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

BZA APPLICATION FORM
Plan No: BZA-012262-2016

GENERAL INFORMATION
The undersigned hereby petitions the Board of Zoning Appeal for the following:
Special Permit: _______
Variance: _______
Appeal: _______

PETITIONER: Tamerillo LLC - C/O Anthony D. Galluccio, Esq.

PETITIONER'S ADDRESS: 1498 Cambridge Street Cambridge, MA 02139

LOCATION OF PROPERTY: 40 Bow St Cambridge, MA

TYPE OF OCCUPANCY: Fast Food
ZONING DISTRICT: Office 3 Zone

REASON FOR PETITION:
Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL:
Petitioner is seeking a variance to conduct fast order food within existing floor area
including the first floor and basement (accessory only).

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 10.30 (Variance).

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

Address: 1498 Cambridge St

Tel. No.: 617 877 2577

E-Mail Address:

Date: 17/20/16

Anthony D. Galluccio, Esq
(Print Name)
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 Anthony D. Galuccio Esq.

(OWNER)

Address: 1448 Cambridge St.
Cambridge, MA 02139

State that I/We own the property located at 40 Bow St., which is the subject of this zoning application.

The record title of this property is in the name of Commonwealth, LLC

*Pursuant to a deed of duly recorded in the date of Middlesex South
County Registry of Deeds at Book 61105, Page 584, or
Middlesex Registry District of Land Court, Certificate No.
Book _______ Page _____________.

[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 Anthony Galuccio personally appeared before me, this 20 of December 2016, and made oath that the above statement is true.

Notary

My commission expires 1-3-2023 (Notary Seal).

• If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

(ATTACHMENT B - PAGE 3)
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:

The 0-3 district does not allow the proposed use although the location is adjacent to similar uses and is consistent with the surroundings.

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 building and lot footprint is very small and has historically been used for retail and restaurant. Residential would be very challenging at grade and small for office.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

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

This location has significant foot traffic from students and visitors crossing from Mt Auburn Street to Eliot Street. This European style coffee house will be an asset to the Mt Auburn Street side of the Square.

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

The petitioner has preserved the building, renovated the upper floor housing and is restoring the original grandfathered use at grade.

* 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 40 Bow 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:
Theer is a need for takeout coffee and light food on the Mt Auburn Street edge especially in light off the Holyoke/Smith Center renovations. There is a need to support foot traffic.

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 establishment will serve pedestrians and foot traffic.

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 use is consistent with adjacent uses and will support and enhance adjacent uses.

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 owner has renovated residential units on upper floors and has a vested interest in causing no harm or nuisance.

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 use will enhance and activate this isolated corner due to the unusual shape of the ground floor. Despite being "sandwiched" the location supports high volume food and beverage.
**BZA APPLICATION FORM**

**DIMENSIONAL INFORMATION**

**APPLICANT:** Kathleen Moore  
**PRESENT USE/OCCUPANCY:** VACANT

**LOCATION:** 40 Bow St Cambridge, MA  
**ZONE:** Office 3 Zone

**PHONE:**  
**REQUESTED USE/OCCUPANCY:** FAST food

<table>
<thead>
<tr>
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<th>EXISTING CONDITIONS</th>
<th>REQUESTED CONDITIONS</th>
<th>ORDINANCE REQUIREMENTS</th>
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<tbody>
<tr>
<td><strong>TOTAL GROSS FLOOR AREA:</strong></td>
<td>7875 sf</td>
<td>7875 sf</td>
<td>3192 (max.)</td>
</tr>
<tr>
<td><strong>LOT AREA:</strong></td>
<td>1597 sf</td>
<td>1597 sf</td>
<td>5000 (min.)</td>
</tr>
<tr>
<td><strong>RATIO OF GROSS FLOOR AREA TO LOT AREA:</strong></td>
<td>4.93</td>
<td>4.93</td>
<td>2.0 (max.)</td>
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<td><strong>LOT AREA FOR EACH DWELLING UNIT:</strong></td>
<td>532</td>
<td>532</td>
<td>300 (min.)</td>
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<tr>
<td><strong>SIZE OF LOT:</strong></td>
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<td><strong>WIDTH</strong></td>
<td>27 ft (at widest)</td>
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<td><strong>DEPTH</strong></td>
<td>.8 sf (at deepest)</td>
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<td>48 ft</td>
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<td>0</td>
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<td>3</td>
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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.

**Similar use**

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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**LOCATION:** 40 Bow St Cambridge, MA  
**ZONE:** Office 3 Zone

**PHONE:**  
**REQUESTED USE/OCCUPANCY:** FAST food

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40 BOW STREET, CAMBRIDGE, MA
TENANT'S PLANS
Bohlin Cywinski Jackson

- A1.0 BASEMENT BUILDING PLAN
- A1.1 FIRST FLOOR PLAN
- A2.0 REFLECTED CEILING PLAN
- A5.1 SIGNAGE DETAILS
- OPERATIONAL PLAN
- MENU
ELEVATION OF SIGN

SCALE: 1/2" = 1'-0"

PTD METAL FRAME AT TOP AND BOTTOM
COMPANY LOGO AND FONT IN COMPANY COLORS
SIGN MOUNTED ON WOOD

CL OF SIGN
EQ

ELEVATION AT SIGN

SCALE: 1/2" = 1'-0"
Jurisdiction Advice

To the Owner of Property at 40 Bow 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
- 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
- No CHC review of land use or fast food issues.
- 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 December 28, 2016

Received by _____ Uploaded to Energov ________ Date December 28, 2016

Relationship to project BZA 12262-2016

cc: Applicant
Inspectional Services Commissioner