



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

BZA APPLICATION FORM

Plan No: BZA-012500-2017

GENERAL INFORMATION

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

Special Permit : √ Variance : Appeal :

PETITIONER : Philip Rizzuto - C/O Sean D. Hope, Esq

PETITIONER'S ADDRESS : 675 Massachusetts Avenue Cambridge, MA 02139

LOCATION OF PROPERTY : 29 Church St Cambridge, MA 02138

TYPE OF OCCUPANCY : 4.35.(0) ZONING DISTRICT : Business A Zone-(HSO)

REASON FOR PETITION :

Other: Change of Owner for Fast Order Food

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner requests Special Permit relief to operate an existing Fast Order Food (Lizzy's Ice Cream).

SECTIONS OF ZONING ORDINANCE CITED :

Article 4.000 Section 4.35.0 (Fast Order Food Establishment).

Article 11.000 Section 11.30 (Fast Order Food Establishment).

Article 10.000 Section 10.40 (Special Permit).

Original Signature(s) :

(Petitioner(s) / Owner)

Sean D. Hope Esq

(Print Name)

Address : 675 Massachusetts Avenue

Cambridge, MA 02139

Tel. No. : 617-492-0220

E-Mail Address : sean@hopelegal.com

Date : February 3, 2017

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 JANET A CAHALY
(OWNER)

Address: 774 COMMONWEALTH AVE, NEWTON 02459

State that I/we own the property located at 39-31-33 CHURCH STREET
CAMBRIDGE, MA 02138
which is the subject of this zoning application.

The record title of this property is in the name of JAC CAMBRIDGE
NOMINEE TRUST, PO BOX 590-104, NEWTON CENTER, MA 02459

*Pursuant to a deed of duly recorded in the date 9/8/2004, Middlesex South
County Registry of Deeds at Book _____, Page _____; or
Middlesex Registry District of Land Court, Certificate No. _____
Book 43876 Page 33.

Janet A. Cahaly, tr
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

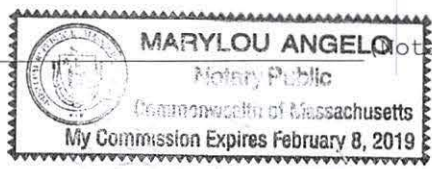
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of MIDDLESEX

The above-name JANET A. CAHALY personally appeared before me,
this 25 of JANUARY, 2017, and made oath that the above statement is true.

Marylou Angelo 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.

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 29 Church St Cambridge, MA 02138 (location) would not be a detriment to the public interest because:

- A)** Requirements of the Ordinance can or will be met for the following reasons:
With the requested relief the requirements of the ordinance will be satisfied.
- B)** Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:
Traffic generated or patterns of access or egress will not cause congestion hazard, or substantial change in established neighborhood character because Lizzy's Ice Cream has operated in Harvard Square for several decades at this same location and the Petitioner will continue to operate the store with no material changes to the business operations.
- C)** The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:
The continued operation of or the development of adjacent uses will not be adversely affected and will allow a local small business to continue to operate in a manner that is consistent with the other restaurant and retail options on Church street.
- D)** Nuisance or hazard would not 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 for the following reasons:
No Nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use of citizens of the City and will continue the history of unique and diverse food offerings that have existed in Harvard Square for decades.
- E)** For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:
The integrity of the district will be strengthened by providing for Lizzy's Ice Cream to remain as a Harvard Square locally owned business.



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2017 FEB -7 PM 12:05
 OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

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 (Petitioner(s) / Owner)

Sean D. Hope Esq
 (Print Name)

Address : 675 Massachusetts Avenue
Cambridge, MA 02139

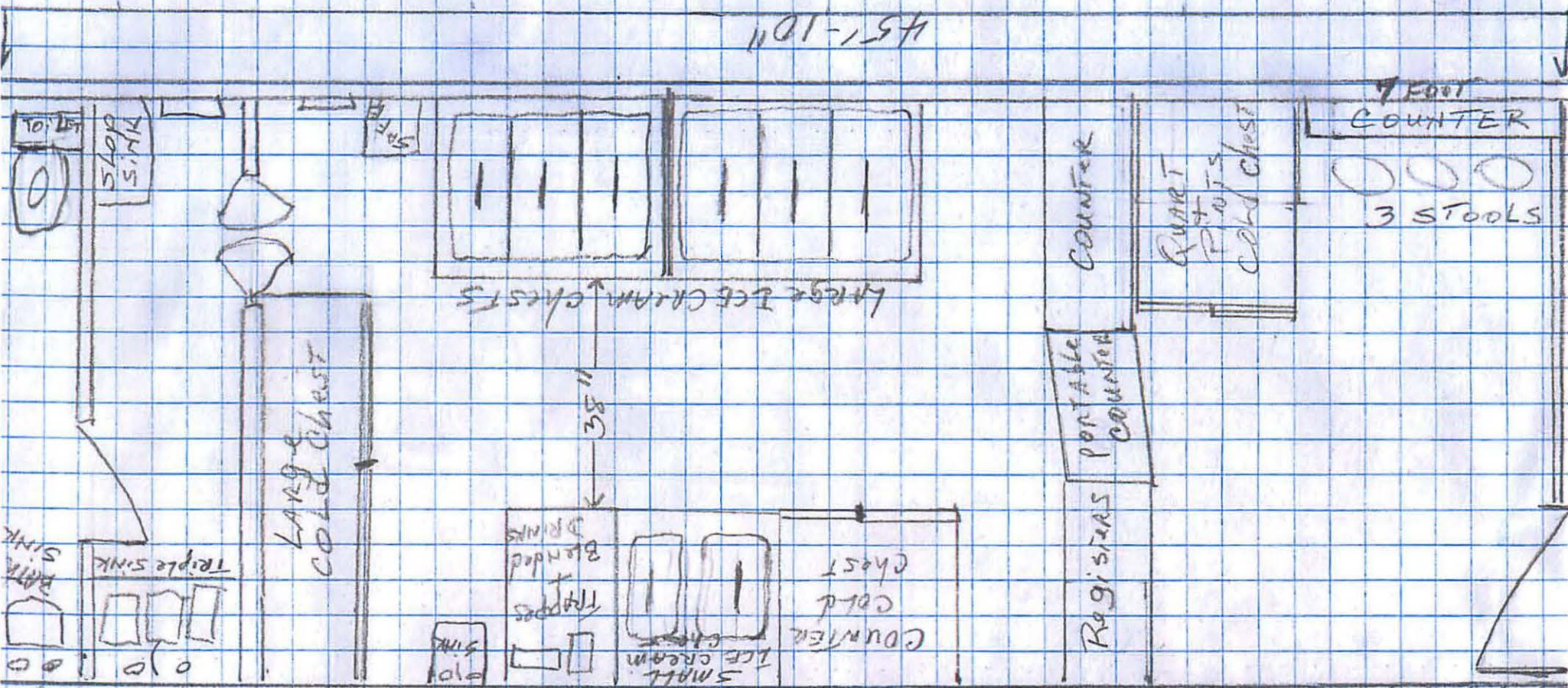
Tel. No. : 617-492-0220

E-Mail Address : sean@hopelegal.com

Date : February 3, 2017

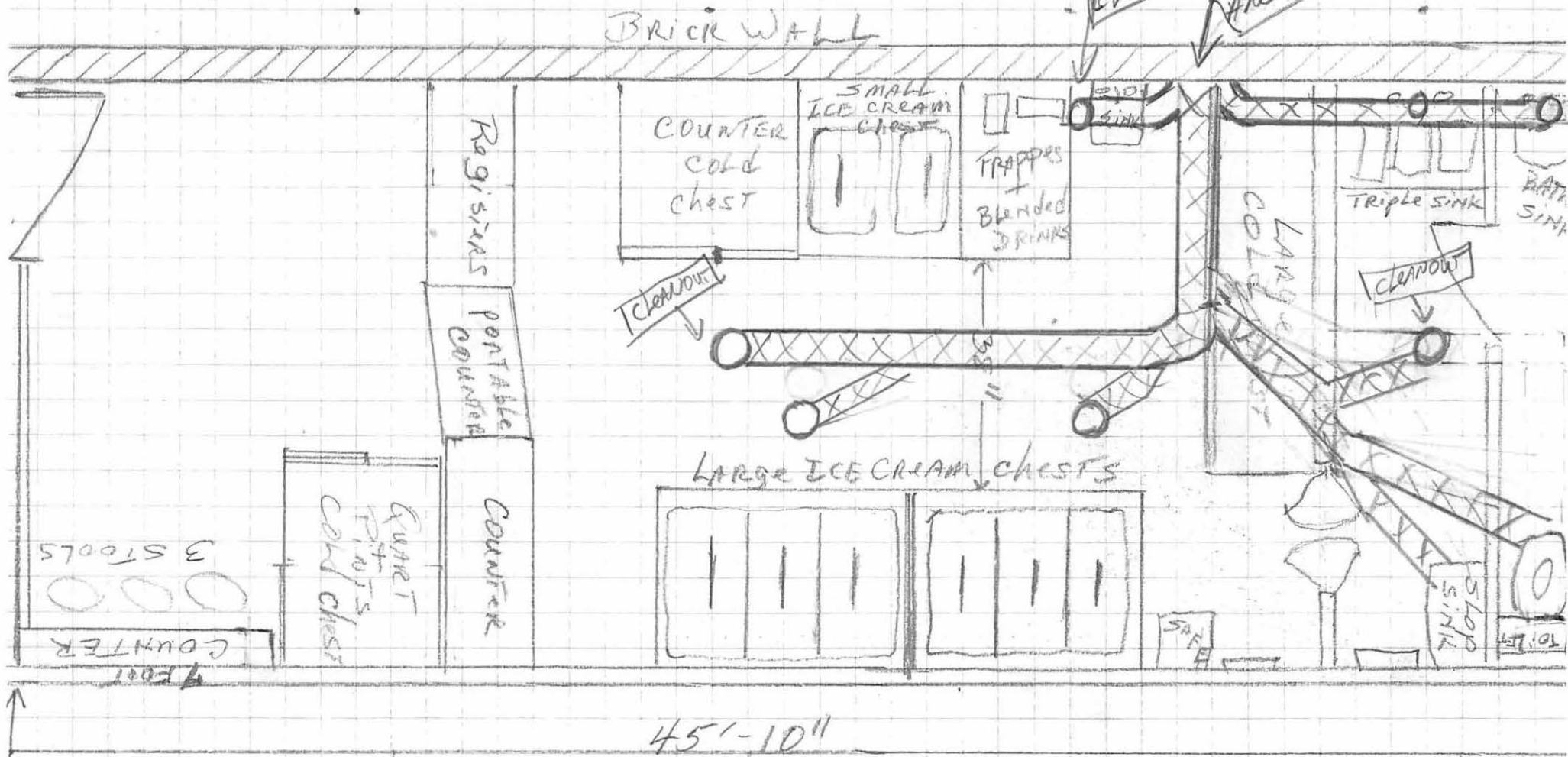
110" = 11' 10"

45" = 3' 9"

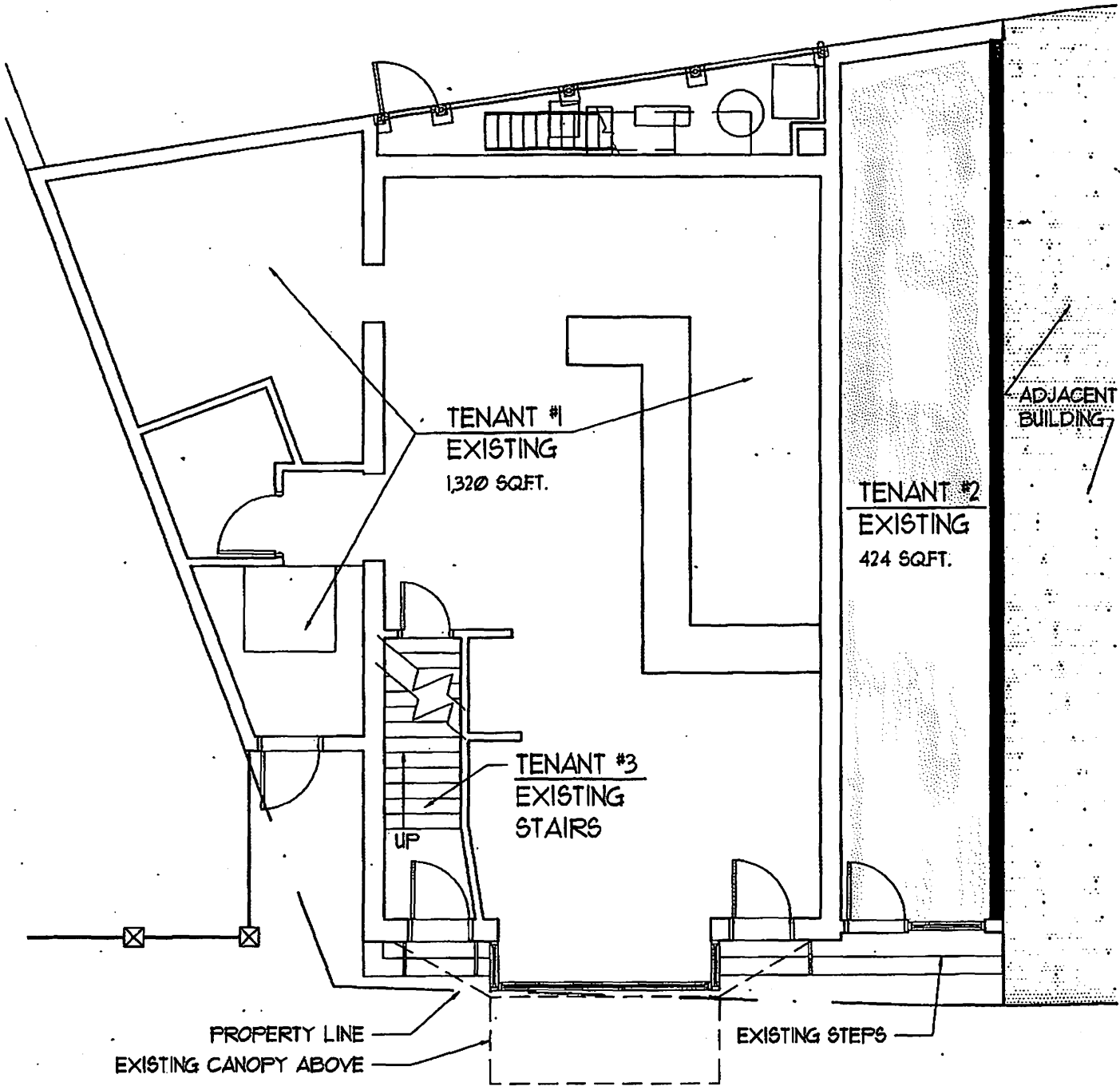


8' - 3.0"
 1/2" = 1 ft

1/4" = 1.0"
8'-3.0"



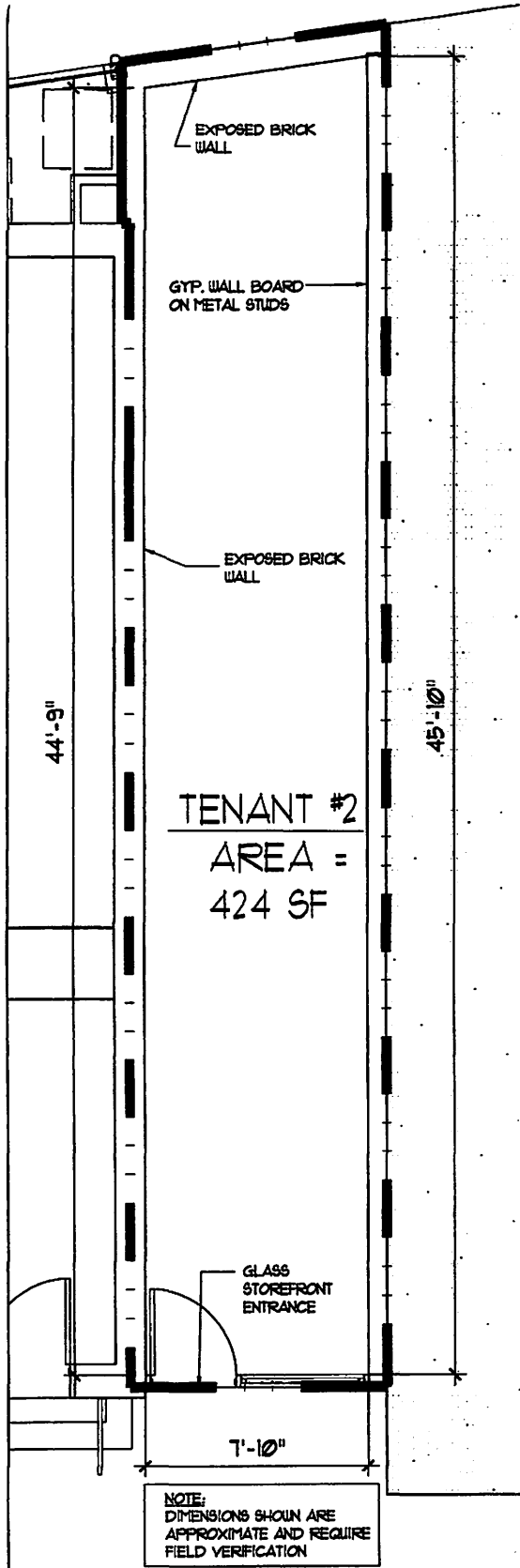
1/4" = 1.0"



First Floor Plan

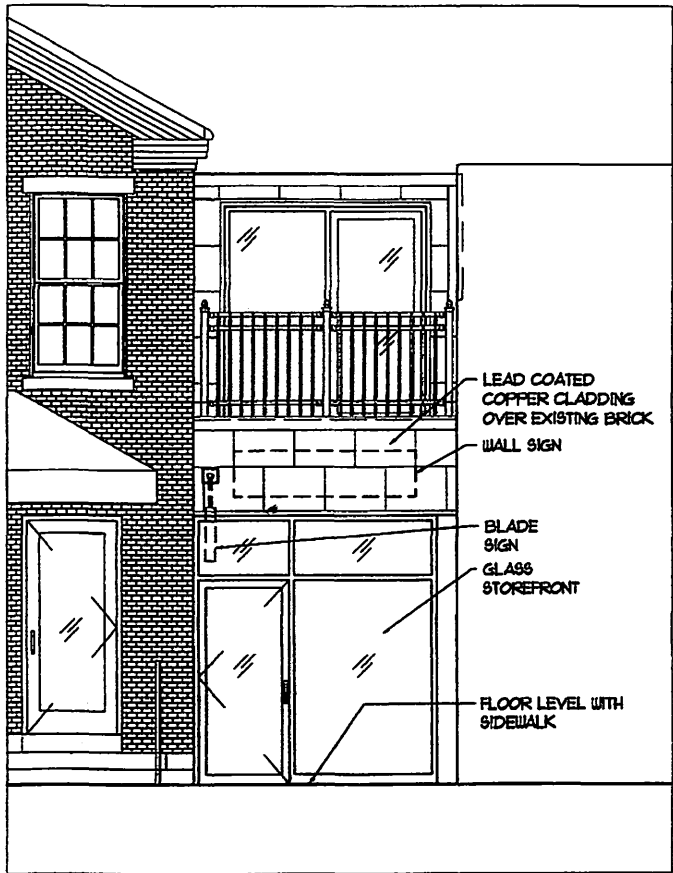
CHURCH STREET

SUBMITTED TO THE BOARD OF ZONING APPEAL
FOR CASE NO. 9180



2 PLAN

1/4"=1'-0"



1 CHURCH STREET ELEVATION

1/4"=1'-0"

PRELLWITZ/CHILINSKI ASSOCIATES INC

221 Hampshire Street / Cambridge, Massachusetts 02139
617 552-4129 www.prellwitzchilinski.com 617 661-4906

PROJECT: 29 CHURCH STREET PLAN

TITLE: EXISTING PLAN AND ELEVATION

SCALE: 1/4" = 1'-0"

DATE: May 24, 2005

PROJECT NO.:

BULLETIN NO.:

LOD-1

29 Church Street

Petitioner

169-82-81-8-14
PRESIDENT & FELLOWS OF HARVARD
C/O HARVARD REAL ESTATE INC.
HOLYOKE CENTER RM 1000
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

169-7
FIRST CHURCH OF CHRIST SCIENTIST
13 WATERHOUSE ST
CAMBRIDGE, MA 02138

SEAN D. HOPE, ESQ.
675 MASS AVENUE – 5TH FL.
CAMBRIDGE, MA 02139

169-12
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE, INC.
HOLYOKE CENTER, ROOM 1017
1350 MASS AVE
CAMBRIDGE, MA 02138

169-4
CHRIST CHURCH OF CAMBRIDGE
C/O TREASURER
1 GARDEN STREET
CAMBRIDGE, MA 02138

169-5
CAMBRIDGE CITY OF PWD
147 HAMPSHIRE ST
CAMBRIDGE, MA 02139

169-100
KIRCHE, LLC C/O PRAGUE & COMPANY
15 WALNUT ST., SUITE 150
WELLESLEY, MA 02481

169-5
CITY OF CAMBRIDGE
C/O LOUIE DePASQUALE
CITY MANAGER

169-5
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

169-85
STOREY PROPERTIES LLC
C/O 59 CHURCH STREET, LLC
250 FIRST AVE., SUITE 200
NEEDHAM, MA 02494

169-15
BARTHOLET, ELIZABETH
10 FARWELL PL
CAMBRIDGE, MA 02138

169-15
AARON, JANET,
TR OF THE 12 FAREWELL PLACE REALTY TRUST
12 FARWELL PL
CAMBRIDGE, MA 02138

169-17
MAGINN, ROBERT A., JR. LING CHAI, JENZABAR
101 HUNTINGTON AVE, SUITE 2205
BOSTON, MA 02199

169-18
PETERSON, DEANNE R. & GARY CHAFETZ
18-20 FARWELL PL
CAMBRIDGE, MA 02138

169-19
EPISCOPAL SOCIETY IN CAMBRIDGE TREAS.
OFFICE
0 GARDEN ST.
CAMBRIDGE, MA 02138

169-19
HOLMES, OLIVE WESTPHAL &
DOWLEY & MULVENA PC, TRUSTEE
22 FARWELL PL
CAMBRIDGE, MA 02138

169-19
MOURA, JOSE M.F. & MARIA M. VELOSO
24 FARWELL PL., UNIT #3
CAMBRIDGE, MA 02138

169-67
JANET A. CAHALY,
TRS. OF JAC CAMBRIDGE NOMINEE TRUST
P.O BOX 590-104
NEWTON CENTER, MA 02459

169-68
27 CHURCH STREET, LLC.
P.O. BOX 590632
NEWTON, MA 02459

169-79
FIRST PARISH UNITARIAN CHURCH
WILLIAM MORSE COLE
55 BREWSTER STREET
CAMBRIDGE, MA 02138



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139
Telephone: 617 349 4683 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Shary Page Berg, Robert G. Crocker, Chandra Harrington,
Jo M. Solet, *Members*; Joseph V. Ferrara, Kyle Sheffield, Susannah Barton Tobin, *Alternates*

Jurisdiction Advice

To the Owner of Property at 29 Church Street

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- Old Cambridge Historic District **No CHC review of interior layout or use.**
 - Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
 - Avon Hill Neighborhood Conservation District
 - Half Crown – Marsh Neighborhood Conservation District
 - Harvard Square Conservation District
 - Mid Cambridge Neighborhood Conservation District
 - Designated Landmark
 - Property is being studied for designation: _____
(City Code, Ch. 2.78., Article III, and various City Council Orders)
 - Preservation Restriction or Easement (as recorded)
 - Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). **See the back of this page for definition of demolition.**
 - No jurisdiction: not a designated historic property and the structure is less than fifty years old.
 - No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.
- Staff comments: _____

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.

CHC staff initials SLB

Date January 31, 2017

Received by Uploaded to Energov

Date January 31, 2017

Relationship to project BZA 12500-2017

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. **In addition to complete demolition of a building, the following actions may require a demolition permit,**

- **removal of a roof,**
- **removal of one side of a building,**
- **gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and**
- **removal of more than 25% of a structure.**

Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission
831 Massachusetts Ave., 2nd Fl.
Cambridge, MA 02139
Ph: 617/349-4683 or TTY: 617/349-6112
<http://www.cambridgema.gov/Historic>