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

2016 MAR 28 PM 4: 13
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-009745-2016

GENERAL INFORMATION

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

Special Permit : √ **Variance :** √ **Appeal :** ____

PETITIONER : MedSpring Urgent Care - C/O James J. Rafferty, Esq.

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

LOCATION OF PROPERTY : 76 Prospect St Cambridge, MA

TYPE OF OCCUPANCY : ____ **ZONING DISTRICT :** Bus A-1/Res B Zone/Prospect St Ovrly

REASON FOR PETITION :

Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Special Permit: Petitioner seeks a reduction in the required amount of parking for a medical office.

Variance: Petitioner seeks a variance to use that portion of existing commercial building located in a Residence B District as a medical office.

SECTIONS OF ZONING ORDINANCE CITED :

Article 4.000 Section 4.34.A (Table of Uses).
Article 6.000 Section 6.35.1 (Reduction in Required Parking).
Article 10.000 Section 10.30 (Variance).
Article 10.000 Section 10.40 (Special Permit).

Original Signature(s) : ____
(Petitioner(s) / Owner)

James J. Rafferty, Esq.
(Print Name)

Address : 675 Massachusetts Avenue
Cambridge, MA 02139

Tel. No. : (617) 492-4100

E-Mail Address : jrafferty@adasrafferty.com

Date : 3/25/16

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

_____
(Owner or Petitioner)

Address: c/o James J. Rafferty 675 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 76 Prospect Street

the record title standing in the name of 74 Prospect Street, LLC

whose address is 74 Prospect Street, Cambridge MA 02139
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 28181 Page 155 or _____ Registry

District of Land Court Certificate No. _____ Book _____ Page _____

Matthew M. Carberry
(Owner)

==========

On this 3 day of ~~January~~ February, 2016, before me, the undersigned notary public, personally appeared Matthew M. Carberry proved to me through satisfactory evidence of identification, which were Passport, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public

My commission expires:

1/2018

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:

A literal enforcement of the Ordinance would prevent the applicant from using a portion of the rear of the existing building.

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:

The hardship is related to the shape and location of the existing building and the location of the Zoning Boundary line.

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

1) Substantial detriment to the public good for the following reasons:

There will not be any access to the premises from the portion of the building in the Residence B Zoning District.

2) Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

The BZA granted a similar use variance in 1993 in BZA Case No. 6819 (copy enclosed) which authorized a Fast Food/Bakery use in the portion of the building located in the Residence B Zoning District. A commercial use has been occuring in that portion of the building since that time and has not adversely affected the abutting uses in the Residence B District.

* **If You have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.**

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 76 Prospect St Cambridge, MA (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:

Article 6.35.1 allows for the reduction in parking by Special Permit where excessive congestion does not occur.

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:

The established neighborhood contains numerous commercial uses which do not contain any off street parking. The site is located within fifty feet of an MBTA bus stop, 300 feet of the Central Square T Station, and 1,000 feet of the Massachusetts Avenue Hubway Station.

For those seeking to park a vehicle, there are a variety of additional parking options available in the area including the Green Street Garage and 3 municipal parking lots along Bishop Allen Drive.

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:

A medial office use is allowed in the Business A-1 Zoning District where the vast majority of the existing structure is located. A reduction in the required amount of parking of 2 spaces will not negatively impact the surrounding uses, due to the number of alternate means of trasnportation provided in Central Square.

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:

The reduction of two parking spaces will not adversely affect the health, safety, and/or welfare of the people living or working in the building nor the citizens of Cambridge. To the contrary, fewer motor vehicles accessing the site will benefit the health of the occupants and the citizens of Cambridge.

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 most signification demand for parking for this use occurs during the daytime and not of evenings or weekends when demand for Central Square parking is at its greatest.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: James Rafferty, Esq. **PRESENT USE/OCCUPANCY:** Fast Order Food/Bakery

LOCATION: 76 Prospect St Cambridge, MA **ZONE:** Bus A-1/Res B Zone/Prospect

PHONE: **REQUESTED USE/OCCUPANCY:** Physician's Office

		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS [1]	
TOTAL GROSS FLOOR AREA:		4,543	no change*	4,640	(max.)
LOT AREA:		6187.5	no change	n/a	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: [2]		.55	.45	.75	(max.)
LOT AREA FOR EACH DWELLING UNIT:		n/a	n/a	n/a	(min.)
SIZE OF LOT:	WIDTH	75'	no change	50'	(min.)
	DEPTH	110'	no change	n/a	
SETBACKS IN FEET:	FRONT	25'+/-	no change	none	(min.)
	REAR	0'	no change	25'	(min.)
	LEFT SIDE	0'	no change	7'6"	(min.)
	RIGHT SIDE	5'+/-	no change	7'6"	(min.)
SIZE OF BLDG.:	HEIGHT	25'+/-	no change	35'	(max.)
	LENGTH	85'	no change	n/a	
	WIDTH	74'	no change	n/a	
RATIO OF USABLE OPEN SPACE TO LOT AREA: [3]		n/a	n/a	n/a	(min.)
NO. OF DWELLING UNITS:		n/a	n/a	n/a	(max.)
NO. OF PARKING SPACES:		11	no change	16/13*	(min./max)
NO. OF LOADING AREAS:		n/a	no change	n/a	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:		0	no change	n/a	(min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

* only first floor consisting of 3,731 sf to be used. Use of and access of 812 sf of second floor to be restricted.

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'.

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Original Signature(s) : ____
(Petitioner(s) / Owner)

James J. Rafferty, Esq.
(Print Name)

Address : 675 Massachusetts Avenue
Cambridge, MA 02139

Tel. No. : (617) 492-4100

E-Mail Address : jrafferty@adasrafferty.com

Date : 3/25/16

Not for Scale

BACK BAY SIGN
65 Industrial Way Wilmington, MA
tel.978.203.0570 • fax.978.203.0573
www.backbaysign.com

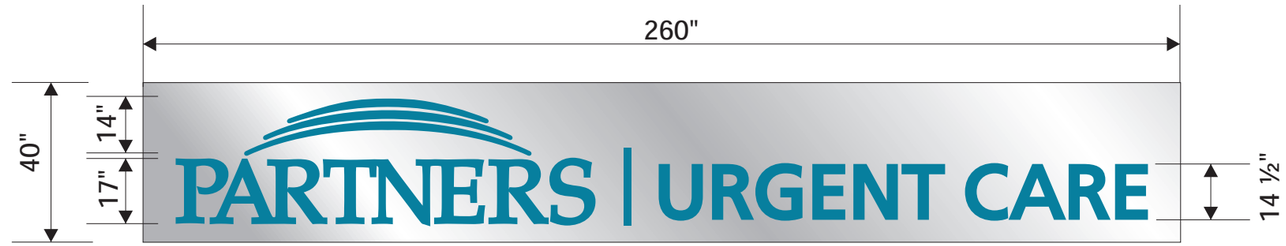
Rev#	Revision Notes	DATE	BY
1	Initial sketch.	11/23/15	MB
2	Re Design	2/11/16	MB

Customer Approval X_____ Date_____

Customer: Partners Urgent Care
Contact Name: Gregg Farrar
Contact Tel: 512-861-6399
Site Address: 74 Prospect St
Cambridge, MA

Job#: --------
Project Mgr: PD
Account Rep: PD
Date: 11/20/2015

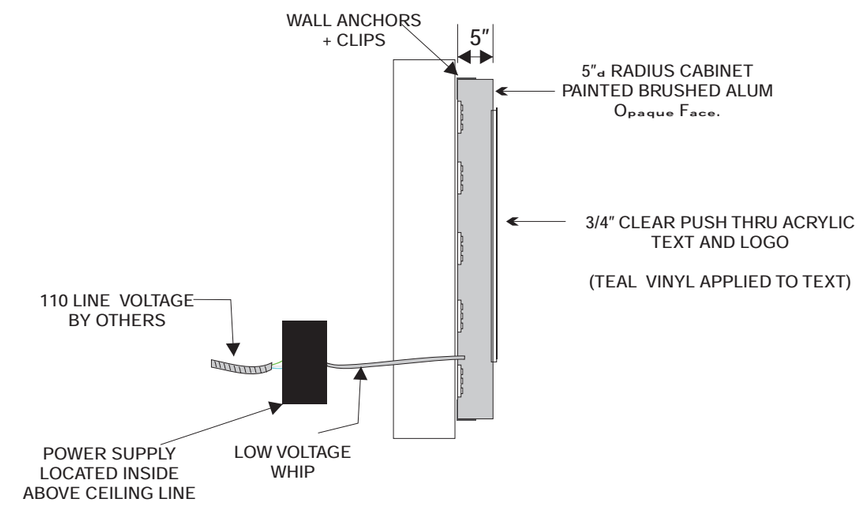
FRONT FACADE



72.2 SqFt

ENTRANCE FACADE

45.8 SqFt



FONTS:
Palatino: PARTNERS
Frutiger: URGENT CARE

COLOR DETAILS

- PMS633 C
- Brushed Aluminum

PROPOSED SIGN

DRAWING SCALE: 1" = 48"

(1) 5" deep Aluminum Sign Cabinet (Radius Cabinet) - painted Brushed Aluminum with 3/4" Teal Colored Acrylic Text Pushed Thru ½". HP Teal vinyl is applied to face of text.
(1) 5" deep Aluminum Sign Cabinet painted Brushed Aluminum with 3/4" Teal Colored Acrylic Text Pushed Thru ½". HP Teal vinyl is applied to face of All text.

BACK BAY SIGN
65 Industrial Way Wilmington, MA
tel.978.203.0570 • fax.978.203.0573
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Rev#	Revision Notes	DATE	BY
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Contact Name: Gregg Farrar
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Cambridge, MA

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Page: 3 of 5

City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

93 DEC 16 PM 4:25

CASE NO: 6819

LOCATION: 74-76 Prospect Street
Cambridge, MA

Business A-1/
Residence B Zone

PETITIONER: All Rise Bakery, Ltd - Timothy P. Turner

PETITION: Variance: To conduct a fast order food establishment, permit to allow a retail bakery to sell beverages and sandwiches for consumption off premises. Use rear 10 feet of building for the retail use.

VIOLATIONS: Art. 4.000, Sec. 4.35.R (Bakery, Retail Business Establishment). Sec. 4.35.O (Fast Food Order Establishment).

DATE OF PUBLIC NOTICE: November 4 & 11, 1993

DATE OF PUBLIC HEARING: November 18, 1993

MEMBERS OF THE BOARD:

John Miller, Chairperson	X
George Spartachino	
Lauren Curry	X
Charles Pierce	X
Michael Wiggins	X

ASSOCIATE MEMBERS:

Susan Spurlock	
Theodore Hartry	
John O'Connell	X
Arch Horst	

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance.

The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

Case No: 6819
Location: 74-76 Prospect Street
Petitioner: All Rise Bakery, Ltd.

James Rafferty, Esq. appeared before the Board on November 18, 1993, representing All Rise Bakery, Ltd., seeking a variance for a fast order food establishment permit to allow a retail bakery at 74-76 Prospect Street to sell coffee, soft drinks, non-alcoholic beverages and sandwiches for consumption off-premises. Also, a variance to allow the above use in the rear 10 feet of property in a Residence B District.

The principals of the company, Matthew Carberry, August Gunnarsson and Timothy Turner appeared with Mr. Rafferty.

The Petitioner submitted plans, drawings and photographs detailing the project.

Mr. Rafferty stated that the Petitioner wanted to use the rear 10 feet of the building at 74-76 Prospect Street for a retail bakery. Most of the lot is in a Business A1 district, in which a bakery is allowed, but the rear 10 feet of the building was placed in a residence B district c. 15 years ago. An office and a refrigerator-freezer would be located in the rear 10 feet.

Mr. Rafferty stated that Mr. Carberry has extensive experience in bakery operations in the Washington area, and that Mr. Gunnarsson is a master baker from Iceland who has trained in Italy and France. The bakery will have glass walls so that the customers can see the products being made. "If a customer comes back with their bag, they get ten cents off their purchase to encourage recycling."

Mr. Rafferty stated that the Petitioner would also need a fast food permit, because some of the sandwiches would be eaten off the premises, although the bakery would have about 20 seats. Mr. Rafferty argued that this was similar to the Broadway Market case, "where the bakeries and a few of the shops up there were given fast food permits ... to allow for that type of use".

Mr. Rafferty stated that there will be a heavy reliance on walk-in trade. They have met with Lauren Preston of the Traffic Department to design a parking lot for 8 cars. The spaces are 6 feet wide to insure that all the cars which leave the lot can do so without having to back onto Prospect Street. The closing hour will be 9 p.m.. The Central Square Task Force sent a letter in support, and the Petitioners received unanimous endorsement from the Area 4 Coalition. "There is a commitment to hire local people." There will be no wholesale operation.

Ann Martin, a neighbor, said, "A bakery is fine, but I can't see fast food." She also stated that she did not like the way it was presented. "I found out about it in the TAB."

Frank Cole, 100 Prospect Street, stated: "I picked up enough garbage from the other people throwing it in the yard and sidewalk to fill ten 18-wheel trucks over 43 years. ... Why do we need so many eating places in this City?"

John Constantine, St. Paul Street, spoke in opposition to a "take-out".

Mr. Rafferty stated that this would be an owner-operated business, and that Mr. Gunnarsson would be living on the premises. "If there is a problem, the neighbors can knock on the door."

Mr. Carberry stated, "We have an enclosed dumpster which will be sealed." He also said that the bakery will be open 7 days a week.

Mr. Mahedian, 66 Prospect Street, spoke in favor of the project.

Mr. Miller read the names of four people who had sent letters in support.

After further discussion, the Chairman moved that the variance to conduct a fast food establishment to allow a retail bakery to sell beverages and sandwiches for consumption off the premises, and to use the rear 10 feet of the building for retail use be granted, with the following conditions:

1. That the Petitioner comply with the Zoning Ordinance, Article 11.31, paragraphs (e), (f) and (g).

2. That the Petitioner maintain the premises free of litter and debris and make an effort to clean up on a regular basis at least four times a day.

3. That the work be done in approximate conformance with the plans submitted with the application.

4. That the parking be laid out in approximate conformance with said plans, and that the Petitioner work with the Traffic Department regarding the exiting of cars, and seek the Traffic Department's advice as to whether there should be a "no left turn" and follow that recommendation.

This variance is limited to owner-operated retail bakery establishments which bake goods on the premises.

The five-member Board voted unanimously to grant the variance with these conditions.

The Board based its decision on the hardship caused the Petitioner by the literal enforcement of the ordinance. The hardship is owing to the shape and location of the structure and the land on which it is situated, and especially effects such land and structure, but does not affect generally the zoning district in which they are located. The Board also found that desirable relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulation of other local agencies, including, but not limited to the Historical Commission, License Commission and the Rent Control Board and/or compliance with requirements pursuant to the Building Code and other applicable codes.

John Miller
John Miller, Chairperson

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 12-16-93 by Maria Lazzo, Clerk.

Twenty days have elapsed since the filing of this decision

No appeal has been filed _____.

Appeal has been filed and dismissed or denied _____

Date _____ _____City Clerk.

BZA 9745-2016

CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

Jurisdiction Advice

To the Owner of Property at 76 Prospect St.:

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
__ 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 demo permit anticipated.

__ 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 SCB Date 3/28/16

Received by uploaded to Energov Date _____
Relationship to project _____

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.

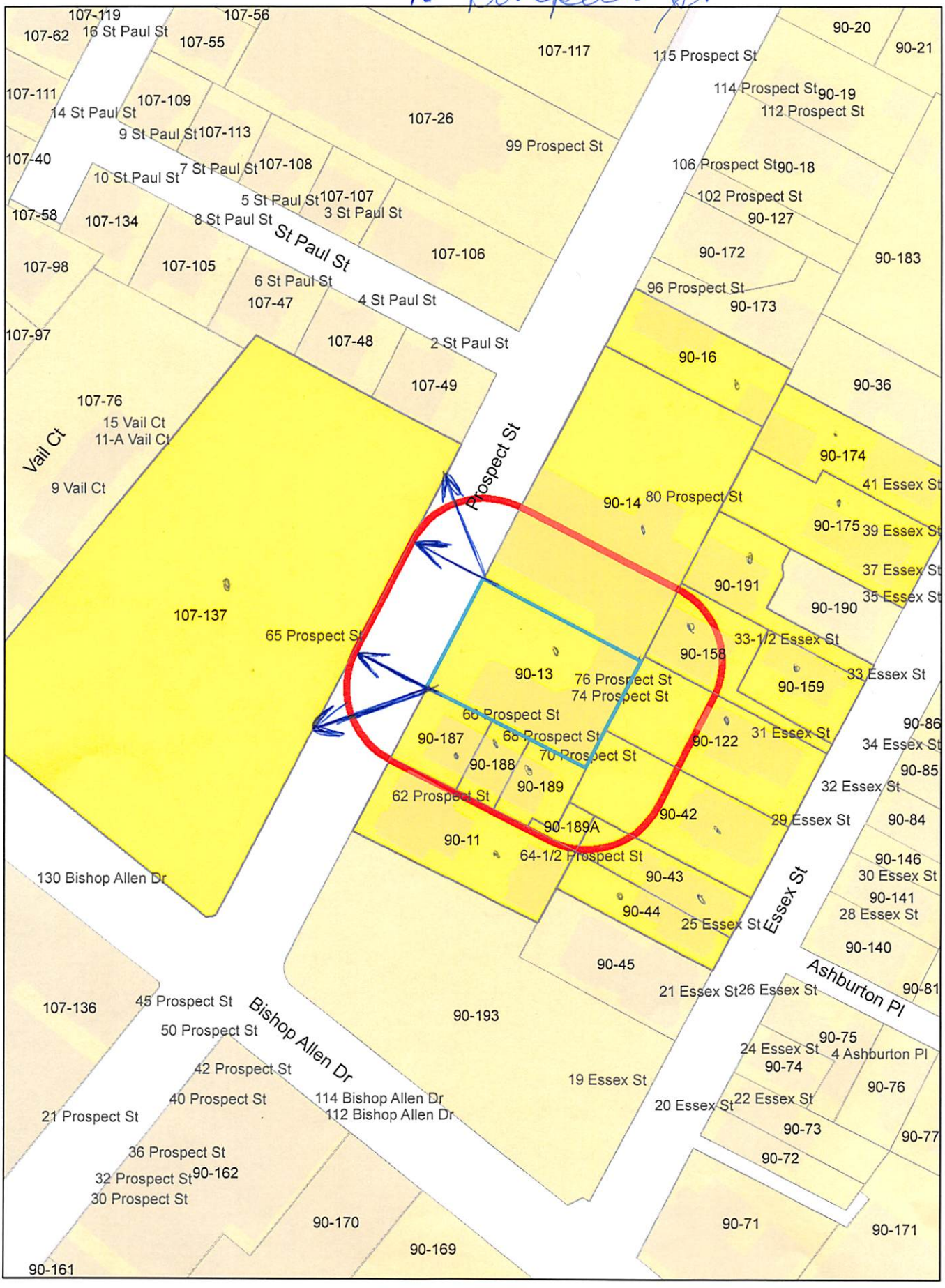
Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that 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/demolitiondelay.html

76 Prospect St.



76 Prospect St. Petitioner

JAMES J. RAFFERTY, ESQ.
675 MASS AVENUE
CAMBRIDGE, MA 02139

90-159
HUME, BARBARA J. & LAURIE A. FRIEDMAN
33 ESSEX ST
CAMBRIDGE, MA 02139

90-174
LIEBERMAN, CHERYL A.
41 ESSEX ST #1
CAMBRIDGE, MA 02139

90-175
TAYLOR, AMELIA
37 ESSEX ST
CAMBRIDGE, MA 02139

90-187
NAHABEDIAN, MARKAR K.
66 PROSPECT STREET
CAMBRIDGE, MA 02139

90-191
ROCKWELL, ALEXANDRA & QUENTIN SULLIVAN
494 OLD COUNTY RD
WESTPORT, MA 02790

90-13
74 PROSPECT ST., LLC
74-76 PROSPECT ST
CAMBRIDGE, MA 02139

90-14
KLT CORP.
C/O BURCOMBE, LLC
1000 MASS AVE.
CAMBRIDGE, MA 02138

90-16
CAPELLO, JOHN A. & JEAN A. CAPELLO
96 PROSPECT STREET
CAMBRIDGE, MA 02139

90-11
SIXTY TWO PROSPECT STREET LLC,
C/O CHOATE, HALL & STEWART, MARIA GRASSO
P.O. BOX 927
SUDBURY, MA 01776

90-174
BERMAN, MICHAEL A. & SWEE KEE WONG
41 ESSEX ST., #2
CAMBRIDGE, MA 02139

90-43
WU, FAN
27 ESSEX ST
CAMBRIDGE, MA 02139

90-174
TANG, ENGNE & LILY S. TANG
TRS OF THE LT MGMT TRUST
41 ESSEX ST, #3
CAMBRIDGE, MA 02139

90-42
JANKOWSKI, MARTIN L. &
CLIFFORD A. TRUESDELL IV
29 ESSEX ST
CAMBRIDGE, MA 02139

90-188
CHANG, LIPAI & YU-LANG TSOU
68 PROSPECT ST
CAMBRIDGE, MA 02139

90-189
TSOU, YU-SING & JOHN H.C. TSOU
70 PROSPECT ST
CAMBRIDGE, MA 02139

90-11
HINSON, SANDRA C. & RICHARD E. HEALEY
C/O MARDIROSIAN, RAFFI
64R-5 PROSPECT ST.
CAMBRIDGE, MA 02139

90-122
CHEN, JING & QIANG XUE
31 ESSEX ST., UNIT #1
CAMBRIDGE, MA 02139

90-122
WALPOLE, CLAIRE S.
31 ESSEX ST., UNIT #2
CAMBRIDGE, MA 02139

90-44
HANIG, ESTHER M, & ROSE S. HANIG
TRUSTEE OF THE 25 ESSEX ST. REALTY TR
25 ESSEX ST
CAMBRIDGE, MA 02139

107-137
U.S. REIF CENTRAL PLAZA MASS. LLC.
C/O INTERCONTINENTAL REAL.
1270 SOLDIERS FIELD RD
BOSTON, MA 02135

90-158
KELSO, MARY E. & JOHN W. KELSO
TRS OF KELSO FAMILY REALTY TRUST
33.5 ESSEX ST
CAMBRIDGE, MA 02139