

651 Green Street  
Cambridge, Mass. 02139  
February 4, 1999

1999 FEB -4 P 1:17

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

To the Honorable, the Cambridge City Council:

re: Backyard Zoning Refile

Enclosed for your consideration is a proposed refile for Backyard Zoning. It is built around provisions passed by this Council as recently as last summer and by predecessor Councils beginning in 1983.

This proposal is considerably simpler than the one now before the Council because it omits changes to FAR and minimum lot/dwelling unit, while leaving the Galluccio protections for large lots in Res. B in place. It would not unduly restrict modest additions within current FARs.

At the same time it actually protects open space in the city, even on small lots excluded from the Planning Board's proposal, by strengthening requirements for green area along the lines of the Res. C-2B changes voted last July. These standards would apply to all new construction in Office, Residence, and Open Space Districts, and to changes in existing yards in these districts.

The proposal would restrict the footprint of accessory buildings permitted within setbacks to 150 square feet, the size of a one-car garage, which use would be permitted. The use of these small structures for customary home occupation or office would not be permitted, but such use would be allowed within the primary building. Again, existing structures and uses in existing yards would be grandfathered; the proposal would apply to new construction and to changes in existing yards. It would thus stop the accelerating destruction of green space.

Mr. La Tremouille and I are grateful for your consideration of this enclosure.

Yours sincerely,



Marilyn Wellons

# Robert J. La Trémouille

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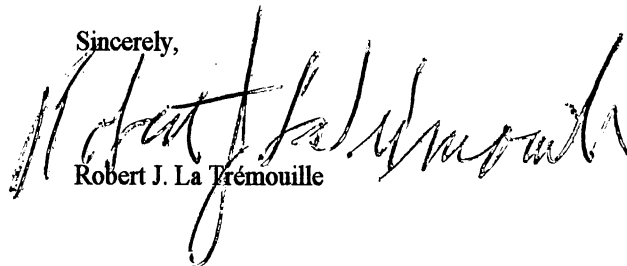
TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

Enclosed for use as the City Council may deem fit is a proposed Yards Protection refile based on the provisions passed by the City Council for Residence C-2B. These provisions have been strengthened in a manner to better fit the expectations of residents for yards in the city and include a cleanup of the Accessory Buildings provisions.

This proposal is aggressive and thus, it is meaningful and could be controversial. It is, nevertheless, likely to be less controversial than the present proposal. This proposal does not include aspects of the present proposal which have been the most controversial. Should the City Council wish to include such provisions in a refile, we suggest the Council determine which aspects it considers appropriate and add those provisions to the refile.

The purpose of this transmittal to show good faith, and, perhaps, do good. We have been saying the petition should be refiled. This transmittal implements that suggestion.

Sincerely,



Robert J. La Trémouille

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OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

Consent Communication #15

A communication was received from  
Robert J. LaTremouille regarding  
the "Yard" Protection Refile.

In City Council February 8, 1999

Proposed Refiling with Regard to Yards Protections

Amend the text of the Zoning Ordinance of the City of Cambridge as follows:

- A. In Article 2.000 - Definitions, amend the definition of "Green Area" to read as follows:

**Green Area.**

A landscaped area of land associated with and located on the same tract of land as a major building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational or similar purposes. Green area shall, except as stated below, be completely planted with living trees, grass, ground cover, bushes, shrubs, and / or similar vegetation, as well as water and natural features of the site. Pervious ground covers such as wood shavings may be used, but only as mulch beneath vegetation.

Such area may not include any portion of the lot used for parking access drives or other hard surface areas, except walks and terraces designed and intended for non-vehicular use. However, in no case shall hard surfaced walks and terraces exceed twenty-five (25) percent of the total required green area.

Green area shall consist of open space at grade, with vegetation as stated above. It shall be open and unobstructed to the sky. It shall consist of friable, permeable material (including but not limited to loam, gravel, sand and crushed stone, and including naturally occurring soil, bedrock, and incidental pipes and other underground utilities) having a minimum depth of three feet. Said land shall be capable of supporting the growth of trees, grass, ground cover, bushes, shrubs, and similar vegetation.

- B. Amend Section 4.21.c. to read as follows:

Provision of parking for occupants, employees, customers, or visitors shall be considered as an accessory use, provided that:

- (1) where accessory to residential uses, such parking shall be limited to the accomodation of three passenger vehicles, or two passenger vehicles for each dwelling unit, whichever is greater, and
- (2) an accessory building used for garage purposes shall be limited to the accomodation of one passenger vehicle.

- C. Amend Section 4:21.d. to read as follows:

A customary home occupation or the office of a resident physician, dentist, attorney-at law, architect, engineer, or member of other recognized profession shall be considered as an accessory use, provided that:

- (1) no more than three persons shall practice or be employed on the premises at any one time, and
- (2) said use shall not occur in an accessory building.

- D. Amend Section 4:21.g.(2) to read as follows:

The total area of uses accessory to the principal use except for non-structural parking facilities and driveways may not occupy more than 150 square feet of the area of the lot.

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E. Amend Section 4.21.h to read as follows:

An accessory building shall not occupy more than 150 square feet of the area of the lot. No side of an accessory building shall exceed 18 feet in length. An accessory building shall not be located nearer than ten (10) feet to the principal building or nearer than five (5) feet to any side or rear lot line or nearer to the front lot line than the minimum setback in the zoning district. No lot may contain more than one accessory building.

F. Amend Section 4.21.k to read as follows:

No accessory building shall be constructed except at natural grade, nor may any accessory building exceed fifteen (15) feet in height above mean natural grade.

G. Delete section 5.22.3 as the zoning ordinance is numbered prior to the change in item H, below.

H. Insert a new Section 5.22 reading as follows, and renumber the existing Sections 5.22 and following accordingly.

5.22 Minimum Standards for Yards:

5.22.1 Office, Residence and Open Space Districts.

(1) Setbacks.

Buildings shall comply with these yard requirements by being set back above and below ground.

(2) Green area — general.

Three of the yards on a lot shall consist exclusively of green area as defined in section 2.000. At a minimum, green area setback shall consist of permanently maintained densely planted trees and shrubs that may be expected to form within three (3) years after time of planting a continuous unbroken, year round visual screen. Every effort shall be made to retain the best existing trees in said setbacks to meet the requirements of this section in whole or in part. Plans for landscaping and maintenance shall be approved by the Committee on Public Planting as appointed by the City Manager. No Certificate of Occupancy may be granted until landscaping under the terms of this section is completed

(3) Lots with more than four yards.

If the shape of a lot creates a situation where there are more than four yards, this green area requirement shall apply to three-fourths of the yards, rounded up if the calculation results in a fractional number.

(4) Lots in two or more zoning districts.

Where a zoning district boundary line or lines split a lot, a lot partially in an Office, Residence or Open Space district shall comply with provisions elsewhere in this zoning ordinance with regard to lots in two or more zoning districts, except that the setback and green area requirements of this section 5.22.1 shall apply to all parts of the lot regardless of zoning district.

(5) Lots abutting more restrictively zoned districts.

When any lot abuts a more restrictively zoned district or districts, all yards abutting the more restrictively zoned district(s) shall be designated as yards required to comply with the green area requirements of this section 5.22.1. This provision shall apply to that quantity of abutting yards numbering up to and including the maximum number of green area yards required. The total number of green area yards required on a lot shall not be changed by the provisions of this subsection (5).

(6) Pedestrian and vehicular access.

(a) When a yard used to satisfy the green area requirement of this section 5.22.1 is a front yard, the green area may be interrupted by not more than one path for pedestrian access to the building. Said pedestrian path shall be constructed perpendicular to the lot line and shall be not more than 8 feet wide. The green area yard may also be interrupted by not more than one driveway constructed perpendicular to the lot line and which is not more than 12 feet wide.

(b) The sum of the widths of the said pedestrian path and driveway may not exceed the setback provided by the smallest of the yards provided on the lot.

(c) The areas allowed to be used for access under this subsection (6) shall be counted as part of the 25% of total required green area which is allowed to be used for hard surfaced walks and terraces for the front yard in which the access areas are constructed.

(7) Townhouse development.

When a lot is used for townhouse development, the provisions of this footnote shall apply to the lot **before** subdivision into townhouse lots. Subdivision into townhouse lots shall be done in such a manner as to not affect the application of this footnote to the entire unsubdivided lot. In particular, the pedestrian path and driveway allowed by paragraph (4) shall apply to the lot **before** subdivision into townhouse lots and subdivision into townhouse lots **shall not** increase the number of pedestrian paths and driveways allowed.

5.22.2 Minimum standards for yards in office and residential construction in districts other than Office, Residence and Open Space Districts.

Buildings shall comply with Section 5.22.1.

5.22.3 Minimum standards for yards with regard to development other than office and residential uses in districts other than Office, Residence and Open Space Districts.

Buildings shall comply with the provisions of section 5.22.1 with regard to yards abutting Office, Residence and Open Space Districts as if the buldings were in an Office, Residence Or Open Space District except that

- (1) yards abutting Office, Residence and Open Space Districts shall comply with the green area requirements of section 5.22.1 up to the maximum number of yards required in the same manner as stated in section 5.22.1(5), and

- (2) yards not abutting Office, Residence and Open Space Districts shall not be subject to the requirements of this section.

Should there be no yard requirement in the district in which the building is constructed or should the applicable yard requirement be less than in the district abutted, buildings shall comply with the corresponding yard requirement of the district abutted.

- I. In Section 5.31.1, Table 5-1, delete footnote (k) with regard to yard requirements for the "Res. C-2B" District, and in Section 5.31.2, Footnotes, delete footnote (k) and insert the following in place thereof: "Reserved".

Consent Communciation #14

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A communication was received  
from Marilyn Wellons and Robert  
LaTremouille regarding the  
Backyard Zoning Refile.

In City Council February 8, 1999

**PLACED ON FILE**

*with petition.*