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APPLICATION TO THE PLANNING BOARD

Special Permit for a Formula Business

Applicant:

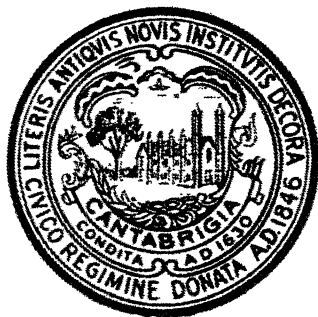
Commonwealth Specialty Baking C, LLC DBA Crumbl Cookies

Property Location:

425 Massachusetts Avenue

Cambridge, MA

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CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

COVER SHEET

In accordance with the requirements of the City of Cambridge Zoning Ordinance, the undersigned hereby petitions the Planning Board for one or more Special Permits for the premises indicated below.

Parcel Address(s): 425 Massachusetts Avenue

Base Zoning District(s): Business B

Overlay Zoning District(s): Central Square Overlay District

Applicant Name: Commonwealth Specialty Baking C, LLC

Applicant Address: 1198 E Wild Tree Dr., Draper, UT 84020

Contact Information: Joseph Oppedisano, Manager 949-943-7310

Name j.p.oppedisano@gmail.com Telephone # _____

Email Address _____

Note that the Applicant is responsible for seeking all necessary special permits for the project. A special permit cannot be granted if it is not specifically requested in the Application.

List all requested special permit(s) (with reference to zoning section numbers):

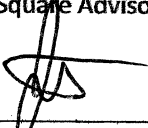
Zoning Section	Requested Special Permit
20.304.5.4	Special Permit (Formula Business)
10.43	Special Permit

Denote other City of Cambridge Board/Commission Review Needed:

Board of Zoning Appeal (Variances) Conservation Commission Historical Commission

Denote applicable Committee Review and Public Outreach:

Central Square Advisory Committee Harvard Square Advisory Committee Community Meeting(s)


Signature of Applicant

1/18/2023
Date

DIMENSIONAL FORM

Project Address: 425 Massachusetts Avenue

Application Date: 1/18/2023

	Existing	Allowed or Required (max/min)	Proposed	Permitted
Lot Area (sq ft)	38,773	none	No Change	
Lot Width (ft)	Multiple Lots	none	No Change	
Total Gross Floor Area (sq ft)	252,025	252,025	No Change	
Residential Base	249,275	252,025	No Change	
Non-Residential Base	2,800	252,025	No Change	
Inclusionary Housing Bonus	0	0	No Change	
Total Floor Area Ratio	6.5	6.5	No Change	
Residential Base	6.4	6.4	No Change	
Non-Residential Base	0.1	0.1	No Change	
Inclusionary Housing Bonus	0	0	No Change	
Total Dwelling Units	285	N/A	No Change	
Base Units	N/A	N/A	No Change	
Inclusionary Bonus Units	N/A	N/A	No Change	
Base Lot Area / Unit (sq ft)	136	N/A	No Change	
Total Lot Area / Unit (sq ft)	136	N/A	No Change	
Building Height(s) (ft)	197 & 70	197 & 70	No Change	
Front Yard Setback (ft)	0	none	No Change	
Side Yard Setback (ft)	10	none	No Change	
Side Yard Setback (ft)	10	none	No Change	
Rear Yard Setback (ft)	0	none	No Change	
Open Space (% of Lot Area)	12	10	No Change	
Private Open Space	12	10	No Change	
Permeable Open Space		N/A		
Other Open Space (Specify)				
Off-Street Parking Spaces	134	143 min/214 max	No Change	
Long-Term Bicycle Parking	302	301	No Change	
Short-Term Bicycle Parking	40	40	No Change	
Loading Bays	1	1	No Change	

Use space below and/or attached pages for additional notes:

There are no changes to the existing building with regard to the dimensional requirements. The approved formula business shall occupy an existing space of approximately 1,500 square feet on the first floor of the existing building in conformance with the Application Documents.

OWNERSHIP CERTIFICATE

Project Address: 425 Massachusetts Avenue

Application Date: 1/18/2023

This form is to be completed by the property owner, signed, and submitted with the Special Permit Application:

I hereby authorize the following Applicant: Commonwealth Specialty Baking C, LLC
at the following address: 425 Massachusetts Avenue, Cambridge, MA 02139
to apply for a special permit for: Formula Business in Central Square Overlay District
on premises located at: 425 Massachusetts Avenue
for which the record title stands in the name of: Watermark Central LLC
whose address is: One Broadway, 14th Floor, Cambridge, MA 02142

by a deed duly recorded in the:

Registry of Deeds of County: Middlesex So Book: _____ Page: _____

OR Registry District of the Land Court,

Watermark Central LLC, Certificate No.: 265832 Book: 1514 Page: 71
a Delaware limited liability company

By: Ashley Gray
Name: Ashley Gray
Title: Senior Vice President

Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

By: _____
Its: Authorized Signatory

To be completed by Notary Public:

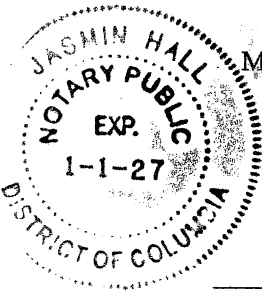
~~Commonwealth of Massachusetts, County of~~ District of Columbia

The above named Ashley Gray personally appeared before me,

on the month, day and year 1/14/2023 and made oath that the above statement is true.

Notary: [Signature]

My Commission expires: 1/1/2027



JASMIN HALL
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 1, 2027

FEE SCHEDULE

Project Address: 425 Massachusetts Avenue

Application Date: 1/18/2023

The Applicant must provide the full fee (by check or money order) with the Special Permit Application. Depending on the nature of the proposed project and the types of Special Permit being sought, the required fee is the larger of the following amounts:

- If the proposed project includes the creation of new or substantially rehabilitated floor area, or a change of use subject to Section 19.20, the fee is ten cents (\$0.10) per square foot of total proposed Gross Floor Area.
- If a Flood Plain Special Permit is being sought as part of the Application, the fee is one thousand dollars (\$1,000.00), unless the amount determined above is greater.
- In any case, the minimum fee is one hundred fifty dollars (\$150.00).

Fee Calculation

New or Substantially Rehabilitated Gross Floor Area (SF): 1500 × \$0.10 = 150

Flood Plain Special Permit Enter \$1,000.00 if applicable:

Other Special Permit Enter \$150.00 if no other fee is applicable: 150

TOTAL SPECIAL PERMIT FEE Enter Larger of the Above Amounts: 150

PROJECT NARRATIVE AND

ZONING ANALYSIS

The applicant, Commonwealth Specialty Baking C, LLC (the “Applicant”), proposes to open a new Crumbl Cookies bakery (the “Proposed Crumbl Cookies Bakery”) in Market Central, located at 425 Massachusetts Avenue, Cambridge, Massachusetts 02139 (the “Premises”). The Proposed Crumbl Cookies Bakery will be one of the newest locations in the Commonwealth and City of Cambridge. The Premises are located in the Business B Zoning District and the Central Square Overlay District. The building located on the Premises was constructed on or about 2018. The Proposed Crumbl Cookies Bakery will be located in a retail space consisting of approximately 1,500 square feet on the ground floor of the building located on the Premises and will be the first occupant of the retail space. As part of the build-out of the space, the Applicant shall install new counters and equipment for its operational needs and shall utilize the standard color scheme, signage and logos of its franchisor, Crumbl Cookies. There will be no change to the building envelope or footprint of the building on the Premises as part of the build-out for the Proposed Crumbl Cookies Bakery. A copy of the Applicant’s proposed floor plan and sign plans have been submitted herewith.

In order to accomplish the above, the Applicant is filing for a Special Permit to authorize the operation of a Formula Business in the City’s Business B Zoning District and Central Square Overlay District.

Pursuant to Section 2.0 of the Cambridge Zoning Ordinance (the “Ordinance”), a “Formula Business” is defined as follows:

Formula Business. An individual Retail or Consumer Service establishment that is required by virtue of a contract, franchise agreement, ownership or other similar legal obligation to conform or substantially conform to a set of common design and operating features that serve to identify the establishment as one of a group of establishments for business, marketing and public relations purposes. Specifically, an establishment shall be considered a Formula Business if it shares at least two (2) of the following three (3) characteristics with ten (10) or more other establishments in Massachusetts or within twenty (20) or more other establishments.

1. Trademark, service mark or logo, defined as a word, phrase, symbol, or design or combination thereof that identifies and distinguishes the source of the goods or services from others;
2. Standardized building architecture including but not limited to façade design and signage;
3. Standardized color scheme used throughout the exterior of the establishment, including color associated with signs and logos.

As the Applicant shares a trademark, logo and standardized color scheme with ten (10) or more other establishments in Massachusetts, the Applicant is seeking a Special Permit to operate a Formula Business in Cambridge's Business B Zoning District and Central Square Overlay District. Elevations and plans depicting the placement of the trademarks, logos and color schemes have been submitted herewith.

COMPLIANCE WITH SPECIAL PERMIT CRITERIA

Section 10.43

Granting the Special Permit requested would not be a detriment to the public interest, in accordance with Section 10.43 of the Ordinance, because:

- (a) It appears that requirements of this Ordinance cannot or will not be met:
- The proposed use of the Premises by the Applicant, a franchisee of a national franchise with many locations already within the Commonwealth (and more expected to come) that also shares a trademark, logo and standardized color scheme with ten (10) or more other establishments in Massachusetts, qualifies as a Formula Business and, therefore, cannot comply with the requirements of the Ordinance without the granting of the requested relief.
- (b) Traffic generated or patterns of access or egress would cause congestion, hazard or substantial change in the established neighborhood character:
- There is no expectation that there will be a change to the traffic patterns generated or patterns of access or egress as a result of the proposed use. The Applicant anticipates a high level of foot traffic for this store in this location and there is a dedicated entry to the store from the sidewalk. There are also metered parking spots along Massachusetts Avenue, municipal parking lots, public parking garages and the Central Square T station all located within 1,000 feet or less from the Premises that will help minimize any disruption to traffic.
- (c) The continued operation of or the development of adjacent uses as permitted in the Ordinance would be adversely affected by the nature of the proposed use:
- Notwithstanding the fact that the Applicant's business constitutes a Formula Business requiring the requested relief herein, the proposed use as a bakery would otherwise be an allowed use in the Business B Zoning District, is entirely consistent with the surrounding retail environment and will not adversely affect the surrounding businesses.
- (d) Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City:

- No nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City by way of the relief requested.
- (e) For other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance:
- The proposed use as a bakery complies with the allowed uses in the Business B Zoning District and will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance.
- (f) The new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30:
- The proposed use as a bakery is consistent with the Urban Design Objectives set forth in Section 19.30. The proposed use will compliment and enhance other commercial uses in the area.

Section 20.304.5.4

A “Formula Business” as defined in Section 20.304.5.4 of the Ordinance may be established in the Central Square Overlay District only after the issuance of a special permit from the Planning Board. In reviewing an application, the Planning Board shall take the following into consideration for the relief requested herein:

- a. The extent to which the design of the proposal reflects, amplifies, and strengthens the established historical character of existing buildings and store fronts in Central Square.
 - As shown on the plans submitted herewith, the proposed use will compliment the character of the façade of the existing building and the proposed signage will not adversely affect the character of Central Square based on feedback from the Central Square Advisory Committee.
- b. The extent to which the particulars of the building or storefront design is varied from the formula or standard design of the chain in order to reflect the unique character and conditions of Central Square generally or the specific location in particular.
 - As shown on the plans submitted herewith, the proposed use will not derogate from the character of the façade of the existing building and the proposed signage will not adversely affect the character of Central Square. The existing building varies from the abutting buildings and its unique character will be preserved and will not be adversely affected by the proposed signage and/or usage.

- c. The extent to which the standard elements of the enterprise as they define it as a Formula Business are modified to respect and provide unique expressions of Central Square history and traditions as well as innovation in physical design and marketing that will distinguish the Central Square location from other locations of the Formula Business.
- The Applicant will respect the history of Central Square and the proposed use will not alter the character of the façade of the existing building, which will distinguish the Applicants bakery from other franchisees within the Commonwealth.

COMMUNITY OUTREACH

Prior to filing its application, the Applicant has been in contact with and coordinated community outreach efforts with the Community Development Department for the City concerning the relief requested herein.

On January 5, 2022, the Applicant held an in-person Pre-Application Community Meeting at the Premises; on January 6, 2022, the Applicant held a virtual Pre-Application Community Meeting via Zoom. A copy of the flyer mailed by the Applicant providing notice of said meeting to all applicable abutters and parties is attached hereto as Exhibit 1; and attached hereto as Exhibit 2 is a copy of all of the addresses to which the flyer was mailed by the Applicant more than ten (10) days prior to said meetings. The Applicant did not receive any opposition to the Proposed Crumbl Cookies Bakery, the proposed signage, and/or the relief requested herein at either of the in-person or virtual Pre-Application Community Meeting; however, one attendee did suggest an alternative color scheme to the signage and so a proposed inverse color scheme for the logo has been provided and submitted with this application.

On July 28, 2022, held a follow-up virtual meeting with the Community Development Department for the City in connection with this matter.

In addition to the foregoing, after filing the Applicant shall timely comply with all other request(s) of the Community Development Department including, but not limited to, posting and maintaining panels on-site, and doing all other things which may reasonably be requested of the Applicant by the Community Development Department and/or the Planning Board prior to the public hearing on the instant application.

EXHIBIT 1

City of Cambridge Cookie retail store approval - 425 Mass Ave (Retail Space 1), Cambridge 02139

Please join us on either of the below meetings:

Physical Meeting:

On Wednesday, January 5th, 2022 from 3:00-4:00 PM EST at Retail Space 1, 425 Mass Ave, Cambridge 02139.

Virtual Meeting:

On Thursday, January 6th, 2022 between 10:00-11:00 AM EST. Please send an email to the email ID below for a virtual invite.

Meeting Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzVmN2I5MTQtNWw2MS00NjI0LTkxNGItMTZiNTIkyTE0YjE0%40thread.v2/0?context=%7b%22Tid%22%3a%225fed94a0-4129-44a0-b507-a83a5c9e6dac%22%2c%22Oid%22%3a%22ebf90aa3-572b-4fb5-a73a-3963e994820d%22%7d

This request is based on proposed planning Board Special Permits and formula business requirements for this location to open a cookie store.

We are a small business and franchisee, dba Crumbl Cookies. The Crumbl Cookies concept is simple -

“Bringing family and friends together over a box of the best cookies in the world”

This will be a store aiming to provide freshly baked cookies every day, with a rotating menu every week with innovative and delectable flavors of cookies.

For questions, please contact us at -

ma.stationlanding@crumbl.com or 781 588 1251

EXHIBIT 2

91-205
CITY OF CAMBRIDGE RECREATION DEPT.
795 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

91-107
TRIVEDI, AMAL N. NISHA G. TRIVEDI
532 ELMGROVE AVE
PROVIDENCE, RI 02906

91-87
JUSTMASS LLC, C/O LINCOLN PROPERTY CO.
60 SOUTH ST., #1020
BOSTON, MA 02111

91-192
DOBIA PROPERTIES CORP.,
907 MASSACHUSETTS AVE.
CAMBRIDGE, MA 02139

92-117
SALVATION ARMY OF MASSACHUSETTS INC.
402 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

91-70
SEAN CASEY LLC.
41A PLEASANT ST
CAMBRIDGE, MA 02139

91-195
CAMBRIDGE CITY OF PARKING
CITYHALL
CAMBRIDGE, MA 02139

91-180
ROTHMAN, GEORGE AND STUART J. ROTHMAN, TRS.
OF
STU-LIN FAMILY TRUST
907 MASS AVE
CAMBRIDGE, MA 02139

91-194
ESTIA PROPERTIES LLC
27 MYOPIA RD
WINCHESTER, MA 01890

92-62
MIT 424-456 MASSACHUSETTS AVE LLC
C/O MIT INVESTMENT MGMT CO
ONE BROADWAY, 9TH FL. SUITE 200
CAMBRIDGE, MA 02142

91-181
MCAVINNEY, WILLIAM F., TRUSTEE CAROLYN ANNE
FULLER, TRUSTEE
12 DOUGLASS ST
CAMBRIDGE, MA 02139

91-207
WATERMARK CENTRAL LLC,
425 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

91-104:
ROTHMAN, GEORGE & ETHEL ROTHMAN, TRS.
OF STU-LIN REALTY TRUST
907 MASS AVE
CAMBRIDGE, MA 02139

92-132
MIT 424-456 MASSACHUSETTS AVENUE LLC
C/O MIT INVESTMENT MGMT CO
ONE BROADWAY. 9TH FL, SUITE 200
CAMBRIDGE, MA 02142

91-35
LIU, BAOHUA & JINLAN YANG
85 THORNDIKE STREET
CAMBRIDGE, MA 02139

91-82
AGRIMONY, LLC C/O MINTZ LEVIN COHN FERRIS
GLOVSKY PC
ATTN: ALLAN CAGGIANO, ESQ
ONE FINANCIAL CENTER
BOSTON, MA 02111

91-52
SIDNEYVILLE PROPERTIES, LLC
P.O. BOX 994
LINCOLN, NH 03251

92-88
SATER REALTY LLC ATTN: NABIL SATER
472 MASS AVE
CAMBRIDGE, MA 02138

91-206
WATERMARK CENTRAL LLC,
425 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

92-69
MASSACHUSETTS INSTITUTE OF TECHNOLOGY OFFICE
OF THE TREASURER
238 MAIN ST. - SUITE 200
CAMBRIDGE, MA 02142

91-107
MAGGINI, ELIO A. JACQUELINE H. MAGGINI TRUSTEE
15 DOUGLASS ST, UNIT 1
CAMBRIDGE, MA 02139

91-208
GREENSAIL, LLC C/O MINTZ LEVIN COHN FERRIS
GLOVSKY
ATTN: ALLAN CAGGIANO, ESQ
ONE FINANCIAL CENTER
BOSTON, MA 02111

91-107
CRAIGIE STREET ASSOCIATES LIMITED
850 NEW BARTON RD
DOVER, DE 19904

92-103
MASSACHUSETTS INSTITUTE OF TECHNOLOGY OFFICE
OF THE TREASURER
C/O MIT INVESTMENT MGMT CO
ONE BROADWAY. 9TH FL, SUITE 200
CAMBRIDGE, MA 02142

91-61
BSM REAL ESTATE MA LLC,
P.O. BOX 1104
NEW CANAAN, CT 06840

91-191
MCDONALDS CORPORATION C/O CHIN VERN
77 PAULSON RD
WABAN, MA 02168-1007

91-68
AGRIMONY, LLC C/O MINTZ LEVIN COHN FERRIS
GLOVSKY PC
ATTN: ALLAN CAGGIANO, ESQ
ONE FINANCIAL CENTER.
BOSTON, MA 02111

91-83
AGRIMONY, LLC C/O MINTZ LEVIN COHN FERRIS
GLOVSKY PC
ATTN: ALLAN CAGGIANO ESQ
ONE FINANCIAL CENTER
BOSTON, MA 02111

92-58
MASSACHUSETTS INSTITUTE OF TECHNOLOGY OFFICE
OF THE TREASURER
C/O MIT INVESTMENT MGMT CO
ONE BROADWAY, 9TH FL. SUITE 200
CAMBRIDGE, MA 02142

92-57
CAMBRIDGE CITY OF FIRE DEPT
491 BROADWAY
CAMBRIDGE, MA 02138