



CITY OF CAMBRIDGE
MASSACHUSETTS
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139
617 349-6100

197
COOLIDGE
Hill

BZA APPLICATION FORM

Plan No: BZA-017261-2020

GENERAL INFORMATION

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

Special Permit : _____ Variance : V Appeal : _____

PETITIONER : Buckingham Browne & Nichols - C/O Cynthia Westerman

PETITIONER'S ADDRESS : 80 Gerrys Landing Rd Cambridge, MA 02138

LOCATION OF PROPERTY : 197 Coolidge Hill Cambridge, MA 02138

TYPE OF OCCUPANCY : Educational ZONING DISTRICT : Residence A-1 Zone

REASON FOR PETITION :

Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Request for use variance from the provisions of the Institutional Use Regulations to allow use of the parcel for Educational Uses.

SECTIONS OF ZONING ORDINANCE CITED :

Article 4.000 Section 4.50 (Institutional Use).

Article 4.000 Section 4.56.C (Use Category - Institutional Uses).

Article 10.000 Section 10.13.C (Variance).

Original Signature(s) :

[Signature]
(Petitioner(s) / Owner)

Dr. Tara Gohlmann
(Print Name)

Address :

80 Gerry's Landing Rd
Cambridge MA 02138

Tel. No. :

617 800 - 2740

E-Mail Address :

tgohlmann@bbns.org

Date :

Feb 12, 2020

2020 FEB 12 PM 2:56
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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 Buckingham, Browne, & Nichols School
(OWNER)

Address: 80 Gerry's Landing Road

State that I/We own the property located at 197 Coolidge Hill Road,
which is the subject of this zoning application.

The record title of this property is in the name of _____
Buckingham, Browne, & Nichols School

*Pursuant to a deed of duly recorded in the date 10/29/2019, Middlesex South
County Registry of Deeds at Book 73544, Page 366; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.


SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT* C b0/cf=0

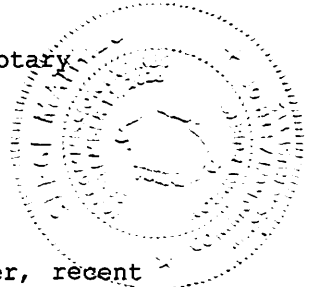
***Written evidence of Agent's standing to represent petitioner may be requested.**

Commonwealth of Massachusetts, County of Middlesex

The above-name Tara S. Cohlmann personally appeared before me,
this 17th of February, 2020, and made oath that the above statement is true.


Notary

My commission expires _____ (Notary Seal).



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

NOTARY PUBLIC STATE OF MASSACHUSETTS

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the said Notary Public.

Witness my hand and seal at the City of Boston, this 1st day of January, 1902.

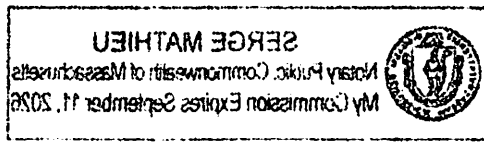
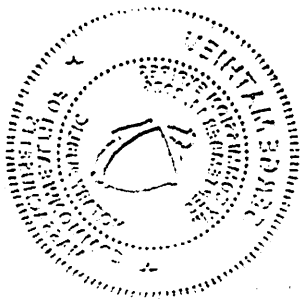
Notary Public for the State of Massachusetts.

My Commission Expires September 11, 1902.

My Commission Expires September 11, 1902.

My Commission Expires September 11, 1902.

My Commission Expires September 11, 1902.



BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

- A)** A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

See attached narrative (Section IV.A). A literal enforcement would create a substantial financial and logistical hardship to BB&N by precluding BB&N from using the property, contiguous to its existing educational facilities, to alleviate its existing administrative space constraints, requiring BB&N to expend significant financial and logistical resources merely to perpetuate an educationally suboptimal separation of its key administrative and management staff from its school locations. A literal enforcement would also preclude BB&N from using this property for any Educational Uses consistent with its nonprofit educational mission.

- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

See attached narrative (Section IV.B(i)-(ii)). 197 Coolidge Hill Road is an eight-sided polygonal parcel located at the end of a dead-end road. The lot is severely sloped, and the existing structure has been set into the slope, placing the ground level access a full story below grade. The unusual topography dictates the location of the structure on the lot as well as the shape of the structure itself, creating a hardship due to the added complexity of how such a structure or lot can be effectively utilized in a financially reasonable manner.

- C)** **DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**

- 1)** Substantial detriment to the public good for the following reasons:

See attached narrative (Section IV.C). The proposed use of this parcel for Educational Uses is entirely compatible with the Coolidge Hill residential neighborhood. BB&N is—and even if relief is granted, will remain—on the periphery of the Coolidge Hill neighborhood, with its primary orientation being directed eastward toward Gerry's Landing.

- 2)** Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

See attached narrative (Section IV.D). The proposed relief is consistent with the stated purpose of the Institutional Use Regulations (Section 4.52), in that it does not subject residential neighborhoods to "unlimited expansion of institutional activities, reduce pressures for conversion of the existing housing stock to nonresidential uses, or create incompatible activity patterns.

BZA APPLICATION FORM**DIMENSIONAL INFORMATION**

APPLICANT: BB&N **PRESENT USE/OCCUPANCY:** Residential
LOCATION: 197 Coolidge Hill Cambridge, MA 02138 **ZONE:** Residence A-1 Zone
PHONE: 9787294626 **REQUESTED USE/OCCUPANCY:** Educational

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	9114	0	13165	(max.)
<u>LOT AREA:</u>	26330	0	8000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²	.35	0	.5	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	26330	0	6000	(min.)
<u>SIZE OF LOT:</u> WIDTH	~200'	0	80'	(min.)
DEPTH	~150'	0	?	
<u>SETBACKS IN FEET:</u> FRONT	52'1"	0	25'	(min.)
REAR	64'1"	0	15'	(min.)
LEFT SIDE	46'2"	0	15'	(min.)
RIGHT SIDE	36'9"	0	35'	(min.)
<u>SIZE OF BLDG.:</u> HEIGHT	36'9"	0	35'	(max.)
LENGTH	70'	0	?	
WIDTH	58'	0	?	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	~65%	0	50%	(min.)
<u>NO. OF DWELLING UNITS:</u>	1	0	N/A	(max.)
<u>NO. OF PARKING SPACES:</u>	4	0	1	(min./max)
<u>NO. OF LOADING AREAS:</u>	N/A	0	N/A	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	N/A	0	N/A	(min.)

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

Existing stucco and steel frame structure.

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'.

Pacheco, Maria

From: Pam Dickinson <pam.dickinson@shs.org>
Sent: Wednesday, March 4, 2020 8:51 AM
To: Pacheco, Maria
Subject: Support of BB&N Variance Request

Dear Ms. Pacheco,

As a school that is a near abutter to Buckingham, Browne and Nichols' (BB&N) properties at 30 Gerry's Landing, 197 Coolidge Hill, and 40 Gerry's Landing, we are writing in support of BB&N's variance request to use these properties for educational use. BB&N has been proactive and transparent in meetings with neighbors, including Shady Hill School, to discuss their current ideas for 30 Gerry's Landing and 197 Coolidge Hill. We particularly appreciate BB&N's plans to access the properties from Gerry's Landing Road and not through our already congested Coolidge Hill neighborhood. As such, we do not expect this variance change will impact our place in the neighborhood.

The case numbers associated with these variance requests are:

BZA- 017260-2020, 80 Gerry's Landing Road

BZA- 017261-2020, 197 Coolidge Hill Road

BZA- 017262-2020, 30 Gerry's Landing Road.

Feel free to reach out to me directly if you have any questions.

Sincerely,

Pam Dickinson

Director of External Relations

Shady Hill School | 178 Coolidge Hill | Cambridge, MA 02138

617.520.5224 | pam.dickinson@shs.org

Pacheco, Maria

From: Heidi Legg <heidilegg@gmail.com>
Sent: Monday, March 2, 2020 7:09 PM
To: Pacheco, Maria
Subject: Coolidge Hill Letter of Support for BBN

Hi Maria,

We are writing as a 15 year resident of Coolidge Hill to support BBN's request for educational zoning of their two new properties. As near abutters to the properties at 30 Gerry's Landing, 197 Coolidge Hill and 40 Gerry's Landing, we are writing in support of BB&N's variance requests for the school to use the properties for educational use.

We have resided at 125 Coolidge Hill since 2005. In our experience, BB&N has always been a respectful neighbor and, in fact, they recently met with us to discuss their current ideas for 30 Gerry's Landing and 197 Coolidge. We particularly appreciate the School's plans to access the properties from Gerry's Landing Road and not through our already congested neighborhood and **their respect for green space and the quiet of the neighborhood and its historic nature.** We do not expect this variance change will impact our enjoyment of our neighborhood

I would like to reference these case numbers:

BZA- 017260-2020, 80 Gerry's Landing Road
BZA- 017261-2020, 197 Coolidge Hill Road
BZA-017262-2020, 30 Gerry's Landing Road

Thank you for your attention to this,

Heidi and Chris Legg

[illegible]

197 Coolidge Hill

Petitioner
BUCKINGHAM BROWNE & NICHOLS
C/O CYNTHIA WESTERMAN
80 GERRY'S LANDING ROAD
CAMBRIDGE, MA 02138

242-38
SHADY HILL SCHOOL
178 COOLIDGE HILL
CAMBRIDGE, MA 02138

242A-138
GATES, PRISCILLA FORNEY
6 COOLIDGE HILL RD
CAMBRIDGE, MA 02139

242B-49
FORBES, J. MALCOLM & ARIADNE H. FORBES
3 GERRYS LANDING RD
CAMBRIDGE, MA 02138-5713

242A-91
ROBBOY, ANITA W.
139 COOLIDGE HILL
CAMBRIDGE, MA 02138-5518

BUCKINGHAM BROWNE & NICHOLS
C/O DR. TARA GOHLMANN, CFO/COO
80 GERRY'S LANDING ROAD
CAMBRIDGE, MA 02138

242A-160
WHITE, HOLLY BROWNING
133 COOLIDGE HILL
CAMBRIDGE, MA 02138

242A-162
177 COOLIDGE HILL, LLC
ATTN: ICONIQ CAPITAL
394 PACIFIC AVENUE, 2ND FL
SAN FRANCISCO, CA 94111

242B-999
COOLIDGE HILL LOT, LLC
ATTN: ICONIQ CAPITAL
394 PACIFIC AVE. 2ND FL
SAN FRANCISCO, CA 94111

242A-102
MCCLATCHEY, DEVEREAUX F. &
EMILY MCCLATCHEY
127 COOLIDGE HILL
CAMBRIDGE, MA 02138

242A-105
175 COOLIDGE HILL, LLC
ATTN: ICONIQ CAPITAL
394 PACIFIC AVENUE, 2ND FLOOR
SANFRANCISCO, CA 94111

242B-52
REIMANN, WILLIAM P. & HELEN S. REIMANN
1 GERRYS LANDING
CAMBRIDGE, MA 02138-5714

242B-56-54 / 242-36
BUCKINGHAM BROWNE AND NICHOLS SCHOOL
80 GERRYS LANDING ROAD
CAMBRIDGE, MA 02138

242B-1000
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE
BOSTON, MA 02133

242A-161
PARMIGIANI, GIOVANNI
FRANCESCA DOMINICI
173 COOLIDGE HILL
CAMBRIDGE, MA 02138

242B-53
WIENER, DAVID
TR. THE THIRTY GERRY'S LANDING RD REALTY TR.
BUCKINGHAM BROWNE & NICHOLS SCHOOL
80 GERRY'S LANDING RD.
CAMBRIDGE, MA 02138

242A-140
KOUNDOURAKIS, ELENA,
TRUSTEE THE ELENA DECLARATION TRUST
12 GERRYS LNDG
CAMBRIDGE, MA 02138

243-1
CITY OF CAMBRIDGE
C/O PUBLIC WORKS DEPT.
147 HAMPSHIRE STREET
CAMBRIDGE, MA 02139

243-1
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

243-1
CITY OF CAMBRIDGE
C/O LOUIS DEPASQUALE
CITY MANAGER



1977 Colledge St. 11









Memo

Date: February 11, 2020

To: City of Cambridge Board of Zoning Appeal

From: Tad Heuer

Regarding: BB&N Supporting Statement for Zoning Relief

I. SUMMARY OF REQUESTED RELIEF

For each of the three subject parcels, Buckingham, Browne & Nichols School (BB&N) respectfully requests a use variance from Section 4.56(c)(1-3) of the Ordinance, authorizing BB&N to utilize each subject parcel for daycare, pre-school, kindergarten, primary, or secondary school uses (hereinafter “Educational Uses”) and uses accessory thereto (including but not limited to parking).¹ While the significant majority of BB&N’s Upper School campus is located within the “Shady Hill School, and Buckingham, Browne, and Nichols School” Institutional Overlay District (“IOD”), certain immediately abutting portions of BB&N-owned parcels are not. Literal enforcement of this section of the Ordinance would preclude secondary school uses for the subject parcels, and limit daycare, pre-school, kindergarten, and primary school uses in most circumstances.

BB&N is *not* requesting dimensional relief as part of this petition. Should dimensional relief be required for any future development with respect to these parcels, BB&N will of course request such relief to the extent required by the Ordinance.

II. REASONS FOR REQUESTED RELIEF

BB&N is a preK-12 nonprofit independent educational institution, created in 1974 through the merger of two Cambridge schools: The Browne & Nichols School, a school for boys founded in 1883, and the Buckingham School—coeducational at the youngest grades, and for girls only at the higher grades—established in 1889.

¹ While the location of these three parcels are physically contiguous to BB&N’s Upper School (a secondary school use), BB&N envisions that the educational facilities on each of these three parcels may serve the full range of BB&N’s daycare and preK-12 students (indeed, certain existing facilities at 80 Gerry’s Landing, including athletics, admissions and financial aid, are currently used in service of BB&N’s primary, middle, and secondary schools). Moreover, Section 4.56 of the Ordinance refers only to “pre-school, daycare center or kindergarten,” (4.56(c)(1)), “primary school” (4.56(c)(2)), and “secondary school” (4.56(c)(3)) uses, and has no category for “middle school” uses. As such, BB&N requests that for purposes of clarity, the relief (if granted) authorize the use of these parcels by BB&N for *all* daycare and preK-12 uses and all uses accessory thereto.

Because of this organic physical development, BB&N does not have a single consolidated campus, but is instead spread across multiple locations in Cambridge and Watertown. The Upper School, serving grades 9 through 12, has since 1948 been located at 80 Gerry's Landing. The Middle School, serving grades 7 and 8, is located on Sparks Street in mid-Cambridge, and the Lower School, serving preK through grade 6, is located on Buckingham Street. BB&N educates approximately 1,015 students annually, including 225 from the City of Cambridge, and employs 230 teachers, staff, and administrators.

Of particular note for the purposes of this petition, the Nicholas Athletic Center (NAC) on the Upper School campus serves the entire BB&N community, not just those students in the Upper School. Students in grades 6 through 12 use the NAC on a daily basis, while the facility is utilized by students in grades PreK through 5 on a routine but more occasional basis throughout the school year.

Severe space constraints have meant that since 2004, BB&N's central administration for all grades has been housed in two different rented facilities—first in Cambridge, and since 2008 in Watertown, over a mile away from the Upper School and over 1.5 miles from the Middle and Lower Schools. This arrangement is educationally, administratively, and financially suboptimal. Among other things, it requires administrative staff and educational staff to expend time on a daily basis driving between Watertown and Cambridge, makes educational collaboration more challenging, increases traffic on congested urban roadways, and requires BB&N to expend funds on rented facilities that could be better put toward its central educational mission.

Recently, BB&N has acquired two parcels, located at 30 Gerry's Landing and 197 Coolidge Hill Road, respectively, that directly abut its 10.05-acre Upper School campus.² BB&N is in the early stages of a broad master planning exercise, one immediate goal of which is to return its central administration to Cambridge from Watertown, in greater proximity to its educational facilities. BB&N currently envisions an adaptive reuse of the property at 30 Gerry's Landing and 197 Coolidge Hill Road to house most of the school's administrative staff.

However, in order to utilize these two contiguous parcels for administrative purposes, BB&N requires use variances from Section 4.56(c)(3) of the Ordinance, authorizing BB&N to utilize each subject parcel for Educational Uses on property that is nominally outside the "Shady Hill School, and Buckingham, Browne, and Nichols School Institutional Overlay District." The Board has the express authority to grant use variances pursuant to Section 10.13(c) of the Ordinance. In addition, while the vast majority of the existing Upper School facilities at 80 Gerry's Landing are already located within the IOD, for reasons unclear to BB&N, two small portions of this parcel (the northern portion—which includes the current admissions office, a portion of the existing athletic facility, and the main vehicular access to the Upper School—and a bump-out to the east that is utilized as a parking lot) appear to have

² The Upper School campus is currently comprised of two abutting parcels, assessed by the City as 80 Gerry's Landing Road (8.18 acres) and 40 Coolidge Hill Avenue (1.87 acres). The latter parcel, acquired in 1924, is the playing field located at the south end of the campus, and is located entirely within the IOD.

been unintentionally excluded from the IOD when the IOD was established in 1980. As these portions of 80 Gerry's Landing have been used continuously for secondary school purposes since prior to the IOD, BB&N seeks confirmatory zoning relief clarifying that these portions of the parcel are permitted to be used for Educational Uses.

BB&N conferred with the Building Commissioner prior to submission of this petition. Because this petition is for a use variance, BB&N believes that relief can be granted without being conditioned on the detailed plans and elevations that would be required if the petition sought dimensional relief. While BB&N recognizes the Board's desire that requests for use and dimensional relief be consolidated where possible, in these particular circumstances—both where it is possible that BB&N's uses of these parcels and the structures thereon may not require any dimensional relief, and where *any* hypothetical future construction depends on first obtaining certainty as to whether the subject parcels may be utilized for Educational Uses—BB&N is seeking only use variances at this time.

BB&N also conferred with the Executive Director of the Cambridge Historical Commission prior to submission of this petition. The Executive Director stated to BB&N that he takes no position on this petition.

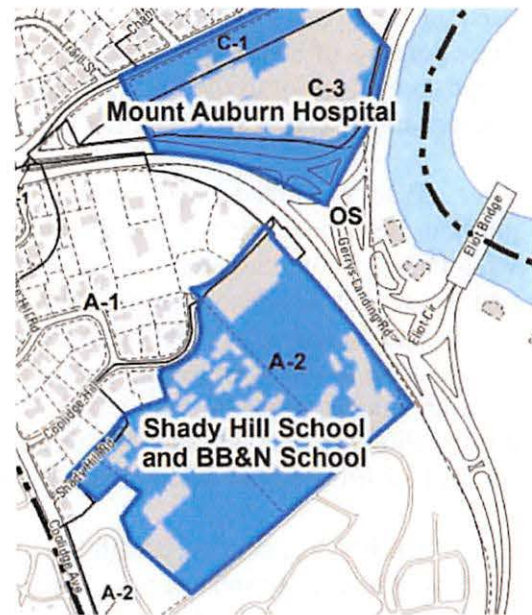
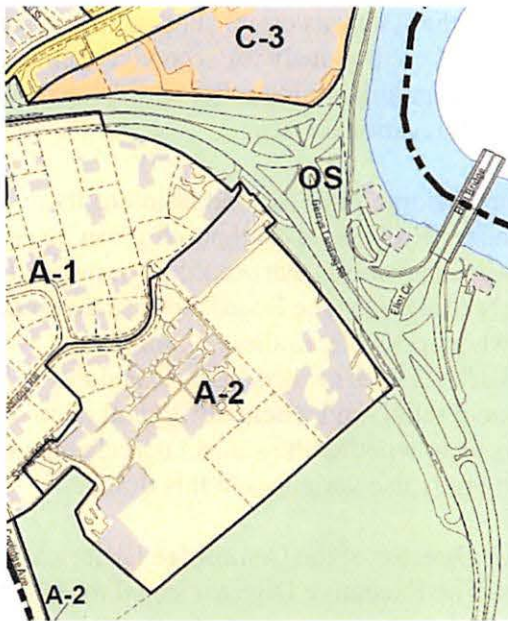
In January 2020, BB&N representatives met with six of its closest abutters (Shady Hill School as well as the residents at 1&3 Gerry's Landing, 6 Coolidge Hill, 125 Coolidge Hill and 177 Coolidge Hill). In addition, BB&N invited all abutters as well all residents of the Coolidge Hill neighborhood to a community meeting on February 6, 2020 to explain the proposed relief and respond to any questions.

III. PROPERTY DESCRIPTIONS

A. 80 Gerry's Landing (Map/Lot 242B-56)

By 1924, the Browne & Nichols School had acquired its current location at 80 Gerry's Landing and the contiguous Franke Field to the south (the field is assessed with a 40 Coolidge Hill address). The Browne & Nichols School built its first academic facilities and moved to 80 Gerry's Landing permanently in 1948. In 1970, the School acquired several small parcels on the then-northern edge of the Gerry's Landing parcel, which together with the original 80 Gerry's Landing parcel form the consolidated 8.18-acre 80 Gerry's Landing property that exists today. Since 1970, and thus well prior to March 23, 1980 (the date of the adoption of the IOD), this consolidated parcel has been used continuously for educational purposes.

The 80 Gerry's Landing Upper School parcel is located predominantly in a Residence A-2 district, with a small portion located in the Residence A-1 district (below left), and has since 1980 been located in the "Shady Hill School, and Buckingham, Browne, and Nichols School" Institutional Overlay District (below right). Certain portions of the parcel, such as athletics, admissions and financial aid, are also used simultaneously in service of BB&N's primary and middle schools.



BB&N currently utilizes all parts of the Upper School parcel for Educational Uses, and has done so continuously since prior to the adoption of the IOD. BB&N therefore believes that Educational Uses on the northern and eastern portions of the parcel, which lie outside the IOD, are grandfathered pursuant to G.L. c. 40A, § 6 as preexisting nonconforming. Indeed, at present, the IOD illogically divides an existing physical school facility—the Nicholas Athletic Center—placing that single structure simultaneously within *and* outside the IOD. The omission of the northern and eastern portions of this unified parcel from the IOD is also inconsistent with purpose of the Ordinance to “encourage the most rational use of land throughout the city” (Section 1.30).

Nonetheless, in an abundance of caution, BBN wishes to ensure that as it embarks upon significant fundraising for future uses of the parcel and the school facilities, that it has the requisite municipal assurance that the entirety of the parcel may be used for Educational Uses.

B. 30 Gerry’s Landing (Map/Lot 242B-53)

BB&N purchased 30 Gerry’s Landing on July 23, 2015 and holds it in trust. This parcel is contiguous to 80 Gerry’s Landing and is located in the Residence A-1 district. The parcel currently contains a roughly 18,000 gross square foot Georgian structure, built in 1911, and formerly used as a single-family residence. Since being acquired by BB&N nearly five years ago, it has remained vacant and unused for any residential purpose.

As noted, BB&N’s desire is to adapt this structure as a home for central administrative offices serving grades preK-12, thus allowing BB&N to relocate its administrative staff from their current rented offices located in Watertown. While specifics are contingent upon additional architectural and engineering analysis, BB&N currently envisions maintaining and renovating at least the rear (southern) exterior of the structure, and

either renovating the northern exterior or constructing new or infill space in that location. In order to ensure that the vehicular traffic does not impact the Coolidge Hill neighborhood, to ensure sufficient parking for administrative staff in this location, and particularly to ensure that any such parking is oriented away from residential neighbors and located instead toward the interior of campus (facing Gerry's Landing), BB&N currently envisions creating a new parking area located on the northern portion of 80 Gerry's Landing, which would necessitate the removal of the current admissions office structure.

C. 197 Coolidge Hill Road

BB&N purchased this parcel on October 2, 2019. This parcel is contiguous to 80 Gerry's Landing (and 30 Gerry's Landing) and is located in the Residence A-1 district. The parcel currently contains a roughly 6,300 gross square foot neo-Italianate structure, built in 2006, and formerly used as a single family residence. This parcel is located at the dead end of Coolidge Hill Road, and the structure thereon is only approximately 50 feet north of BB&N's Nicholas Athletic Center (located on the 80 Gerry's Landing parcel).

Given BB&N's desire to move its central administration offices to 30 Gerry's Landing—the additional parking for which may necessitate the removal of the current admissions office structure—BB&N currently envisions moving its admissions office to 197 Coolidge Hill. BB&N anticipates that only interior renovations will be required. Furthermore, regardless of how the parcel is utilized, any necessary parking is anticipated to be accommodated by the new parking area to be located on the northern portion of 80 Gerry's Landing. As a result, no additional traffic is anticipated on Coolidge Hill Road, other than what would be generated by a single family residence (as the only parking on-site would be in the existing driveway).

IV. LEGAL JUSTIFICATION FOR REQUESTED RELIEF

A. Literal enforcement of the provisions of the Ordinance would involve a substantial hardship, financial or otherwise, to BB&N.

A literal enforcement of the provisions of the Ordinance would create a substantial financial and logistical hardship to BB&N, a nonprofit educational institution that has operated in Cambridge for over 130 years. Literal enforcement would prohibit BB&N from using the northern portion of the undivided parcel where its Upper School is currently located (80 Gerry's Landing), as well using the two contiguous parcels that it owns (and the structures thereon) at 30 Gerry's Landing and 197 Coolidge Hill Road, for Educational Uses.

The northern and eastern portions of 80 Gerry's Landing include the current admissions office, a portion of the existing athletic facility, parking for use by visitors and school staff, and a main vehicular access to the Upper School site. A literal enforcement would require BB&N to (1) reconfigure site access (if this were even physically possible in a safe manner, given the location of existing structures on the lot and the proximity to Gerry's Landing Road), (2) identify new off-site locations to which to move on-site admissions staff, when *existing* off-site administrative space constraints are already creating a substantial

hardship, thus exacerbating the administrative inefficiencies that already exist, and (3) preclude BB&N from using these portions of the parcel for Educational Uses other than those to which they have been put since prior to the establishment of the IOD.

As to 30 Gerry's Landing and 197 Coolidge Hill Road, a literal enforcement of the provisions of the Ordinance would preclude BB&N from using these properties to alleviate its existing administrative space constraints, requiring BB&N to expend significant financial and logistical resources merely to perpetuate an educationally suboptimal separation of its key administrative and management staff from its school locations. Additionally, a literal enforcement would preclude BB&N from using these properties for *any* Educational Uses consistent with its nonprofit educational mission, thereby requiring BB&N to divest these properties despite the unsuitability of the existing structures for residential use (as detailed below), thereby incurring likely financial losses as a result.

Finally, although the majority of the Upper School academic facility was built prior to the federal Americans with Disabilities Act, BB&N has made significant investments to voluntarily make about 85% of the Upper School academic space accessible. The admissions office, however, is located in a small building on the northern slope of 80 Gerry's Landing, and is virtually impossible to make accessible. A literal enforcement of the provisions of the Ordinance would preclude BB&N from utilizing its recently acquired parcels at 30 Gerry's Landing and 197 Coolidge Hill Road for Educational Uses, with the practical result of giving BB&N little choice but to continue locating key administrative staff in a preexisting ADA-noncompliant facility.

B. The hardship is owing to the shape and topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.

i. The shape and topography of the lots create a hardship.

The shape and topography of each of the three lots at issue is irregular, in contrast to the regular rectangular lot shapes (and relatively flat parcels) that predominate in the vicinity of Coolidge Hill Road.

- 80 Gerry's Landing is a multi-sided elongated parcel bounded by Department of Conservation & Recreation land between it and Gerry's Landing, with an irregular curved northern boundary. Particularly in the northern portion of the parcel at issue here, 80 Gerry's Landing contains a steep upward slope moving east to west from the road, up Coolidge Hill proper.
- 30 Gerry's Landing is a multi-sided parcel that lacks any right angles, and has no frontage: it is landlocked between land owned by the Department of Conservation & Recreation to the northeast, residential parcels to the west, 197 Coolidge Hill to the south, and 80 Gerry's Landing to the southeast. Furthermore, the placement of the existing structure on the lot creates a significant hardship, as it is located at the top of a steep hill and the lot abuts a

multi-lane divided state highway (Route 2). This topographical attribute, combined with the landlocked nature of the parcel, means that the means of vehicular access to the structure are currently physically limited by easement, and at present are over another residential lot to the west (1 Gerry's Landing). Institutional use by BB&N will enable access and egress via BB&N's parcel at 80 Gerry's Landing—an existing institutional use—thus effectively eliminating the landlocked status of 30 Gerry's Landing and establishing a more regular, standard, and safe approach to access and egress.

- 197 Coolidge Hill is an eight-sided polygonal parcel located at the end of a dead-end road. The lot is severely sloped, and the existing structure has been set into the slope, placing the ground level access a full story below grade. The unusual topography dictates the location of the structure on the lot as well as the shape of the structure itself, creating a hardship due to the added complexity of how such a structure or lot can be effectively utilized in a financially reasonable manner.

ii. Unlike other properties in the zoning district, the structures on the lots at issue here are not well-suited for residential use.

- Most of 80 Gerry's Landing has not been in residential use for over 110 years, if ever,³ and the entire parcel (including the structure on the northern portion of the parcel) has, since at latest 1970 (well before the existence of the IUR in 1980) been utilized by BB&N exclusively for Educational purposes. The structure on the northern portion of the parcel—the current admissions office—is unsuitable for residential use for a number of reasons, including its location within an active secondary school campus, and the use of the surrounding portion of the parcel for school parking and maintenance purposes. As noted above, BB&N believes that the use of the northern and eastern portions for secondary school purposes are preexisting nonconforming uses with respect to the IUR, and that secondary school uses of the IUR are permitted consistent with G.L. c. 40A, § 6. However, BB&N notes that grandfathering under § 6 relies on subjective determinations by municipal building commissioners as to what constitutes a “substantial extension” of such use. In an abundance of caution, BB&N requests affirmative relief from the Board authorizing Educational Uses on these portions of the parcel.
- 30 Gerry's Landing is not suitable for single-family residential use in the A-1 district, as it contains 18,000 square feet of gross floor area, an ornamental center stair that spans three floors but would not meet fire code today, and a total of 16 bedrooms yet few (and outdated) bathrooms. The property was last inhabited when it was purchased by BB&N in 2015. BB&N believes that this property is one of the largest (if not the largest) single-family zoned structure in the City. There is simply no market for a single family structure of that

³ At the time of purchase in 1924, to the best of BB&N's knowledge, 80 Gerry's Landing was an unimproved farm field.

size, other than for subdivision into multiple residential units, or for institutional use. Neither of those uses is permitted by right in the Residence A-1 zoning district, meaning that the only practical by-right alternative would be to demolish the existing structure and construct a new residential structure on the lot. Yet as explained below, the topography of the lot and landlocked location (lacking any requisite frontage) make even a by-right use with new construction challenging and unlikely. If BB&N is unable to engage in an adaptive reuse for Educational Use purposes, BB&N will suffer a financial hardship due to its likely need to convey the property at a financial loss.

- 197 Coolidge Hill is a custom-built single-family structure constructed in 2006. Unfortunately, the unique desires of the then-owner—as reflected in the design of the structure—make the existing structure challenging to market as a single-family home on the open market. The shape of the structure means that if BB&N is unable to engage in an adaptive reuse for Educational Use purposes, BB&N will suffer a financial hardship due to its likely need to convey the property at a financial loss.

C. Desirable relief may be granted without substantial detriment to the public good.

The requested use variance may be granted without substantial detriment to the public good. There are no established objective criteria for assessing this requirement in the variance context. However, Section 4.57 of the Ordinance does provide a set of criteria for determining whether use-based relief should be granted under the Institutional Use Regulations, based on whether the Board “determines that the benefits of the proposed use at that location will outweigh its detriments.”

While these criteria were established for use in special permit determinations, BB&N submits that they offer guidance for the evaluation of the prong of the variance standard involving whether desirable relief may be granted without substantial detriment to the public good. Section 4.57 identifies nine “benefit” criteria and five “detriment” criteria, and instructs that the “Board shall consider and address the following factors as appropriate.” BB&N believes that this petition meets seven of the nine benefits, and contains none of the five detriments.

Benefit Criteria

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

The plan proposed — use of these parcels for Educational Uses — is entirely compatible with the Coolidge Hill residential neighborhood. BB&N is—and even if relief is granted, will remain—on the periphery of the Coolidge Hill neighborhood, with its primary orientation being directed eastward toward Gerry’s Landing.

80 Gerry’s Landing has been in active educational use for nearly a century. Affirming that the zoning for this parcel conforms with its actual use will have no impact on the

neighborhood. None of the northern or eastern portions of the parcel at issue either abuts or is accessible from Coolidge Hill Road.

30 Gerry's Landing is inaccessible from Coolidge Hill Road. This parcel is landlocked and otherwise separate from the Coolidge Hill neighborhood (as further indicated by its street address).

197 Coolidge Hill abuts only one other residential parcel on Coolidge Hill Road, currently a vacant lot at 177R Coolidge Hill Road. It is notable that 177 Coolidge Hill Road—the residential structure on Coolidge Hill Road closest to the residential structure at 197 Coolidge Hill Road—is actually *closer* to the rear of BB&N's Nicholas Athletic Center than it is to the structure at 197 Coolidge Hill Road. Further, although 197 Coolidge Hill Road is the only one of the three parcels that is accessible from the Coolidge Hill neighborhood, BB&N intends (as described above) that it will be accessed principally from 80 Gerry's Landing. As a consequence, no additional traffic is anticipated on Coolidge Hill Road other than what would be generated by a single family residence.

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

BB&N has operated in Cambridge since its founding, and will continue to its active engagement as a good neighbor to both the City and its Coolidge Hill neighbors.

BB&N's students are actively engaged in service with many local community organizations in the Cambridge area, particularly those fighting insecurity in housing and in food. Long-time partners include Cambridge Community Center, Cambridge Women's Center, Heading Home, Margaret Fuller House, Tuesday Meals and Youth to Youth. BB&N students also regularly volunteer at two senior homes, Neville and Youville House. Each student completes at least 40 hours of community service before graduation, with many serving quite a bit more. BB&N's current senior class has completed more than 8,000 hours of service during the four years in high school, and BB&N estimates at least 20% of this time was devoted to nonprofit organizations operating in Cambridge.

Additionally, in the summer of 2019 BB&N granted approximately \$36,000 to students from Fletcher Maynard Academy, Martin Luther King School, Maria Baldwin School, Benjamin Banneker, Amigos, and Peabody Cambridge Public Schools to participate in 60+ camp weeks at BB&N. BB&N has also established a \$10,000 fund to enable its faculty to partner with Cambridge and Somerville public school educators on a project called Critical Participatory Action Research, under the direction of Gretchen Brion-Meisels at the Harvard Graduate School of Education.

3. The institution would fulfill an identified neighborhood need.

This criteria is not relevant to this petition.

4. The institution would fulfill an identified citywide need.

This criteria is not relevant to this petition.

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

The entirety of the 80 Gerry's Landing parcel has been in active educational use for decades, meaning that institutional use is demonstrably appropriate given its previous and ongoing use. Institutional use is also particularly appropriate for 30 Gerry's Landing, first because the excessive size of the existing structure and its landlocked nature makes continued residential use impractical, and second because a structure of that size and proximity to an existing institutional use lends the structure and its lot to institutional uses. Similarly, institutional use is particularly appropriate for 197 Coolidge Hill, given the ability of BB&N to focus the use of that lot eastward toward existing institutional facilities (and away from the residential neighborhood, where the lot is at a dead end).

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

Each parcel at issue here is either already in long-standing institutional use for Educational Use purposes (80 Gerry's Landing), or is directly contiguous with such a parcel. As noted, these parcels are all at the periphery of the Coolidge Hill neighborhood in geography, topography, and accessibility, and their contiguity with the existing 10.05-acre Upper School parcel makes them particularly appropriate for Educational Uses.

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

As explained above, residential development would not be feasible or reasonably practical for the parcels at issue. The majority of 80 Gerry's Landing has not been in residential use for over 110 years, and the entire parcel (including the structure on the northern portion of the parcel) has, since before the existence of the IUR in 1980, been utilized by BB&N exclusively for Educational Uses. 30 Gerry's Landing is not suitable for single-family residential use in the A-1 district, as it contains 18,000 square feet of gross floor area, and there is simply no market for a single family structure of that size. The design of 197 Coolidge Hill, as well as its topography, makes the existing structure challenging to market as a single-family home on the open market, and makes new residential development challenging.

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

As noted in response to Benefit #1, the most likely outcome of the proposed institutional use of these parcels is that the change will not be noticed by the Coolidge Hill neighborhood at all. BB&N is—and even if relief is granted, will remain—on the periphery of the Coolidge Hill neighborhood, with its primary orientation and access points being directed eastward toward Gerry's Landing. Given the desire of BB&N to pursue adaptive reuse

of the existing structures to the extent possible, it is possible that the transition to BB&N campus will be imperceptible.

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.

As noted, 80 Gerry's Landing has always been in Educational Use. The proposed institutional use of 30 Gerry's Landing would be more compatible with the neighborhood than the previous residential use, both because residential use of the existing structure is impractical and because enabling primary access to the landlocked 30 Gerry's Landing from the east (via 80 Gerry's Landing) will eliminate the need for primary access to come via easement over the residential parcel at 1 Gerry's Landing, thereby establishing a more regular, standard, and safe approach to access and egress.

Similarly, the proposed institutional use of 197 Coolidge Hill would be more compatible than the previous residential use, both because of the remoteness of the parcel with respect to the remainder of the Coolidge Hill residential neighborhood and because an institutional use will enable that lot to be integrated more effectively into the Educational Uses of the adjoining lots, thereby enabling BB&N to manage its educational activities over its entire site in a more efficient manner, thereby further minimizing any residual impacts on the Coolidge Hill neighborhood.

Finally, BB&N is willing to work with the Coolidge Hill neighborhood to determine whether there may be ways to improve access across the recently-acquired parcels to establish more convenient pedestrian options for neighbors who wish to traverse the BB&N property to more easily access the Charles River and its various amenities.

Detriment Criteria

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

There is no such concern with this petition. Allowing these three parcels to be utilized for Educational Uses would not substantially contravene the objectives of the *Cambridge Institutional Growth Management Plan*.

While the *Plan* nominally expresses concern about the impact of generic secondary school uses on residential neighborhoods, it is critical to understand the context and the methodology that underlies that concern. The *Plan* reached this abstract conclusion based on a matrix developed by the Community Development Department, in which "each category of institutional use has been evaluated according to thirty-two attributes," with a qualitative subjective score ranging between +2 and -2. The *Plan* then simply added these qualitative subjective scores together to quantify the impact a given category of institutional use would have on a residential neighborhood.

Yet in a critical admission that undermines the validity of this approach, the Community Development Department immediately conceded in the *Plan* that “[t]his matrix evaluation system appears more scientific than it actually is. The score in each cell is, for the most part, represents [sic] qualitative assessment of the nature of the attribute of an institutional use.” (Emphasis supplied). Yet it appears that the *Plan*’s express caution—that the matrix was “not an empirical tool to precisely measure which uses are right for a neighborhood and which ones are wrong”—went unheeded by the City Council. Far from recognizing the necessity for nuance articulated by the *Plan*, the table of summed qualitative subjective scores formed the basis of Section 4.56 of the Ordinance, using those scores as an objective measure to establish which institutional uses should be permitted, permitted by special permit, or prohibited.

There are numerous unintended consequences of the decision to convert a subjective qualitative evaluation tool into a one-size-fits-all objective quantitative legal rule. First, the *Plan* presumes that the Residence A-1 and A-2 zones are proxies for “residential neighborhoods.” Yet this presumption is inaccurate here, given that BB&N is—and even if relief is granted, will remain—on the periphery of the Coolidge Hill neighborhood, with its primary orientation being directed eastward toward Gerry’s Landing. While BB&N may nominally share a zoning district with the Coolidge Hill neighborhood, the parcels at issue here are physically distinct from (and largely, if not entirely, inaccessible from) the Coolidge Hill neighborhood.

Second, the matrix presumes that each proposed institutional use is an entirely “new” use in the subject location. As such, the matrix does not account for circumstances like those here, which does *not* involve inserting a new secondary school into a neighborhood where none existed previously, but which instead involves supplementing an already-existing institutional use.

As a result, the majority of the attributes on which the matrix’s hypothetical secondary school scores most negatively are ones *entirely inapplicable to the parcels at issue here*. Most notably, the highest negative scores assigned by the *Plan* for hypothetical secondary schools – in specific, that they will generate substantial noise, substantial external lighting, and substantial “special security needs” — are not only qualitatively suspect, but are already quantitatively accounted for by the existence of a secondary school. Moreover, certain “negative” factors identified by the *Plan*, such as the alleged “high degree of outdoor activity” of secondary school uses, are irrelevant to this particular site, since BB&N’s existing outdoor athletic facilities at the Upper School are located entirely *within* the IOD, and do not abut the residential portion of the Coolidge Hill neighborhood. And other negative factors, including the fear that secondary schools will create a substantial “inducement to loitering”, are either antiquated vestiges of their time, or inapplicable to BB&N — either generally, or with respect to the relocation of central administrative offices in specific. In such circumstances, BB&N believes that there is no concern that the proposed institutional use would contravene the intent of the *Plan*.

In addition, BB&N’s proposal to allow for Educational Uses in the contiguous parcels here is entirely *consistent* with two of the key Assumptions in the *Plan*’s “Proposed Strategy

for Managing Institutional Expansion”. First, the *Plan* declares that “Institutions in Cambridge play a vital role in the economic, intellectual and social health of the City and region. . . . For the health of those institutions and the City, some growth should be accommodated.” (Emphasis supplied). And second, the *Plan* declares that “All else being equal, concentration of new institutional activity in areas of existing institutional development is preferable to dispersion or scattered growth of those new activities.” (Emphasis supplied).

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.

There is no such concern with this petition. As noted above, BB&N is—and even if relief is granted, will remain—on the periphery of the Coolidge Hill neighborhood, with its primary orientation being directed eastward toward Gerry’s Landing. The Upper School campus of BB&N is not—and even if relief is granted, will not—be accessible by vehicular access via Coolidge Hill Road. And because the structure at 197 Coolidge Hill Road will be accessed principally via access and parking at 80 Gerry’s Landing, no additional traffic or parking is anticipated on Coolidge Hill Road other than what would be generated by a single family residence. As a consequence, the difference in the intensity of the institutional use when compared to a residential use is likely to be imperceptible with respect to the Coolidge Hill neighborhood.

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.

There is no such concern with this petition. See response to #2 above.

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

There are no dwelling units on the 80 Gerry’s Landing parcel. 30 Gerry’s Landing was last occupied in 2015, and has been vacant for over four years. Indeed, allowing these three parcels, the relevant portions of which comprise nearly three acres, to be used for Educational Uses, will result in the nominal conversion of only a *single* dwelling unit (197 Coolidge Hill Road). BB&N further notes that in 2001, it voluntarily sold 109 Coolidge Hill Road — a single-family residence then in institutional use as the residence of BB&N’s Head of School — which became (and remains) a private single-family residence. Having thus voluntarily returned to the housing market a comparable housing unit, BB&N submits that there is no net loss of dwelling units, and thus minimal (if any) implication of this factor.

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

There is no such concern with this petition. No nonresidential services or activities will be eliminated if the three parcels at issue here—two residential parcels (one of which is vacant), and a parcel that has been in continuous actual Educational Use for several decades—are permitted to be used for Educational Uses.

D. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance.

Section 4.50 of the Ordinance (the Institutional Use Regulations) is the result of a home rule exemption for Cambridge from the provisions of G.L. c. 40A, § 3 (colloquially known as the “Dover Amendment”, which precludes municipalities from enforcing zoning requirements on educational institutions other than “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements”). Section 4.52 states that the purpose of the Institutional Use Regulations is, in relevant part, as follows:

[To] protect lower density residential neighborhoods from unlimited expansion of institutional activities, to reduce pressures for conversion of the existing housing stock to nonresidential uses, to minimize the development of activities which are different from and incompatible with activity patterns customarily found in lower density residential neighborhoods and to provide a framework for allowing those institutions which are compatible with residential neighborhoods to locate and expand there.

As explained in detail above, BB&N’s petition would not constitute the “unlimited expansion” of institutional activities into lower density residential neighborhoods, as it would have minimal (if any) effect on the Coolidge Hill neighborhood at all. It would not increase the pressure to convert existing housing stock to nonresidential uses. Because access to these parcels would come almost exclusively from Gerry’s Landing, no incompatible activity patterns with the Coolidge Hill neighborhood would result, nor would the proposal cause congestion hazards or substantial change in established neighborhood character. Because of the orientation of these parcels toward the existing BB&N campus, the additional traffic generated in the Coolidge Hill neighborhood is anticipated to be minimal, if any. Nor would the continued operation of or the development of adjacent residential uses, or the integrity of the adjoining residential neighborhood, be adversely affected by the grant of a use variance under the circumstances outlined herein, for the reasons articulated above.

