



# ORDINANCE COMMITTEE

## COMMITTEE MEETING

~ MINUTES ~

Wednesday, June 18, 2025

2:00 PM

Sullivan Chamber

**The Ordinance Committee will hold a public hearing to continue the discussion on a Zoning Petition by Mushla Marasao, et al. to amend the Cambridge Zoning Ordinance in Sections 5.28.21, 8.22.1, 8.22.2, and Table 5.1.**

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Jivan Sobrinho-Wheeler	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Paul F. Toner	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Ayesha M. Wilson	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Catherine Zusy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council’s Ordinance Committee was held on Wednesday, June 18, 2025. The meeting was Called to Order at 2:00 p.m. by the Chair, Vice Mayor McGovern. Pursuant to Chapter 2 of the Acts of 2025 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2<sup>nd</sup> Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

**At the request of the Chair, Deputy City Clerk Crane called the roll.**

- Councillor Azeem – Present/In Sullivan Chamber
- Vice Mayor McGovern – Present/In Sullivan Chamber
- Councillor Nolan – Present/In Sullivan Chamber
- Councillor Siddiqui – Present/Remote\*
- Councillor Sobrinho-Wheeler – Present/Remote
- Councillor Toner – Present/Remote
- Councillor Wilson – Present/Remote
- Councillor Zusy – Present/In Sullivan Chamber
- Mayor Simmons – Absent

**Present – 8, Absent – 1. Quorum established.**

\*Councillor Siddiqui went from remote participation to in the Sullivan Chamber at 2:13p.m.

The Chair, Vice Mayor McGovern offered opening remarks and noted that the Call of the meeting was to continue the discussion on a Zoning Petition by Mushla Marasao, et al. to amend the Cambridge Zoning Ordinance in Sections 5.28.21, 8.22.1, 8.22.2, and Table 5.1 with the intent to remove gross floor area (GFA) and floor area ratio (FAR) limitations for religious uses, permit conforming additions to nonconforming structures without limitation for religious uses, and permit religious uses with the same dimensional limitations as residential uses except that in a Residence C-1 district permeable open space would not be required, buildings would be permitted up to 6 stories and 74 feet above grade without meeting inclusionary housing requirements, and buildings taller than 35 feet and 3 stories above grade would not be required to notify neighbors and hold a meeting. Present at the meeting was City Solicitor, Megan Bayer, Assistant City Solicitor, Diane Pires, and Director of Zoning and Development, Jeff Roberts. Present via Zoom and representing the Zoning Petition were Benjamin Tymann, Christopher Hall, and Hirschy Zarchi.

The Chair, Vice Mayor McGovern recognized Megan Bayer who provided a detailed overview of the Law Department's response to Awaiting Report 25-33 of June 2, 2025 and to the Planning Board's May 20, 2025 request for legal opinion regarding the petition. The response was provided in advance of the meeting and included in the Agenda Packet. Megan Bayer responded to clarifying questions from Committee members during her review of the response.

The Chair, Vice Mayor McGovern recognized Benjamin Tymann and Christopher Hall who gave a presentation titled "Mushla Marasao, et al. to amend Sections 5.28.21, 8.22.1, 8.22.2, and Table 5.1". The presentation was provided in advance and included in the Agenda Packet.

**The Chair, Vice Mayor McGovern opened Public Comment.**

Marilee Meyer, 10 Dana Street, Cambridge, MA, offered comments and concerns that were not in favor of the Petition.

Deborah Epstein, 36 Banks Street, Cambridge, MA, Kerry Corner Neighborhood Association, offered comments and concerns that were not in favor of the Petition.

Helen Walker, 43 Linnaean Street, Cambridge, MA, offered comments and concerns that were not in favor of the Petition.

Heather Hoffman, 213 Hurley Street, Cambridge, MA, offered comments related to the Petition and quoted *Larkin v. Grendel's Den, Inc.*, 459 U.S. 116 (1982) on how it relates to the Petition.

The Chair, Vice Mayor McGovern recognized Councillor Siddiqui who raised concerns about how inclusionary housing requirements meet with zoning allowances for religious-use buildings. Councillor Siddiqui indicated that in previous multifamily zoning discussions, increased building height was allowed in exchange for inclusionary housing, which is very important to the City's goals towards affordable housing. Councillor Siddiqui questioned whether inclusionary housing could be considered a government interest that applies even to religious-use developments. Megan Bayer responded by clarifying the concerns that Councillor Siddiqui raised and pointed out that if a building is going to be used for religious use and not residential, applying inclusionary requirements could be a challenge as it relates to laws. Councillor Siddiqui asked for clarification to a footnote in the petition on Packet page 21. Benjamin Tymann provided a review of the footnote and shared why it was added. Councillor Siddiqui offered the suggestion that staff look at the language to ensure it doesn't create loopholes for mixed-use developments and reaffirmed the importance of the City's inclusionary housing policy.

The Chair, Vice Mayor McGovern recognized Councillor Nolan who offered the suggestion of clarifying Ordinance language to distinguish religious uses and non-religious uses. Councillor Nolan provided comments related to the Dover Amendment and RLUIPA. Councillor Nolan suggested that the City should amend zoning language to comply with RLUIPA instead of handling issues case by case. Councillor Nolan shared concerns related to permeable open space requirements and the City's goals towards climate resilience. Megan Bayer provided feedback to the concerns raised related to open space, noting that religious institutions may still challenge open space requirements as a burden. Benjamin Tymann provided additional information related to open space, religious use, and open space mandates, and provided an example of how open space could be found a burden. Councillor Nolan shared concerns related to language that gives religious uses special treatment and emphasized that the zoning changes would affect more than just the Bank Street project.

The Chair, Vice Mayor McGovern recognized Councillor Azeem who asked for clarification on the implication of religious land use under RLUIPA and provided hypothetical examples to help clarify his question. Megan Bayer responded by sharing that the examples provided by Councillor would most likely need to be brought to the BZA to be looked at individually and added that institutions could still exceed zoning limits if they prove a substantial religious need. Councillor Azeem suggested aligning zoning for religious uses with existing standards which could help the legal risks. Megan Bayer agreed that aligning the two with other permitted uses would help the City.

The Chair, Vice Mayor McGovern recognized Councillor Zusy who asked if the City Solicitor could define religious uses. Megan Bayer shared that there is a definition in RLUIPA and would be able to provide more information related to definitions later, noting that it is her understanding that there is guidance as to what religious uses are. Councillor Zusy shared concerns about how certain housing qualifies for religious use in religious institutions. Megan Bayer explained how the current petition and inclusionary housing rules would apply to the City and Federal law. Christopher Hall provided additional information related to housing and religious use and echoed some of the comments made by Solicitor Bayer. Councillor Zusy added that she had concerns about religious institutions being allowed to build up to six stories, similar multifamily housing, without building housing or following the inclusionary requirements.

The Chair, Vice Mayor McGovern recognized Councillor Toner who shared strong concerns about removing the nonbinding community meeting requirement in the proposed zoning changes. Councillor Toner and Vice Mayor McGovern stressed the importance of having these meetings, even if neighbors cannot legally stop a project, it is more about respect and transparency within the neighborhood. Councillor Toner and the Vice Mayor questioned if removing the nonbinding meeting would be necessary and why it would be a burden for religious institutions. Megan Bayer explained how nonbinding meetings may be questionable as it relates to RLUIPA. Christopher Hall added that it could strengthen a legal claim for institutions and provided the example of neighbors using discriminatory comments during the meeting and the project was also denied. Vice Mayor McGovern shared strong support for the nonbinding meeting requirement to remain. Additionally, the Vice Mayor shared concerns about the legal risk to individual Planning Board members.

The Chair, Vice Mayor McGovern recognized Councillor Wilson who offered comments on the importance of community engagement as well as unintended consequences. Councillor Wilson asked for clarification on nonprofit uses and zoning ordinances as they relate to religious land use protections. Megan Bayer explained the difference between nonprofit and for-profit uses, noting that nonprofits are granted zoning protections under the Dover Amendment when they are nonprofit educational institutions.

The Chair, Vice Mayor McGovern recognized Councillor Nolan who shared support for keeping the nonbinding community meeting requirement. Councillor Nolan offered comments related to ensuring the City is following federal law, specifically RLUIPA, noting that allowing six story building for inclusionary housing and not for religious institutions could be viewed as discriminatory under RLUIPA. Councillor Nolan added that amending the zoning now could benefit the City and avoid unnecessary challenges.

The Chair, Vice Mayor McGovern recognized Hirschy Zarchi who thanked the Committee for taking time to discuss the zoning petition and pointed out that there is a reason why the federal government has protections towards religious rights. Hirschy Zarchi provided feedback towards the nonbinding community meeting, and shared why they thought it was not necessary to include it in the zoning. Hirschy Zarchi urged the Committee to trust religious institutions and the community to engage together without mandating meetings. Vice Mayor McGovern explained why nonbinding meetings can be valuable and can provide construction feedback from the community.

The Chair, Vice Mayor McGovern recognized Councillor Siddiqui who questioned if any other religious institutions in the City have reached out with respect to the proposed city-wide zoning change and provided any feedback. Jeff Roberts noted that he is not aware of any feedback from other institutions. Councillor Siddiqui pointed out that Mayor Simmons meets frequently with members of different institutions and that could be an opportunity to share the proposed zoning with them.

The Chair, Vice Mayor McGovern recognized Committee members and the City Solicitor for comments and suggestions on how to move forward with the petition.

**The Chair, Vice Mayor McGovern recognized Councillor Nolan who made a motion that the Ordinance Committee recommend to the full City Council to ask the City Solicitor to ensure that the wording for the proposed amendment to Section 5.40 Footnote #2 is in line with the City Council's intention to continue to include the inclusionary requirement for any nonreligious use property that is going above four stories, and to strike "except for religious purposes" used from Section 5.40 Footnotes #1 and #37.**

**Deputy City Clerk Crane called the roll.**

Councillor Azeem – Yes  
Vice Mayor McGovern – Yes  
Councillor Nolan – Yes  
Councillor Siddiqui – Yes  
Councillor Sobrinho-Wheeler – Absent  
Councillor Toner – Yes  
Councillor Wilson – Yes  
Councillor Zusy – Yes  
Mayor Simmons – Absent

**Yes – 7, No – 0, Absent – 2. Motion passed.**

**The Chair, Vice Mayor McGovern recognized Councillor Azeem who made a motion that the Ordinance Committee forward the Mushla Marasao, et al. Zoning Petition to the full City Council with no recommendation.**

**Deputy City Clerk Crane called the roll.**

Councillor Azeem – Yes  
Vice Mayor McGovern – Yes  
Councillor Nolan – Yes  
Councillor Siddiqui – Yes  
Councillor Sobrinho-Wheeler – Absent  
Councillor Toner – Yes  
Councillor Wilson – Yes  
Councillor Zusy – Yes  
Mayor Simmons – Absent

**Yes – 7, No – 0, Absent – 2. Motion passed.**

**The Chair, Vice Mayor McGovern recognized Councillor Siddiqui who made a motion to adjourn the meeting.**

**Deputy City Clerk Crane called the roll.**

Councillor Azeem – Yes  
Vice Mayor McGovern – Yes  
Councillor Nolan – Yes  
Councillor Siddiqui – Yes  
Councillor Sobrinho-Wheeler – Absent  
Councillor Toner – Yes  
Councillor Wilson – Yes  
Councillor Zusy – Yes  
Mayor Simmons – Absent

**Yes – 7, No – 0, Absent – 2. Motion passed.**

**The Ordinance Committee adjourned at approximately 3:56p.m.**

Attachment A – Communications from the public

**Clerk’s Note:** The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. The video for this meeting can be viewed at:

[https://cambridgema.granicus.com/player/clip/1046?view\\_id=1&redirect=true](https://cambridgema.granicus.com/player/clip/1046?view_id=1&redirect=true)

**A communication was received from City Solicitor, Megan B. Bayer, transmitting a response to Awaiting Report 25-23 of June 2, 2025.**

**A communication was received from Ben Tymann, Tymann, Davis, and Duffy, transmitting a presentation related to Zoning Petition by Mushla Marasao, et al.**

**A Zoning Amendment Petition Has been received from Mushla Marasao in regards to Article 5.28.21, 8.22.1, 8.22.2, Tbl 5.1, et al. REFERRED TO THE ORDINANCE COMMITTEE AND PLANNING BOARD FOR HEARING AND REPORT IN COUNCIL MARCH 17, 2025**

6/18/25 ORDINANCE - MARASGO/LUBAVITCH REZONING

Because the exemption from the Dover Amendment wasn't taken seriously during the Multifamily deliberation, Cambridge is in uncharted territory. The Maraso Zoning Petition on behalf of the litigious Lubavitch, is now pushing the boundaries by equating Religious Land use with multifamily which focused **solely** on housing, not institutional use.

6 stories by right included 2 stories for affordable units. This petition, after pushing Banks St properties beyond standard regulations, **is seeking to rezone the entire city for the benefit of one entity** also making it easier for Lubavitch to build on two other properties on Concord and Mass Aves. Instead of case by case, it wants the "as of right" code, but not the requirement "to notify neighbors and hold a meeting".

This is not about "substantial burden". Ignoring previous three-story plan and concerns, they now have 6 stories in C-1 for institutional use. Is a special interest institution equivalent to housing and how much power and exemption can a religious entity have in a residential district?

The exemption from the Dover Amendment in 1980 recognized that educational and religious institutions were expanding and competing with residential housing, Harvard being the most egregious. The Mormon Church on Brattle st was also contentious. In strict numbers, can Chinese, Greek, Baptist, Congregational, Hari Krishna, and individual religions also build 6 stories anywhere as of right with no recourse? We live in an inclusive society but what about the rights of non-believers and zoning itself?

The Dover Amendment still maintained that land and structures be subject to reasonable regulations concerning bulk, height, yard sizes, lot area, setbacks, open space, parking, all the regulations council has eliminated in Multifamily and historical commission. RLUIPA only deals with religion-- but as a good neighbor, how much entitlement can a group have when it disrupts a community which would rather figure out how to live together, rather than exclusively. Another city-wide zoning petition is excessive/as is one group's entitlement. 324 . 240

please keep it case by case.

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