BY
PLAN NO.	129 SHERMAN STREET CAMBRIDGE MASSACHUSETTS			
CLIENT:	PLOT PLAN OF LAND			
DRAWN BY				
CHKD BY	PETER NOLAN & ASSOCIATES LLC LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS			
APPD BY	697 CAMBRIDGE STREET, SUITE 103 BRIGHTON MA 02135 PHONE: 857 891 7478/617 782 1533 FAX: 617 202 5691 EMAIL: pnolan@pnasurveyors.com			
				SHEET NO. <b>1</b>



Cambridge, Massachusetts  
Google Street View  
Nov 2020 See more dates

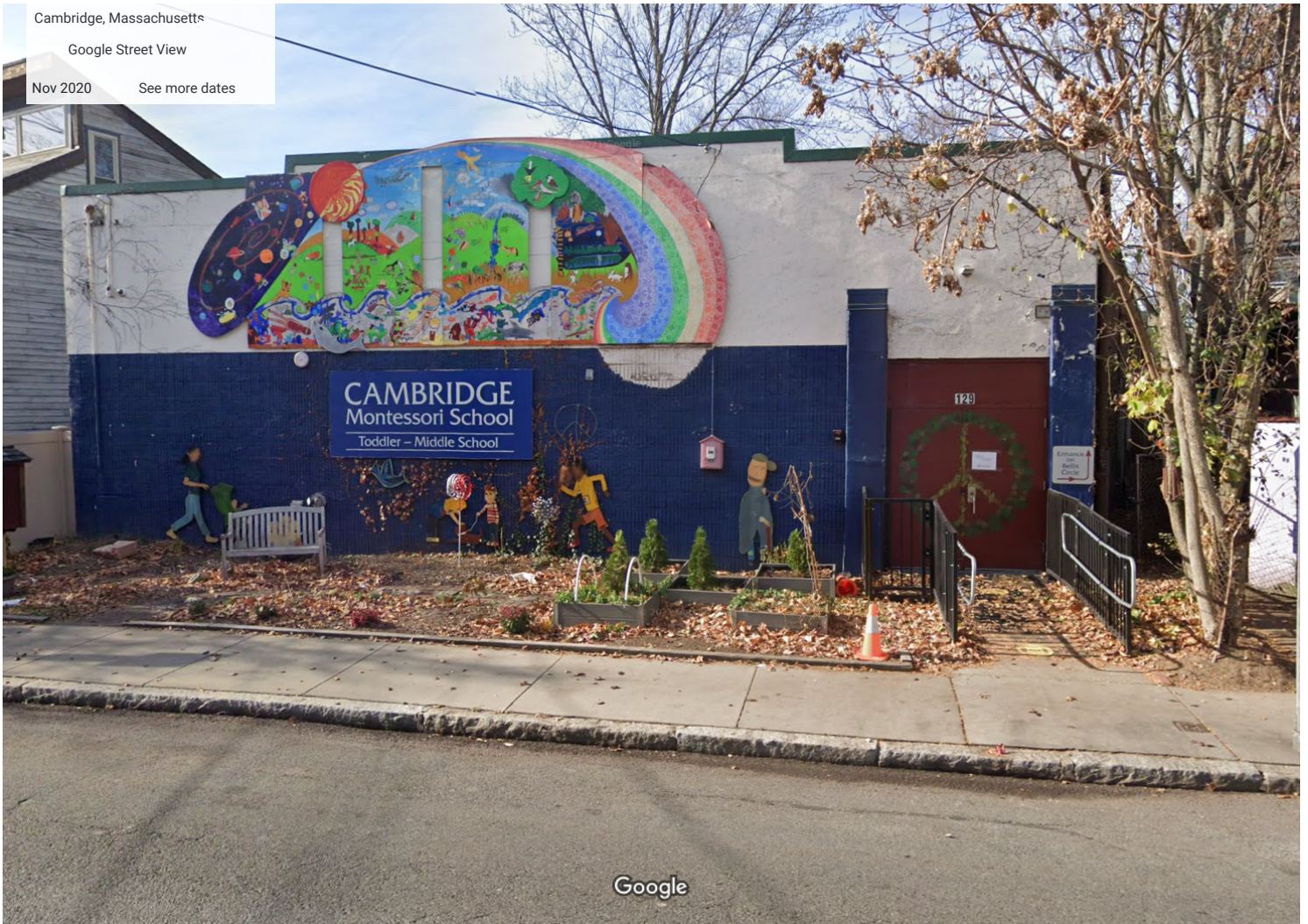
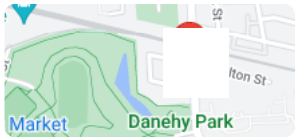


Image capture: Nov 2020 © 2023 Google



## **Narrative Accompanying Request by Cambridge Montessori School to Remove Conditions 13–16 from Special Permit No. 7039**

Cambridge Montessori School, Inc. seeks amendments to Special Permit No. 7039, granted in 1995 for the use of its property at 129 Sherman Street<sup>1</sup> (the “School Site”) as a pre-school and elementary school. The requested changes will align the special permit’s conditions with the School’s evolving student drop-off/pick-up practices and with the City’s current parking requirements. Specifically, the School asks that Conditions 13–16 be removed. This would remove the requirement for off-street parking spaces and recognize that student drop-off/pick-up will occur within an existing, dedicated loading zone along Sherman Street rather than in the adjacent parking lot.

### **Background**

Established in 1963, the Cambridge Montessori School uses a curriculum based on the principles of Dr. Maria Montessori (1870–1952) whose holistic vision of education focuses on the cognitive, social, emotional, and physical needs of the child. Dr. Montessori believed that finding one’s place in the world, finding work that is meaningful and fulfilling, and developing the inner peace and depth of soul that allows one to love are life’s most important goals. Montessori schools have as their foundation her deep respect for children as unique individuals, and her profound concern for their social and emotional development.

In addition to a robust academic curriculum, the School teaches practical life skills including time management, self-regulation, conflict resolution, and collaboration, all from a very young age. Often overlooked in other schools, these skills are paramount to a Cambridge Montessori education. All classrooms are led by Montessori-trained teachers, who are highly skilled and compassionate. This creates a safe and supportive school community where students feel comfortable taking risks and sharing their ideas, thoughts, and feelings.

Like many independent schools, Cambridge Montessori was founded by a dedicated group of parents including the Paukulis, Minsky, and Lockhart families. First housed in various Cambridge churches, the School opened its doors in 1963 to its initial 50 students at St. Bartholomew’s Church, followed by a site at the parish house of Christ Church. By 1969, with the confidence and enthusiasm of parents, teachers, and then head of school, Jacqueline Scott, the School expanded its program beyond the preschool level to reach out to a broader community. The School relocated to the Armenian Holy Trinity Apostolic Church to accommodate its growing student body.

Tremendous support and fundraising efforts within the community, led by the Board of Trustees, made a reality of the dream of acquiring permanent facilities for the School. Since 1974, Cambridge Montessori’s Toddler/Primary Program has been located at 161 Garden Street, adjacent to Danehy Park. In 1996, the School acquired the School Site and converted the existing, industrial building into what is now known as the Elementary Building. In 2008, the School rented 5,000 square feet in the Brickyard Office Park, midway between its existing buildings, for additional office, studio, and classroom space for arts and the Middle School. In 2014, the Brickyard space was further expanded and now houses five additional administrative offices and a conference room.

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<sup>1</sup> Historically, *e.g.*, in Special Permit #7039, the School building was known and numbered as 129 Sherman Street, with the School’s small outbuilding to the rear known as 52R Bellis Circle. Today, the Assessing Department and Cambridge GIS Viewer identify the combined property as 52R Bellis Circle.

The original, front portion of the Elementary Building was built in 1945 for the Henry Owens moving and storage company. In 1959, the original building was remodeled and extended back from Sherman Street to a depth of 200 feet, with the front portion used for office space and the rear portion used for storage. In 1965, the “shed” building at the rear of the School Site was constructed as additional warehouse space. By the early 1970s, approximately half the main building was used for storage, the rebuilding and repairing of racing cars, and miscellaneous other purposes. The Abathaw Construction Company used the remaining half of that building and the shed for storage and repair purposes. In the 1980s the School Site underwent changes in ownership, and S+H Construction began occupying much of the property. By 1994, S+H Construction was the only tenant.

In 1995, the Zoning Board of Appeal granted the Cambridge Montessori School a special permit under the Institutional Use Regulations to allow the use of the School Site as a pre-school and elementary school. As there was not room on-site to provide the then required off-street parking, the ZBA included in its decision conditions related to the provision of off-street parking on an adjacent property. Those conditions provide that:

13) that th[e] special permit only be effective if the applicant enters into a lease agreement as spelled out in the letter of intent for fifty (50) parking spaces, or the approximately fifty (50) parking spaces to the rear of what has been identified as the Margosian Parking Lot which is at 137 Sherman Street;

14) that as to the use of those parking spaces, there must be a parking freeze determination that they exist, and if the school subleases any of the spaces they must always retain at least twenty (20) spaces for use exclusively by the Montessori School, that there be preferably more during drop-off and pick-up hours, but that at least twenty (20) spaces be reserved exclusively for Montessori School use all day and night;

...

16) that the gate to the parking lot on the outside of Bellis Circle be limited to allow only pedestrian traffic during the hours that it is in use, and also that the members of the school community be required to use the 137 Sherman Street entry to the parking lot and not to traverse Bellis Circle;

The special permit also included a condition pertaining to student drop-off and pick-up:

15) that the access for the children from the parking lot be as shown in the diagram which was presented to the members of the Board [of Zoning Appeal] by the Petitioner, that the applicant will take responsibility for seeing that this is made as safe for the children and as convenient for the Bellis Circle traffic as is possible and work out the details for school crossing help;

The Cambridge Montessori School has owned and operated the 129 Sherman Street property as a school since 1996. In 2017, the school acquired the t 137 Sherman Street parking lot property, with the intention of developing a new, centralized school facility at that location. Fundraising for this project proved to be much more difficult than anticipated. And the Covid-19 pandemic further strained the school’s resources and fundraising efforts. In 2022, the Board of Trustees reluctantly concluded that the 137 Sherman Street plan was not economically viable and that it was not in the School’s best financial interests to continue to own the property. Accordingly, School sold the

parking lot property in early 2023. The purchaser agreed to lease parking spaces to the school, but that time is coming to an end.

In 2018, in conjunction with the extension of Sherman Street's center median, the City eliminated on-street parking spaces along 129 Sherman Street to create a dedicated loading zone for the School. Since the onset of the Covid-19 pandemic, the School has been using this area more actively for student drop-off/pick-up, including as the primary drop-off/pick-up area for its current summer program.

### **Applicable Zoning**

The School Site is located in a Residence B zoning district (as is the 137 Sherman Street parking lot). Accordingly, the School's use of its property is governed by Cambridge's Institutional Use Regulations, Section 4.50 of the Zoning Ordinance. The School Site is not within a specific Institutional Overlay District. Because it already contains an institutional use listed in Subsection 4.33 of the Use Table, the School Site's Existing Lot Status is Category 3. Table 4.56 provides that, for Category 3 lots outside Institutional Overlay Districts, pre-schools, kindergartens, and primary schools are allowed by right.<sup>2</sup>

On October 24, 2022, the Cambridge City Council enacted Ordinance 2022-5 which amended Article 6 of the Cambridge Zoning Ordinance by eliminating minimum parking requirements for all uses throughout the City. To that end, Zoning Ordinance Section 6.31 now provides that:

Notwithstanding any other provision in this Zoning Ordinance, the minimum accessory parking required for all uses shall be zero (0) parking spaces, including in all overlay districts.

### **Institutional Use Criteria**

The Cambridge Zoning Ordinance does not have criteria for considering a request to remove special permit conditions which have become obsolete or were based on zoning requirements that were subsequently abolished. The Zoning Ordinance does provide, in Section 4.57, that in deciding whether to grant an Institutional Use special permit the Board of Zoning Appeal should consider whether the benefits of the proposed use at that location will outweigh its detriments. It would seem reasonable to also apply the same criteria to the amendment of an Institutional Use special permit. Section 4.57 provides that in making such a determination the Board shall consider and address the following factors as appropriate:

#### **Potential Benefits:**

1. *The building design or site plan would be compatible with the neighborhood.*

As the Zoning Board of Appeal found in 1995, the Cambridge Montessori School's use of the School site is compatible with the neighborhood, and more compatible than were the

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<sup>2</sup> A special permit is required for a primary school, unless the pre-existing institutional use of the lot is in the same use category in Subsection 4.56. CZO, § 4.56 n.5. Here, the Cambridge Montessori School has been using the School Site as a primary school for nearly twenty-five years.



prior commercial uses. The elimination of off-site parking and the relocation of student drop-off/pick-up will not change the building design or site plan.

2. *The institution would be accessible to or primarily oriented toward neighborhood residents.*

The Cambridge Montessori School welcomes children from throughout the City. Currently, twelve of the School's thirty-eight elementary students are from the surrounding area and an additional fourteen are from elsewhere in Cambridge. Overall, more than half of the School's students are from the surrounding area.

3. *The institution would fulfill an identified neighborhood need.*

The School helps fulfill a city-wide need for educational opportunities for children. The School is amenable to providing space in the building for community functions during non-school hours.

4. *The institution would fulfill an identified citywide need.*

As the Board of Appeal found in 1995, the School responds to a city-wide need for additional space in non-profit schools. The School helps fulfill a city-wide need for a variety of educational opportunities for children. The School welcomes children and faculty of differing races, cultures, genders, ages, abilities, languages, economic and social backgrounds, political beliefs and religions, family structure, nationalities, gender identities, and sexual orientations into a safe, accepting, and respectful environment where they learn together while honoring and embracing their humanity.

5. *Institutional use would be particularly appropriate on the lot given previous use of the lot.*

The School has been using the School Site for primary school uses for nearly twenty-five years. The elimination of off-site parking will not change the use of the School Site. The relocation of the student drop-off/pick-up area will eliminate the need for students to cross Bellis Circle.

6. *Institutional use would be particularly appropriate on the lot given institutional use of adjacent or nearby lots.*

No adjacent or nearby lots are currently in institutional use. The entirety of this lot has been in institutional use for over a quarter century.

7. *Residential development would not be feasible or reasonably practical on the site.*

Conversion of the School Site to residential redevelopment would not be feasible or reasonably practical. First, this would require relocating the School's entire elementary school program elsewhere. The School does not own or lease such an alternate location. Second, the conversion of the existing Elementary Building—which was originally built as warehouse and office space—to residential use would be costly and inefficient. A developer intent on demolishing the existing buildings to build housing would face significant front, side, and rear yard, and lot area per dwelling unit constraints that would limit such a project's yield to no more than a handful of dwelling units. Acquisition, demolition, permitting, and construction costs would be prohibitive for such a project.

8. *The proposed institutional use would create a stronger buffer or a more gentle transition between residential and nonresidential areas.*

The School Site is surrounded by residential properties also in the Residence B zoning district. There are no nonresidential areas to buffer. Until recently, the adjacent property at the intersection of Bellis Circle and Sherman Street was occupied by Jose's Mexican Restaurant; that building is being converted to a single-family residence.

9. *The proposed institutional use would result in a net improvement to the neighborhood by being more compatible than the previous use of the lot.*

The elimination of off-site parking will not change the School Site's current institutional use. The shifting of student drop-off/pick-up from the 137 Sherman Street parking lot to the dedicated area in front of 129 Sherman Street will eliminate the possibility of school-related traffic using Bellis Circle to exit the 137 Sherman Street parking lot. It also will eliminate the need for students to cross Bellis Circle. The School's use of the School Site is more compatible with the surrounding neighborhood than were the previous commercial and industrial uses.

#### **Potential Detriments:**

1. *Development of the institutional use would substantially contravene the objectives of the Cambridge Institutional Growth Management Plan.*

As the Board of Appeal found in 1995, conversion of the School Site to educational use did not contravene the objectives of the Cambridge Institutional Growth Management Plan (published in May 1981). The Plan is a report on the Community Development Department's then two-year effort on a proposal to implement the home rule legislation allowing the City to impose zoning regulations on the use of land for religious and educational purposes. Much of the document is an elucidation of the use evaluation matrix process that had been used and a proposed strategy that was later rejected/revised. Elimination of the requirement for off-site parking will not cause the use of the School Site to contravene the Plan's objectives. The Plan includes the Community Development Department's January 1981 Revised Strategy for Managing Institutional Expansion, which recommended that:

The majority of institutional use categories should be conditionally allowed with only very compatible uses allowed by-right and very incompatible uses prohibited.

Consistent with that recommendation, the Institutional Use Regulations subsequently enacted as Section 4.50 of the Zoning Ordinance provide that the School's pre-school and kindergarten uses are allowed by right and the initial transformation of this former industrial property to include primary school use required a special permit. Eliminating the requirement for off-site parking would be consistent with the current Cambridge Zoning Ordinance and would not contravene the Plan's objectives.

Narrative accompanying request to remove conditions

2. *The intensity of the institutional use would be substantially greater than the use intensity of residences in the neighborhood, including traffic, building bulk, parking demands, etc.*

Eliminating the off-site parking requirements will not change the intensity of use of the existing Elementary Building. Shifting the student drop-off/pick-up area from the 137 Sherman Street parking lot to the existing, dedicated loading area on 129 Sherman Street will reduce traffic on Bellis Circle and eliminate the need for students to cross that street.

3. *The activity patterns, including pedestrian and vehicle travel to and from the institution would differ from existing neighborhood activity patterns so as to adversely impact the neighborhood.*

Shifting the student drop-off/pick-up area from the 137 Sherman Street parking lot to the existing, dedicated loading area in front of 129 Sherman Street will eliminate the necessity of children crossing Bellis Circle.

4. *Development of an institutional use would eliminate existing dwelling units.*

The elimination of the off-site parking requirement will not eliminate any existing dwelling units.

5. *Development of an institutional use would eliminate nonresidential services or activities which are beneficial to the neighborhood.*

Eliminating the requirement for off-street parking and relocating the student drop-off/pick-up area will not eliminate any nonresidential services or activities.

Thus, the requested removal of special permit conditions 13–16 will provide the benefits contemplated by most of the criteria of Section 4.57, and will not create any of the potential detriments identified in that section.

### General Special Permit Criteria

Section 10.54 of the Zoning Ordinance provides that:

Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) It appears that requirements of this Ordinance cannot or will not be met, or
- (b) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
- (d) Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or
- (e) For other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and
- (f) The new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

The Ordinance no longer requires accessory parking for institutional uses. The elimination of Conditions 13–16 will make the special permit consistent with the requirements of the Ordinance.

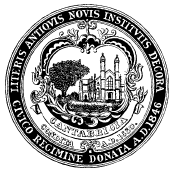
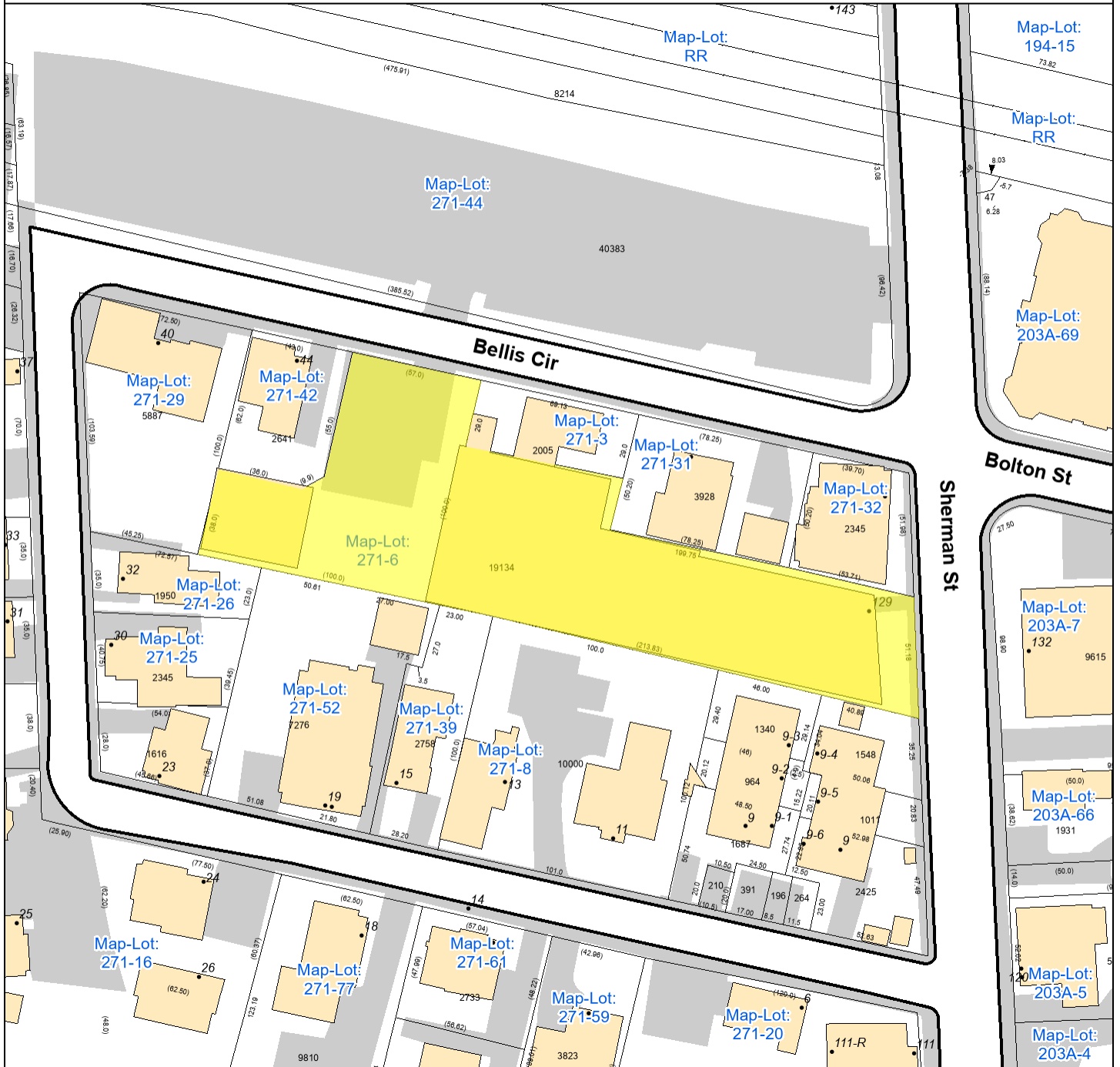
Shifting the student drop-off/pick-up area to the existing, dedicated loading area along Sherman Street will simplify traffic patterns and reduce traffic hazards by eliminating the need for students to cross Bellis Circle. Eliminating off-site parking will reduce vehicle trips to/from the school. Removing the conditions will not change the established neighborhood character.

Making the school subject to the same parking requirement as the adjacent residential uses, *i.e.*, eliminating the requirement for accessory parking, will not adversely affect the continued operation or development of adjacent uses permitted by the Ordinance. All of the adjacent properties, other than the 137 Sherman Street parking lot, are occupied by residential uses.

Eliminating the requirement for off-street parking and relocating the student drop-off/pick-up area will not cause any nuisance or hazard to the citizens of the City. Nor would those changes impair the integrity of the neighborhood, the surrounding Residence B zoning district, or any adjoining district. Rather than derogate from the intent and purpose of the Ordinance, removing the requirement for off-street parking would align the special permit's conditions with the current intent and purpose of the Ordinance.

Because there will be no change to the existing use or building, the Urban Design Objectives of Section 19.30 are not applicable.





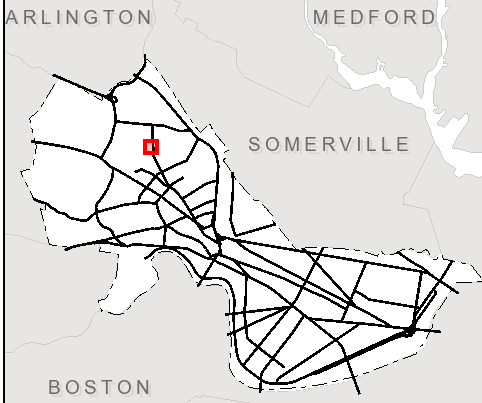
City of Cambridge  
Massachusetts

1" = 63 ft

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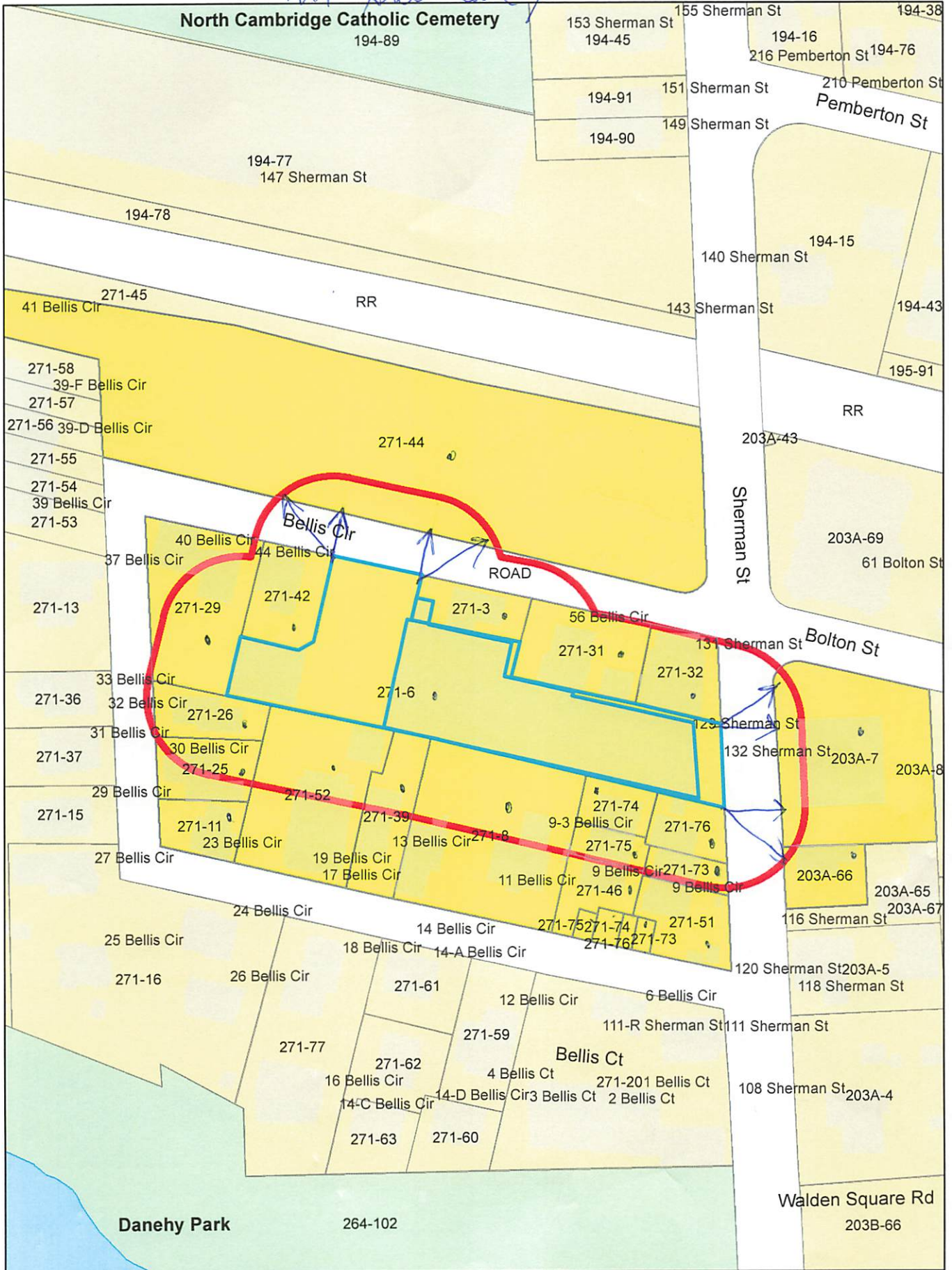
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- Address
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- Building Footprints
- Parcels
- Paved Surfaces
  - Paved Roads
  - Bridges
  - Unpaved Roads
  - Unpaved Parking
  - Sidewalks
  - Driveways
  - Alleys
  - Other Paved Surface
  - Public Footpath





129 Sherman St.





129 Sherman St.

Petitioner

271-29  
LORING, ELLEN G.  
C/O LORING, WOLCOTT & COOLIDGE  
230 CONGRESS ST  
BOSTON, MA 02110

271-44-6-3  
CAMBRIDGE MONTESSORI SCHOOL. INC  
161 GARDEN ST  
CAMBRIDGE, MA 02138

DAIN, TORPY, LE RAY, WIEST & GARNER, P.C.  
C/O CHARLES LE RAY, ESQ.  
175 FEDERAL STREET – SUITE 1500  
BOSTON, MA 02110

271-39  
HARRIS, EUGENE N. & ESTHER K. HARRIS  
15 BELLIS CIR  
CAMBRIDGE, MA 02140

271-46  
LEBACH, JOAN  
9 BELLIS CIR UNIT 1  
CAMBRIDGE, MA 02140

271-75  
WHITE, GEORGE R. & KAREN A. STEVENS  
9 JOHN F. BELLIS CIRCLE  
CAMBRIDGE, MA 02140

271-51  
KEEFE, ANTHONY D.  
9-6 BELLIS CIR  
CAMBRIDGE, MA 02140

271-26  
LADD, MARIBETH & BARRY MURPHY  
32 BELLIS CIRCLE  
CAMBRIDGE, MA 02140

271-42  
BOSHCO, PETER BRETT  
44 BELLIS CIRCLE  
CAMBRIDGE, MA 02140

271-52  
VISE, DAVID  
19 BELLIS CIR  
CAMBRIDGE, MA 02140

203A-66  
SCHILLE, CHARLES  
TR. OF 124 SHERMAN STREET REALTY TRUST  
124 SHERMAN STREET  
CAMBRIDGE, MA 02140

271-74  
LEEDS, MATTHEW  
9-3 BELLIS CIRCLE  
CAMBRIDGE, MA 02140-3207

271-73  
SLEIMAN, PATRICK & DARCY SOPER  
9-5 BELLIS CIR  
CAMBRIDGE, MA 02140

271-11  
MORIARTY, PATRICIA M.  
23 BELLIS CIR  
CAMBRIDGE, MA 02140

271-8  
NAKAYAMA, TOMOKO,  
TRS THE TOMOKO NAKAYAMA LIV TRUST  
13 BELLIS CIR UNIT 2  
CAMBRIDGE, MA 02140

271-8  
CHEN, JULIA YI MIN NICHOLAS  
NOPADON TANTISUJJATHAM  
11-13 BELLIS CIR UNIT 13/1  
CAMBRIDGE, MA 02140

271-31  
WADE JENNIFER CORSENTINO ANTHONY  
56 BELLIS CIR  
CAMBRIDGE, MA 02140

271-8  
HABER JONATHAN MAGDALENA GEORGIEVA  
11-13 BELLIS CIR - UNIT 11  
CAMBRIDGE, MA 02140

203A-7  
SHERMAN STREET HOLDINGS 132 LLC  
405 WALTHAM ST SUITE 334  
LEXINGTON, MA 02421

271-25  
TOFIAS, LEVI J. & ROSEMARY PARK  
30 BELLIS CIR  
CAMBRIDGE, MA 02140

271-32  
131 SHERMAN ST LLC  
470 W BROADWAY - #204  
BOSTON, MA 02127

271-76  
MARGO, DANIEL & JOHN FUHRER  
9-4 BELLIS CIR  
CAMBRIDGE, MA 02140



# City of Cambridge

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CLERK OF CITY CLERK

MASSACHUSETTS

1995 NOV 14 AM 11:29

## BOARD OF ZONING APPEAL CAMBRIDGE MA.

CASE NO: 7039

LOCATION: 129 Sherman Street Residence B Zone  
Cambridge, MA  
25953-64

PETITIONER: Cambridge Montessori School  
Mary E. Gale, Head of School

PETITION: Special Permit: To occupy space as a pre-school  
and elementary in an existing industrial building.

VIOLATIONS: Art. 4.000, Sec. 4.55.1.2 (Existing Lot Status).  
Sec. 4.55.C1, 4.55.C2 & 4.55.C7 (Table Of  
Institutional Use Regulations).

DATE OF PUBLIC NOTICE: March 6 & 13, 1995

DATE OF PUBLIC HEARING: March 23, 1995

### MEMBERS OF THE BOARD:

John Miller, Chairperson  
Lauren Curry  
Charles Pierce  
Michael Wiggins

      
  X    
  X    
    

### ASSOCIATE MEMBERS:

Susan Spurlock  
Theodore Hartry  
John O'Connell  
Arch Horst

      
  X    
  X    
  X  

ADDED TO THE FILES  
DOCUMENT 991736  
DATE 1/5/96  
TIME 1:42

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance.

The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

MSD 06/21/96 08:52:39 30 15:00



# City of Cambridge

City Clerk  
City Hall  
400 Broadway  
Cambridge, MA 02142

RECEIVED  
CITY CLERK  
CITY OF CAMBRIDGE  
MAY 15 2017

TO: [Name] FROM: [Name]

RECEIVED  
CITY CLERK  
CITY OF CAMBRIDGE  
MAY 15 2017

12:55

The City of Cambridge is pleased to announce the results of the recent election. The results are as follows: [Name] was elected to the position of [Title]. The City Clerk is responsible for the administration of the City's elections and the recording of the results. The City Clerk is also responsible for the maintenance of the City's records and the preparation of the City's financial statements. The City Clerk is a member of the City Council and is responsible for the implementation of the City's policies and programs. The City Clerk is also responsible for the coordination of the City's public works and the management of the City's fleet. The City Clerk is a key member of the City's executive branch and is responsible for the day-to-day operations of the City. The City Clerk is also responsible for the representation of the City at public events and the coordination of the City's public relations efforts. The City Clerk is a member of the City's senior management team and is responsible for the strategic planning and implementation of the City's long-term goals. The City Clerk is a member of the City's executive branch and is responsible for the day-to-day operations of the City. The City Clerk is also responsible for the representation of the City at public events and the coordination of the City's public relations efforts. The City Clerk is a member of the City's senior management team and is responsible for the strategic planning and implementation of the City's long-term goals.

Case No.: 7039  
Location: 129 Sherman Street  
Petitioner: Cambridge Montessori School  
Mary E. Gale, Head of School

On July 13, 1995, this case was heard by the Board of Zoning Appeal, after having been heard and continued three earlier times, on March 23, April 13, and May 4, 1995. At the July 13 hearing, Mary Gale, Principal for the Cambridge Montessori School, appeared before the Board of Zoning Appeal seeking a special permit to occupy space as a pre-school and elementary in an existing industrial building at 129 Sherman Street. The Petitioner submitted plans, drawings and photographs detailing the proposed petition.

#### The March 23 Hearing

At the hearing of March 23, 1995, Mary Cannon, Head of the Board of Trustees of the Cambridge, had explained that the property at 129 Sherman Street is presently occupied as an Industrial Warehouse Site and that the Cambridge Montessori School is interested in converting the space to a school, and in expanding their school operation. She mentioned that the Cambridge Montessori School is a small independent school. Presently their students are between the ages of two and nine years old, from toddler classes to third grade. The school is interested in expanding into the upper elementary school grades through sixth grade. Ms. Gale indicated that the renovation will include plans for a projected 100 students, and there will be four classrooms, a library, computer, gymnasium, administration, and a couple of art areas within the building. Ms. Gale further mentioned that they do not have conclusive plans for this proposed expansion, to include fourth through sixth graders, since a final architect has not yet been chosen. Ms. Gale explained that through a series of discussions the school is to work along with community members to resolve any issues, so that the community will be a part of the school's planning process.

Tom Price, a Board Member of the Cambridge Montessori School, mentioned that the parking issue is the one area that is still not completely resolved, and that this has been a continuously evolving process. Ms. Gale explained that she has been involved with the community regarding issues of safety as it relates to drop-off and pick-up of students, and that there are also concerns from the neighborhood regarding future congestion of traffic and parking problems.

The Vice-Chair of the Board read into the record a letter dated March 21, 1995 from the Planning Board, stating "The Planning Board would anticipate that the school use would be a more compatible neighbor to the residential community that surrounds this industrial property than past or potential future non-residential activity that might locate here." The letter further stated that "should the Board of Zoning Appeal find that to be the case and choose to grant the relief requested it might consider as a condition of the approval requiring an establishment of a community/school liaison group to address any issues that might arise when the facility is up and running." The Chair further mentioned that numerous letters were submitted to the file indicating support and opposition to the proposed special permit. Many abutters spoke and stated their justifications of why they supported or opposed the expansion of the Montessori School.

One of the Board members mentioned that no solution had been agreed upon between the Cambridge Montessori School and the neighborhood, and that the Petitioner should continue the case to re-negotiate with the abutters and to commit on paper to exactly what will occur. The March 23 hearing was thus continued.

#### The April 13 Hearing

At the April 13, 1995 hearing, Mary Gale mentioned that the school had Melissa Mintz, a professional engineering consultant of Vanasse Hangen Brustlin, Inc., examine the parking and traffic situation at the school's current site and at the 129 Sherman Street site. Ms. Mintz explained that she had reviewed and surveyed the parking and circulation for the Cambridge Montessori School to quantify for them how the traffic impacts the parking and circulation, and how that traffic would be related to their student enrollment, pick-ups and drop-offs, as well as what additional cars might do to their operations and the traffic flow along Sherman Street. She further indicated that a mitigation program had been put together, consisting of traffic and parking related issues and a parking program. She mentioned that there will be a parking facility consisting of twenty (20) or so spaces used by the school, and a guideline developed on how the activity for pick-ups and drop-offs will occur, so that there will be little or no impact in traffic flow or safety for people along Sherman Street.

Ms. Gale submitted a letter, dated April 13, 1995, from the Brickyard Realty Trust which stated that "there is no current legal dispute between the Cambridge Montessori School and Brickyard Realty Trust." Ms. Gale also submitted a requested Memorandum of Agreement which summarizes the details of the Bellis Circle Community's response over the course of four or five meetings.



Several abutters spoke in favor of and in opposition to the proposed special permit. Ms. Terry Courney mentioned that there are still concerns in the neighborhood and that she was submitting a signed mini-petition by several abutters and residents of the neighborhood, requesting that the issues discussed concerning the traffic pattern and traffic and parking be reviewed before a special permit be granted. Several letters with numerous signatures were also submitted indicating support of and opposition to the proposed special permit.

The Chair indicated that the Cambridge Montessori School is a very desirable use, considering the past troublesome uses of the property, although there are still concerns among the neighborhood. A member of the Board mentioned that these problems need to be clearly thought out, concerning both the traffic route to get the kids safely to and from school, and the parking spaces designated for the school.

#### The May 4 Hearing

At the May 4, 1995 hearing, the Chair indicated that a continuance was requested by Mary Gale, Head of the Cambridge Montessori School, to continue negotiations surrounding the resolution of the parking situation.

#### The July 13 Hearing

At the July 13, 1995 hearing, The Chair mentioned that the case had been continued so that the applicant and the neighborhood could get together and make an agreement in writing. The Chair further indicated that the Board had two concerns: 1) that the spaces in the Brickyard parking lot would be dedicated to the Montessori School; and 2) that the school's van would have a circuit route when picking up and dropping off the group of school kids.

Ms. Gale mentioned that an agreement had been made between the Cambridge Montessori School and the Bellis Circle neighborhood and that the only revision made was in the parking area. She explained that the parking arrangements include utilizing the Margosian Parking Lot which is located next to the school bordering on Bellis Circle, and that the school will not be planning to use the Brickyard's twenty (20) spaces at all. She further mentioned that there is an agreement with the Margosians to a long term lease for the parking lot. She indicated that the Montessori School will use the back half of the parking lot, which will involve approximately fifty (50) spaces, and that there is a letter indicating the agreement terms of the parking situation, which will be finalized into a formal lease.

Ms. Gale mentioned that the parents will enter from Sherman Street, proceed to the back part of the lot, park their cars, and enter into the courtyard of the school, and that there is an existing opening where there is a gate on both sides of the street for a pedestrian cross-walk. She further indicated that the school will still require the six (6) spaces, including one (1) handicap space in the courtyard for staff use only, and that they will enter from Bellis Circle and exit from the north leg of the Bellis Circle and not proceed around the loop.

Many abutters spoke at the hearing and explained why they supported or opposed the expansion of the Montessori School; Terry Courtney, of 32 Bellis Circle, mentioned that the neighborhood appreciates the fact that the school has been able to secure what appears to be a better parking situation than at the Brickyard, but that there are still concerns that remain as to the current proposal. Numerous letters were also on file indicating support of and opposition to the proposed special permit.

A member of the Board mentioned that the pertinent issues include the following: the dumpster, pedestrian traffic across Bellis Circle, use of the rear building, whether or not children can come in the front door, which is somewhat related to the pedestrian traffic, limiting the subleasing of the parking and what would happen if the building were sold, and he stated that these issues had been dealt with. He explained that he has tried to understand these issues in light of what the current uses of the property are, and to understand whether some of these changes will represent a real impact on the neighborhood or not. He further mentioned that this is a far better solution regarding the pedestrian traffic, which he had asked to be addressed because of the concern about kids being asked to walk all the way down the street.

#### The Findings of the Board

After discussion, the Chair moved that the Board find that the requirements of the Ordinance can be met, that the members have been asked to consider the application statement of the Petitioner with regard to the benefits that would be required for the Board to grant the special permit, that the building design or site plan would be compatible with the neighborhood, and that the applicant's response is:

- a) that it is more compatible than what is currently on the site;
- b) that there would be improvements in the building and facade; and
- c) that there would be improvements in the paving, fencing, landscaping and lighting at the site.



The Chair further moved that the Board find the following facts:

1) that the school would be accessible to the neighborhood with respect to the use of a room for community functions, that the institution would fulfill and identify neighborhood needs, and that at the first hearing, there would be a discussion regarding the need for an educational institution and for expanded space which is not available to the neighborhood in the building already located in the Garden Street neighborhood;

2) that the school expansion will respond to a city-wide need for additional space in non-profit schools, that an institutional use such as an educational use would be appropriate given that the previous use of the lot was not housing but an industrial use, and that the applicant is claiming that the appearance will be improved, noise will be reduced, and the school will be a better neighbor at the site;

3) that with regard to the feasibility of residential development, the Petitioner has not considered that use, as the cost of the renovations that they are encountering suggests that it would not be likely that the site would be acquired and renovated for a residential use;

4) that in regard to detriments, that this particular use which is by a small non-profit school would not substantially contravene the objectives of the Cambridge Management Plan with regard to institutional uses, that the use would not be substantially greater than the use intensity of residences in the neighborhood, that no dwellings would be eliminated and that no non-residential service now at that site that is of benefit to the community would be eliminated; and

5) that all of these findings could be found as matter of fact based on the testimony that has been presented and the plans and the self limitations on the uses that the Petitioner has sought, and that for that reason, the grounds for the granting of a special permit for institutional use and an education institution would be appropriate with conditions, particularly as those conditions would go to the final requirement that the pedestrian and vehicle travel would be brought into compliance in a pattern that will not have an adverse effect on the neighborhood.

The Chair moved that the Board find the factual underpinnings necessary for the granting of the Special Permit of this institutional use which have been proven in this case. The five member Board voted unanimously to make those findings as detailed by the Chair.

## The Conditions of the Special Permit

The Chair then moved that the special permit to occupy the space as a pre-school and elementary school in an existing industrial building at 129 Sherman Street be granted with the following conditions, and consistent with the seven points that are outlined on the first page of the updated Petitioner's Commitment to the Bellis Circle Abutters:

- 1) that a landscaped screen of trees or bushes between the outdoor courtyard area and the yard at 19 Bellis Circle be created;
- 2) that there be restricted use of courtyard space;
- 3) that there be restricted placement of A/C, ventilation, and heating;
- 4) that the roof transformer be removed;
- 5) that the acoustical and visual radiation be reduced;
- 6) that the use of the interior of 129 Sherman Street be restricted;
- 7) that a visual barrier between 54 Bellis Circle and the parking area be constructed so that car headlights, noise, etc. will not intrude into the outdoor yard of 54 Bellis Circle;
- 8) that the back bay building use be restricted to storage only, so that if the applicant wants to use the back bay building for something else, they must come back to the Board;
- 9) that with regard to restriction of use of parking, the applicant be required to comply with number 6 of its Commitment, that it resolve any issue regarding noise, headlights and that sort of thing, and that there not be restricted hours of use of that parking, but when no school official or employee is using it that it be locked, so that it does not become a neighborhood use;
- 10) that the applicant make itself available and facilitate the creation of a school community liaison or a committee for the active working out of aesthetic matters and things that are still questions and are not covered by the specific order of this Board, and that the school also make clear to neighbors and abutters a way of contacting the school authority to report instances where the Commitment has not been complied with by school employees;
- 11) that deliveries be made during the school hours as the school has restricted itself to;
- 12) that the dumpster be on the primary site and that the school try to make the dumpster as aesthetically acceptable as a dumpster can be, that removal of refuse from the dumpster be done during school hours, and that school staff have prior notification of removal of refuse and take care to see that it is done safely;
- 13) that this special permit only be effective if the applicant enters into a lease agreement as spelled out in the letter of intent for fifty (50) parking spaces, or the approximately fifty (50) parking spaces at the rear of what has been identified as the Margosian Parking Lot which is at 137 Sherman Street;

14) that as to the use of those parking spaces, there must be a parking freeze determination that they exist, and if the school subleases any of the spaces they must always retain at least twenty (20) spaces for use exclusively by the Montessori School, that there be preferably more during drop-off and pick-up hours, but that at least twenty (20) spaces be reserved exclusively for Montessori School use all day and night;

15) that the access for the children from the parking lot be as shown in the diagram which was presented to the members of the Board by the Petitioner, that the applicant will take responsibility for seeing that this is made as safe for the children and as convenient for Bellis Circle traffic as is possible and work out the details for school crossing help;

16) that the gate to the parking lot on the outside of Bellis Circle be limited to allow only pedestrian traffic during the hours that it is in use, and also that the members of the school community be required to use the 137 Sherman Street entry to the parking lot and not to traverse Bellis Circle; and

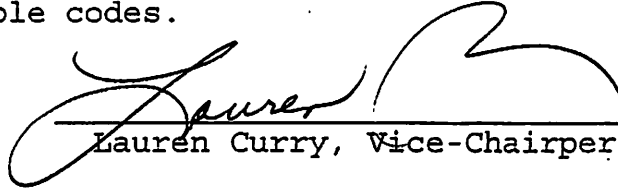
17) that the school require people to comply with enforcing any notice received from neighbors of any violation.

The five member Board voted unanimously to approve the special permit with the specified conditions as detailed by the Chair. Thus, the special permit was granted.

The Board based its decision upon the following:

- 1) The meeting of the requirements of the Ordinance;
- 2) Traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character;
- 3) The continued operation of or the development of adjacent uses as permitted in the Ordinance would not be adversely affected by the nature of the proposed use;
- 4) Nuisance or hazard would not be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use, and;
- 5) The proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the Ordinance, and in fact be a significant improvement to the structure and benefit the neighborhood.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulation of other local agencies, including, but not limited to the Historical Commission, License Commission and the Rent Control Board and/or compliance with requirements pursuant to the Building Code and other applicable codes.

  
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Lauren Curry, Vice-Chairperson

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 11-14-95 by Maia Pacheco, Clerk.

Twenty days have elapsed since the filing of this decision

No appeal has been filed  \_\_\_\_\_.

Appeal has been filed and dismissed or denied \_\_\_\_\_

Date JAN. 04 1996 D. Margaret Drury City Clerk.

