



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2025 JAN 17 AM 9:38

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 1148744

General Information

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

Special Permit: _____

Variance: X

Appeal: _____

PETITIONER: Buckingham Browne & Nichols C/O Tara Gohlmann

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

LOCATION OF PROPERTY: 30 Gerrys Landing Rd., Cambridge, MA

TYPE OF OCCUPANCY: Vacant

ZONING DISTRICT: Residence A-1 Zone

REASON FOR PETITION:

/Change in Use/Occupancy/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Allowance of the use of the parcel for all 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: 10.30 (Variance).

Original
Signature(s):

(Petitioner (s) / Owner)

Cynthia Westerman

(Print Name)

Address:

Tel. No.

E-Mail Address:

80 Gerrys Landing Rd, Camb. 02138

617-800-2740, 917-566-4512

tgohlmann@bbns.org

Date: _____

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 Gerrys Landing Road Cambridge MA 02138
State that I/We own the property located at 30 Gerrys Landing Road,
which is the subject of this zoning application. Cambridge, MA 02138

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 _____.

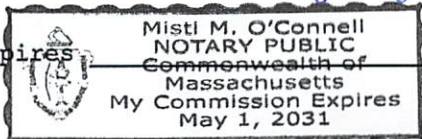
[Signature]
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

Commonwealth of Massachusetts, County of Middlesex

The above-name Tara S. Gohlmann personally appeared before me,
this 15th of Jan, 2025 and made oath that the above statement is true.

[Signature] 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.

MEMORANDUM FOR THE RECORD

Subject: [Illegible]

Reference is made to [Illegible]

It is recommended that [Illegible]

Very truly yours,

[Illegible Signature]

[Illegible Title]

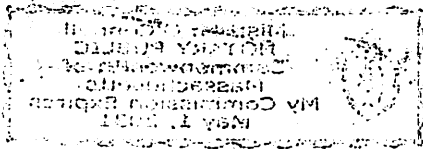
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BZA Application Form

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). This is a request that the Board reissue the same educational use variance as was issued in July 2020. As the Board found then, and remains true now, a literal enforcement would continue to 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. This would require 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 preclude BB&N from using this property for Educational Uses, whether academic or administrative, 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)). This is a request that the Board reissue the same educational use variance as was issued in July 2020. As the Board found then, and remains true now, the hardship is owing to 30 Gerry's Landing being 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 Gerrys 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), limiting vehicular access thereto.

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

- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

See attached narrative (Section IV.C). This is a request that the Board reissue the same educational use variance as was issued in July 2020. As the Board found then, and remains true now, there is no substantial detriment to the public good as 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)** Desirable 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). This is a request that the Board reissue the same educational use variance as was issued in July 2020. As the Board found then, and remains true now, the proposed relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance because it 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: Buckingham Browne & Nichols
Location: 30 Gerrys Landing Rd., Cambridge, MA
Phone: 617-800-2740, 917-566-4512

Present Use/Occupancy: Vacant
Zone: Residence A-1 Zone
Requested Use/Occupancy: Educational

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		18123	0	26137	(max.)
<u>LOT AREA:</u>		52273	0	8000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		.35	0	.5	
<u>LOT AREA OF EACH DWELLING UNIT</u>		52273	0	6000	
<u>SIZE OF LOT:</u>	WIDTH	Varies	0	80	
	DEPTH	?	0	?	
<u>SETBACKS IN FEET:</u>	FRONT	25'-4"	0	25'	
	REAR	120'	0	25'	
	LEFT SIDE	12'-1"	0	15'	
	RIGHT SIDE	68'-3"	.0	35'	
<u>SIZE OF BUILDING:</u>	HEIGHT	41'	0	35'	
	WIDTH	85'	0	?	
	LENGTH	50'	0	?	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		~75%	0	50%	
<u>NO. OF DWELLING UNITS:</u>		0	0	0	
<u>NO. OF PARKING SPACES:</u>		8	No change	1	
<u>NO. OF LOADING AREAS:</u>		n/a	n/a	n/a	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		25'	0	10'	

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.:

Concrete block 4 bay garage

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: cynthiawesterman@verizon.net
Sent: Tuesday, April 29, 2025 2:54 PM
To: Pacheco, Maria; Ratay, Olivia
Cc: 'Heuer, Tad'; 'Tara Gohlmann'; 'Misti O'Connell'; 'Derek Bross'
Subject: withdraw BZA case No 1148744
Attachments: 30_Gerry-s_Landing_Appeal_1148745_Decision_filed_with_Registry_Thu_Apr_24_2025_09-13-05.pdf

TO: City of Cambridge Board of Zoning Appeals

DATE: April 29, 2025

RE: Petitioner withdraws BZA case 1148744

To the BZA,

Please withdraw the above-mentioned case, as well as the next hearing that was scheduled for May 8, 2025.

This matter was solved by the granting of the Appeal in BZA case No 1148745 which is attached.

Thank you.

Cynthia Westerman
617-823-7822

Memo

Date: January 15, 2025

To: City of Cambridge Board of Zoning Appeal

From: Tad Heuer

Regarding: BB&N Supporting Statement for Zoning Relief

I. SUMMARY OF REQUESTED RELIEF

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 30 Gerry’s Landing for daycare, pre-school, kindergarten, primary, or secondary school uses (hereinafter “Educational Uses”) and uses accessory thereto (including but not limited to parking).¹

In 2020, BB&N requested — and the Board unanimously granted — a use variance authorizing the use of 30 Gerry’s Landing for educational uses in Case No. BZA-01762-2020. However, the Building Commissioner has determined that as an administrative matter, this variance has lapsed.

BB&N is therefore requesting the reissuance of that variance, on the same conditions as granted by the Board in 2020, to enable BB&N to proceed with educational uses (both administrative and academic) on the parcel in furtherance of its nonprofit educational mission.

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

¹ While the location of the parcel is physically contiguous to BB&N’s Upper School (a secondary school use), BB&N envisions that the educational facilities on the parcel will serve the full range of BB&N’s daycare and preK-12 students (including administration, admissions and financial aid, and equipment storage, all of which serve each 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 30 Gerry’s Landing by BB&N for *all* daycare and preK-12 uses and *all* uses accessory thereto.

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.

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 1,038 students annually, including 230 from the City of Cambridge (14% who receive financial), and employs 230 teachers, staff, and administrators.

Severe space constraints meant that between 2004 and 2020, BB&N's central administration for all grades was housed in two different rented facilities—first in Cambridge, and from 2008 in Watertown, over a mile away from the Upper School and over 1.5 miles from the Middle and Lower Schools. This arrangement was educationally, administratively, and financially suboptimal. Among other things, it required administrative staff and educational staff to expend time on a daily basis driving between Watertown and Cambridge, made educational collaboration more challenging, increased traffic on congested urban roadways, and required BB&N to expend funds on rented facilities that could be better put toward its central educational mission.

In an effort to alleviate this unsustainable condition BB&N acquired 30 Gerry's Landing in 2015, and acquired 197 Coolidge Hill Road in 2019. These two parcels directly abut BB&N's 10.05-acre Upper School campus.² The purchase of these parcels was consistent with BB&N's broad master planning approach, a key goal of which was to return central administration and staff to Cambridge from Watertown, in greater proximity to its school facilities.

While the vast 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"), the immediately abutting BB&N-owned parcel at 30 Gerry's Landing is not. Literal enforcement of the Ordinance would preclude secondary school uses for the parcel, and limit daycare, pre-school, kindergarten, and primary school uses in most circumstances.

As such, in 2020, BB&N petitioned the Board for use variances authorizing the use of these two properties for all educational uses, including academic and administrative. The

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.

Board unanimously granted these use variances, in Cases No. BZA-17261-2020 and BZA-01762-2020.

Since then, BB&N has successfully renovated 197 Coolidge Hill, which is currently used for educational uses including admissions and financial aid. However, the structure at 30 Gerry's Landing required more significant work to adapt for academic and administrative purposes, and the onset of the COVID-19 pandemic required BB&N to reprioritize its resources accordingly, forcing postponement of its plans for renovating 30 Gerry's Landing.

BB&N's need to utilize 30 Gerry's Landing to accommodate existing academic and administrative activities remains as urgent as it was in 2020. However, given the determination of the Building Commissioner that the 2020 use variance unanimously granted in BZA-01762-2020 has lapsed, as a procedural matter BB&N requires the reissuance of that variance in order to proceed with this essential work in furtherance of its educational purposes.

In specific, BB&N requests a use variance from Section 4.56(c)(3) of the Ordinance, authorizing BB&N to utilize the 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. BB&N is not seeking a variance for dimensional relief.³

III. PROPERTY DESCRIPTION

BB&N purchased 30 Gerry's Landing on July 23, 2015. This parcel is contiguous to 80 Gerry's Landing (the main Upper School campus) and is located in the Residence A-1 district. The parcel (Map/Lot 242B-53) currently contains a roughly 18,000 gross square foot Georgian structure, built in 1911, and formerly used as a single-family residence. Attachment 1 contains a selection of maps and photographs of the parcel, structure, and surrounding campus. Since being acquired by BB&N nearly ten years ago, it has remained unused for any residential purpose.

As noted, BB&N's desire is to adapt this structure to house central administrative offices and services serving grades preK-12, thus allowing BB&N to fully relocate its administrative staff into space adequate for their needs. To the extent the structure and its grounds offer opportunities for academic uses as well, BB&N also anticipates utilizing the parcel for those educational uses. While specifics are contingent upon additional architectural and engineering analysis, BB&N eventually 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.

³ Because this petition is solely for a use variance and seeks no dimensional relief, BB&N believes relief can be granted without being conditioned on the detailed plans and elevations that would be required if the petition sought dimensional relief. In 2020, the Board agreed that plans and elevations were not required as part of the prior application for the identical relief being sought here.

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.

In granting the 2020 use variance, the Board concluded that “a literal enforcement would require BB&N to reconfigure site access, if that were even possible, and would preclude it from using these properties to alleviate its existing administrative space constraints.”

BB&N agrees that a literal enforcement of the provisions of the Ordinance would continue to involve 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 parcel contiguous to its longtime campus (and the structures thereon) at 30 Gerry’s Landing for educational uses.

In specific, a literal enforcement of the provisions of the Ordinance would preclude BB&N from using 30 Gerry’s Landing 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 advancement 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 30 Gerry’s Landing (which has two ADA-compliant entries) for Educational Uses, with the practical result of giving BB&N little choice but to continue locating 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.

In granting the 2020 use variance, the Board concluded that a hardship existed, “owing to the shape and topography of the lots, which were irregular and unlike other properties in the zoning district.”

BB&N agrees that a hardship continues to exist owing to the shape and topography of the lot. The lot is irregular, in contrast to the regular rectangular lot shapes (and relatively flat parcels) that predominate in the vicinity of Coolidge Hill Road. It 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 vehicular access to the structure is currently physically limited by easement, and at present exist only over another residential lot to the west (1 Gerry's Landing).

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

In granting the 2020 use variance, the Board concluded that a hardship existed, “find[ing] that the structures on the lots were not well-suited for residential use.”

BB&N agrees that 30 Gerry's Landing remains unsuitable for single-family residential use in the Residence A-1 district. It contains 18,000 square feet of gross floor area, an ornamental center stair that spans two floors but does not meet the residential fire code, 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 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 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.

Furthermore, as explained above, the topography of the lot and its 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.

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

In granting the 2020 use variance, the Board concluded that “desirable relief could be granted without substantial detriment to the public good,” finding that “the site plan proposed would be compatible with the neighborhood,” and that “the institutional use is particularly appropriate on the lot, given the previous use of the lot, and residential development in this area would not be feasible or reasonably practical on the site.”

BB&N agrees that the requested use variance may be granted without substantial detriment to the public good. As noted in the 2020 application, 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.” As explained in its 2020 application, BB&N believes 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 the 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.

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

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 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. In addition, BB&N has granted \$31,000 for 2025 summer camp scholarships for children residing in Cambridge.

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.

Institutional use is 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.

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

The parcel at 30 Gerry's Landing is directly contiguous to parcels already in institutional use for Educational Use purposes (80 Gerry's Landing and 197 Coolidge Hill Road). As noted, all 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 30 Gerry's Landing. The zoning is single-family residential use in the Residence A-1 district, yet the structure contains 18,000 square feet of gross floor area, for which there is simply no market for a single family structure of that size on a landlocked parcel with only easement access.

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 30 Gerry's Landing 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 likely that the transition of 30 Gerry's Landing 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.

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 additional access to the landlocked 30 Gerry's Landing from the east (via the existing campus at 80 Gerry's Landing) will eliminate the need

for *all* access to come via easement over the residential parcel at 1 Gerry's Landing, thereby contributing to a more regular, standard, and safe approach to access and egress.

Detriment Criteria

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

As noted in the 2020 application, with the rationale repeated below, there is no such concern with this petition. Allowing 30 Gerry's Landing to be utilized for Educational Uses would not substantially contravene the objectives of the *Cambridge Institutional Growth Management Plan*.

From the 2020 application:

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 parcel here is physically distinct from *and 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.

As noted in the 2020 application, 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. 30 Gerry's Landing is not—and even if relief is granted, will not—be accessible by vehicular access via Coolidge Hill Road. 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.

30 Gerry's Landing was last occupied as a residence in 2015, and has been unused for residential purposes for nearly ten years. There will be 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 vacant parcel here is 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.

In granting the 2020 use variance, the Board concluded that “desirable relief could be granted without . . . nullifying or substantially derogating from the intent or purposes of the Ordinance,” finding that “the site plan proposed would be compatible with the neighborhood, and that the institution would be accessible to, or primarily oriented toward neighborhood residents” and that “the institutional use is particularly appropriate on the lot, given the previous use of the lot, and residential development in this area would not be feasible or reasonably practical on the site.”

BB&N agrees. 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. It would not increase the pressure to convert existing housing stock to nonresidential uses. And because access to 30 Gerry's Landing would come exclusively from Gerry's Landing itself, 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. 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.

ATTACHMENT 1

MAPS & PHOTOGRAPHS





Buckingham Browne & Nichols School | Upper School Parking Locations





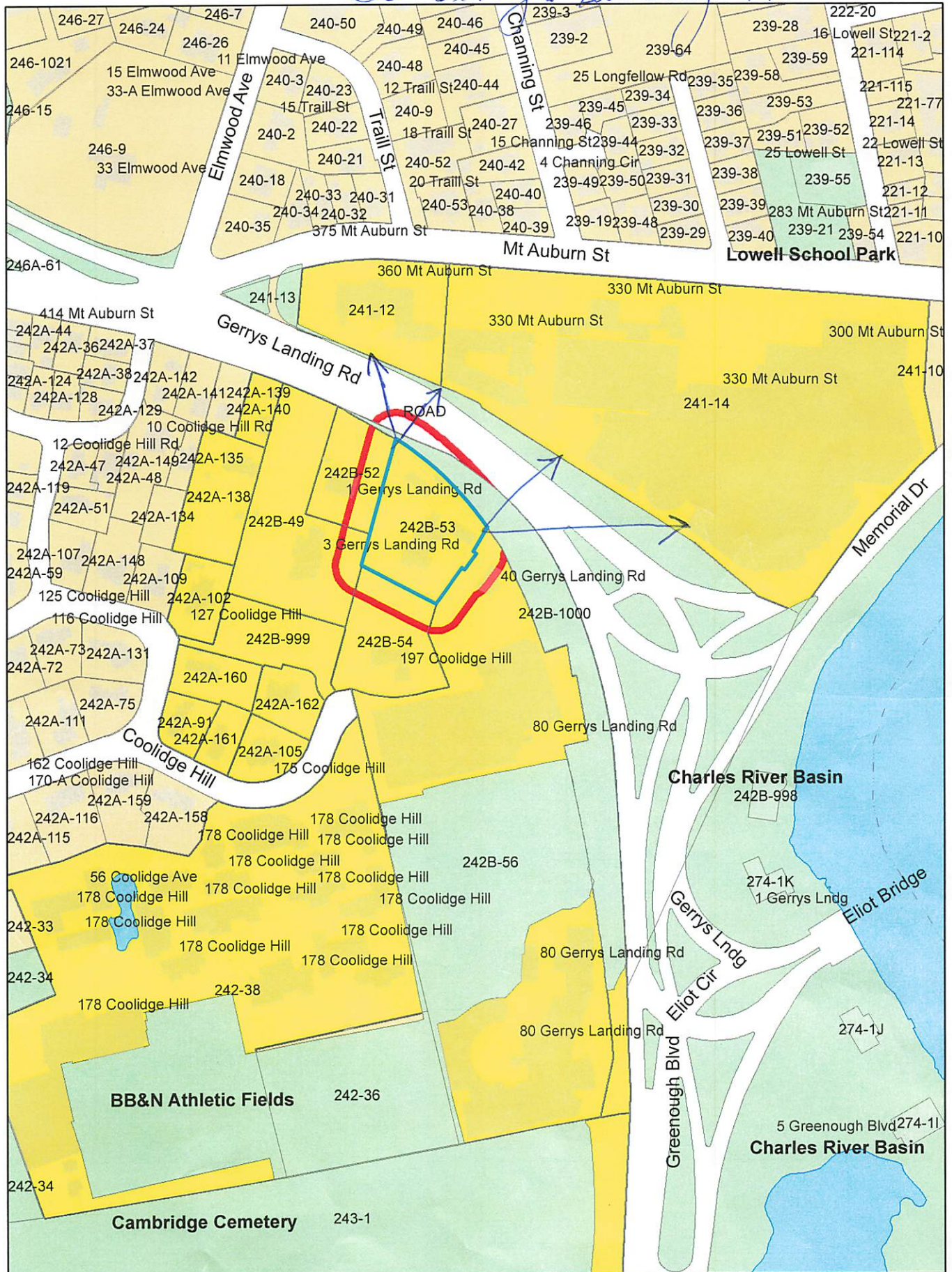






①

30 Gerrys Landing Rd.



30 Gerry's Landing Rd.

Petitioner

241-12
CAMBRIDGE HOME FOR THE AGED PEOPLE
C/O SENIOR LIVING RESIDENCES /CAMBRIDGE
45 BRAINTREE HILL OFFICE PARK - SUITE 306
BRAINTREE, MA 02184

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

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

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

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

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

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

242A-162 & 242B-999
177 COOLIDGE HILL, LLC
ATTN: ICONIQ CAPITAL
394 PACIFIC AVENUE, 2ND FL
SAN FRANCISCO, CA 94111

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

242A-105
175 COOLIDGE HILL, LLC
50 BEALE ST STE 2300
SAN FRANCISCO, CA 94105

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

242B-56-54-53
BUCKINGHAM BROWNE AND
NICHOLS SCHOOL
80 GERRYS LANDING ROAD
CAMBRIDGE, MA 02138

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

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

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

241-14
MT. AUBURN HOSPITAL
C/O NICHOLAS DILESCO, CHIEF OPER OFFICER
300 MT AUBURN ST
CAMBRIDGE, MA 02138-5502

243-1
CAMBRIDGE CITY OF PWD
147 HAMPSHIRE ST
CAMBRIDGE, MA 02139

243-1
CITY OF CAMBRIDGE
C/O YI-AN HUANG
CITY MANAGER

243-1
CITY OF CAMBRIDGE
C/O MEGAN BAYER
CITY SOLICITOR

242B-49
3 GERRY'S LANDING LLC
155 FEDERAL ST - STE 700
BOSTON, MA 02110



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: Cynthia Westerman (Print) Date: 2/4/2025

Address: 30 Gerry's landing Rd.

Case No. BZA-1148744

Hearing Date: 2/27/25

Thank you,
Bza Members



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

2025 MAR -4 PM 1:28

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-1148744

Address: 30 Gerrys landing Rd.

☐ Owner, ☐ Petitioner, or ☐ Representative:

Cynthia Westerman
(Print Name)

hereby waives the required time limits for holding a public hearing as required by
Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts,
Massachusetts General Laws, Chapter 40A. The ☐ Owner, ☐ Petitioner, or ☐
Representative further hereby waives the Petitioner's and/or Owner's right to a
Decision by the Board of Zoning Appeal on the above referenced case within the time
period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of
Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the
federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C.
§1455(a), or any other relevant state or federal regulation or law.

Date:

2/28/2025

Signature

Cynthia Westerman

* * * * *

(6:30 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Zarya
Miranda

JIM MONTEVERDE: So let's see. Next, 30 -- we're
fine timewise. So this is regarding BZA Case 1148744 -- 30
Gerry's Landing. This is the repeat of the Variance Request
for 2020, and you'd like to continue this. And how far out?
To 20 days. We can go to May or June. What do you prefer?

TAD HEUER: So presuming that ISD is able to
process the decision with its usual expedition, I would
imagine that we would have the appeal period run by the end
of March. I would say May, only in the event that we needed
to come back.

JIM MONTEVERDE: Yep.

TAD HEUER: But otherwise, I would expect that
we'd be able to notify the Board that that case is being
withdrawn at the appropriate point.

JIM MONTEVERDE: Okay. So continue to May 8 work
for you?

TAD HEUER: That's fine.

1 JIM MONTEVERDE: Okay. So this is on Case
2 1148744. The request is for a continuance. I'm making a
3 motion to continue this matter until May 8, 2025, on the
4 condition that the petitioner change the posting sign to
5 reflect the new date of May 8, 2025 and the new time of 6
6 p.m.

7 Also, that the petitioner sign a waiver to the
8 statutory requirements for the hearing. This waiver can be
9 obtained from Maria Pacheco or Olivia Ratay at the
10 Inspectional Services Department.

11 I ask that you sign the waiver and return it to
12 the Inspectional Services Department by a week from this
13 coming Monday. Failure to do so will de facto cause this
14 Board to give an adverse ruling on this case.

15 Also, that if there are any new submittals,
16 changes to the drawings, dimensional forms, or any
17 supporting statements that those be in our files by 5 p.m.
18 on the Monday prior to the continued meeting's date.

19 On the motion to continue this matter until May 8,
20 2025 by a voice vote of the Board Members, please?

21 Zarya?

22 ZARAYA MIRANDA: In favor.

1 JIM MONTEVERDE: Thank you. Virginia?

2 VIRGINIA KEESLER: In favor.

3 JIM MONTEVERDE: Thank you. Daniel?

4 DANIEL HIDALGO: In favor.

5 JIM MONTEVERDE: Thank you. Steven?

6 STEVEN NG: In favor.

7 JIM MONTEVERDE: Thank you. And Jim Monteverde in
8 favor.

9 [All vote YES]

10 JIM MONTEVERDE: That's five affirmative. This
11 case is continued to May 8, 2025.

12 TAD HEUER: Thank you, Mr. Chairman. Thank you,
13 Members of the Board. We appreciate your time.

14 JIM MONTEVERDE: Yep. You're welcome.
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