



# CITY OF CAMBRIDGE

## BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

### BZA Application Form

BZA Number: 206665

#### General Information

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

Special Permit: \_\_\_\_\_

Variance: X

Appeal: \_\_\_\_\_

PETITIONER: Cambridge Cuisine LLC d/b/a Puritan & Company C/O Adam R. Barnosky, Esq.

PETITIONER'S ADDRESS: Ruberto, Israel & Weiner, P.C., Boston, MA 02109

LOCATION OF PROPERTY: 1164-1166 Cambridge Street, Cambridge, MA

TYPE OF OCCUPANCY: Restaurant

ZONING DISTRICT: Business A / Residence C-1 Zone

#### REASON FOR PETITION:

/Modification of ZBA Case No. 9779/

#### DESCRIPTION OF PETITIONER'S PROPOSAL:

To modify previously granted variance condition on Case BZA-9779 to permit the rear door to be used for general restaurant operations (staff only), that previously restricted the use of the rear door limiting it to nonrecurring emergency egress only, and to permit the installation of a new trash enclosure.

#### SECTIONS OF ZONING ORDINANCE CITED:

Article: 4.000 Section: 4.35.a,c,d,e,f,j,k,g,r (Retail Uses).

Article: 4.000 Section: 4.34. a,b,c,d,e,f (Office Uses).

Article: 10.000 Section: 10.30 (Variance).

Cambridge Cuisine LLC d/b/a Puritan & Company  
By its attorneys, Ruberto, Israel & Weiner, P.C.

Original  
Signature(s):

Adam Barnosky WRB  
(Petitioner (s) / Owner)

Adam Barnosky, Esq.

(Print Name)

Address: 255 State Street, 7th Floor, Boston, MA 02109

Tel. No. 617-570-3519

E-Mail Address: arb@riw.com

Date: February 14, 2023

2023 FEB 15 PM 12:09  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## PROPERTY OWNER'S CONSENT

The undersigned, as an authorized representative of 1164 CAMBRIDGE STREET LLC, being the owner of 1164-1166 Cambridge St., Cambridge, Massachusetts 02139, consents to CAMBRIDGE CUISINE LLC, filing an application with the City of Cambridge Board of Zoning Appeals for a modification of Condition #1 of the Board of Zoning Appeals Case No. 9779 (the "Application") relative to use of the rear door and right of way. This authorization shall apply to all filings and appearances required in connection with the Application, including any appeals thereof.

1164 CAMBRIDGE STREET LLC

By: Armia Azadian

Name: Armia Azadian

Title: Authorized Person

Date: November 30, 2022

## COMMONWEALTH OF MASSCHUSETTS

MIDDLESEX, SS

On this 30th day of November 2022, personally appeared before me, the undersigned notary public, Armia Azadian, personally known to me to be the person who signed the Property Owner's Consent and acknowledged to me that he signed it voluntarily for the purposes stated therein as the free act and deed of 1164 Cambridge Street LLC.

Sylvia Katsenes

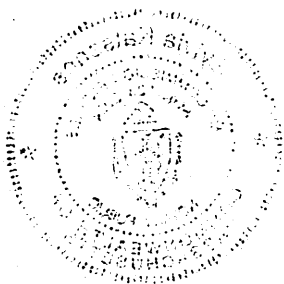
Sylvia Katsenes

My commission expires August 23, 2024



STATE OF NEW YORK

IN SENATE  
January 11, 1911.  
REPORT  
OF THE  
COMMISSIONERS OF THE LAND OFFICE  
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE  
MAY 1, 1909.  
ALBANY: J.B. LIPPINCOTT COMPANY, PRINTERS.  
1911.





2009 00038325

Bk: 52379 Pg: 555 Doc: DEED  
Page: 1 of 3 03/10/2009 03:25 PM

Property address: 1164 Cambridge Street, Cambridge, MA

### QUITCLAIM DEED

I, **VAHID A. ALIREZAEI**, individually, of 40 Naples Road, Brookline, Massachusetts,

for consideration of Ten and 00/100 (\$10.00) Dollars,

grant to **1164 CAMBRIDGE STREET LLC**, a Massachusetts Limited Liability Company with a usual place of business at 40 Naples Road, Brookline, Massachusetts

with **QUITCLAIM COVENANTS**,

a certain parcel of land situated in Cambridge, County of Middlesex, with the buildings thereon numbered 1164-1166 Cambridge Street, bounded and described as follows:

Beginning at a point on the Southerly side of Cambridge Street Distant 46.4 feet Easterly from Tremont Street; thence the line runs Northeasterly bounded Northwesterly by Cambridge Street, 44.30 feet to land formerly of Stillings, now or late of Flynn; thence the line runs Southerly by land now or late of Flynn and land now or late of Ray Murphy and Pierce, 129 feet more or less to a fence; thence turning and running along the line of said fence Northwesterly 20 feet more or less to the end of the fence; thence the line runs a little more Westerly 69 feet more or less to Tremont Street; thence the line runs Northerly bounded Westerly by said Tremont Street, 7 feet more or less to land now or late of Andelman; thence the line turns and runs Easterly by said land now or late of Andelman, about 45 feet more or less; thence the line turns and runs Northerly by said Andelman land, 111.80 feet to the point of beginning. Said premises are conveyed together with and subject to usual and general passageway rights for all proper purposes in the 7 foot strip of land on the Southerly side of the premises leading to Tremont Street.

Subject to easements and all encumbrances of record.

Subject to a mortgage from Vahid Alirezaei, Mortgagor, to Joseph Carvalho, Trustee of the Santo Cristo Celebration Trust, Mortgagee, dated February 28, 2007 in the original principal amount of \$450,000.00 and recorded with the Middlesex South District Registry of Deeds at Book 49048, Page 40 which the Grantee assumes and agrees to pay.

For title reference see deed of Joseph Carvalho, Trustee of the Santo Cristo Celebration Trust, u/d/t dated April 9, 1969 and recorded with Middlesex South District Registry of Deeds at Book 11678, Page 524, to Vahid A. Alirezaei dated February 28, 2007 and recorded with the Middlesex South District Registry of Deeds at Book 49048, Page 38.

Prepared by:  
Dacey & Dacey, P.C.  
707 Main Street  
Waltham, MA 02451



23. FEB 2009

EXECUTED as a sealed instrument this

23 day of FEBRUARY 2009.

THIS AUTHENTICATION CONCERNS  
ONLY THE SIGNATURE(S)  
AND NOT THE CONTENTS  
OF THE DOCUMENT

Vahid A. Alirezai

000925

6FA40K36000  
6V-14/A

EMBASSY OF SWITZERLAND  
U.S. Interests Section  
Tehran

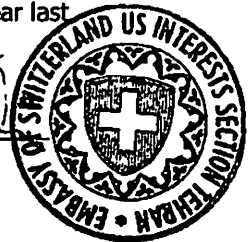
EMBASSY OF SWITZERLAND  
CONSULATE ACKNOWLEDGMENT  
U.S. Interests Section  
Tehran

I, \_\_\_\_\_, Consulate of \_\_\_\_\_, duly commissioned  
and qualified, do certify that on this 23 day of FEBRUARY 2009, before me  
personally appeared VAHID A. ALIREZAEI in said \_\_\_\_\_, proved to me  
through satisfactory evidence of identification, which was IRANIAN PASSPORT, to be the  
person whose name is subscribed to, and who executed the foregoing instrument, and being by  
me informed of the contents of said instrument, VAHID A. ALIREZAEI duly acknowledged to me  
that he executed the same freely, and voluntarily for the uses, and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and Official Seal the day and year last  
above written.

Manuela Mader  
Attachée

Consulate:



امضاء دارنده گذرنامه  
Holder's Signature:

کشور محل اقامت :  
ایران  
محل صدور :  
پلیس گذرنامه ایران  
مدرك صدور گذرنامه : ۱۹۷۸۸۴۸۷

Domicile :  
IRAN

Place of Issue :  
THE PASSPORT-POLICE  
OF IRAN

تخاره كلاس : ZMX1-4586-ZX55-9FAA842Z4A3A

نام و سمت صادركننده :  
سرهنگ محمود صادقي - رئيس پليس گذرنامه ايران

MAHMOOD SADEGHI COMMANDER IN CHIEF OF THE  
PASSPORT-POLICE OF IRAN

Observation :

ملاحظات :

PASSPORT

جمهوری اسلامی ایران  
ISLAMIC REPUBLIC OF IRAN

شماره ملی : ۰۰۶-۲۵۷۳۹-۷

نام خانوادگی : عبداللہ علی رضا

Surname : ABDOLLAH ALIREZAEI

Name : VAHID

نام پدر : محمد

Father's Name : MOHAMMAD

تاریخ و محل تولد : ۱۳۵۶ / ۱ / ۱۵ - تهران

Date & Place of Birth : 04/04/1977 - TEHRAN

شماره شناسنامه : ۱۳۴۶ مرد

Sex : M

تاریخ صدور : ۱۳۸۷ / ۵ / ۳۰

Date of Issue : 20/08/2008

تاریخ انقضاء : ۱۳۹۲ / ۵ / ۳۰

Date of Expiry : 21/08/2013

P<IRNABDOLLAHI<ALIREZAEI<<VAHID<<<<<<<<<<<<<<  
R141951091IRN7704042M1308219<<<<<<<<<<<<<<<08

## **BZA APPLICATION FORM**

### **SUPPORTING STATEMENT FOR A VARIANCE**

Subject Property: 1164 Cambridge Street, Cambridge, MA 02139  
Map-Lot: 85-66

Applicant Name: Cambridge Cuisine LLC d/b/a Puritan & Company  
c/o A. Barnosky, Esq., 255 State Street, 7<sup>th</sup> Fl., Boston, MA 02109

Applicant's Representative: Adam R. Barnosky, Esq.; Michael J. Barone, Jr., Esq.  
RIW, 255 State Street, 7<sup>th</sup> Fl., Boston, MA 02109

Owner of Record: 1164 Cambridge Street LLC  
40 Naples Road, Brookline, MA 02446

#### **Narrative**

The Applicant seeks a modification of the variance granted to 1164 Cambridge Street, LLC (the “**Variance**”), relative to the property situated at and known as 1164 Cambridge Street, Cambridge, Massachusetts (the “**Property**”), pursuant to that certain decision rendered May 14, 2009, by the Cambridge Board of Zoning Appeal (the “**Board**”) for Case Number 9779, a copy of which has been recorded with the Middlesex South Registry of Deeds on July 16, 2009, in Book 53214, Page 42 (the “**Decision**”).

The Property and the building constructed thereon is a split lot with approximately 85% of the building located at the front of lot sited within the Business A zoning district and the balance of the building in the rear sited in the Residence C-1 zoning district. The Property is uniquely shaped, having an L shape with approximately 46 feet of frontage on Cambridge Street (the building) as well as seven (7) feet of frontage on Tremont Street by way of an alley running from the southeast corner of the Property along the northerly property line belonging to 88-90 Tremont Street for approximately 89 feet. According to City records, the Property has an area of approximately 5,683 square feet and is improved with a building having an area of approximately 4,945 square feet. The Decision permits use of the rear portion of the building, which was zoned for office and retail uses, for use as a restaurant, which is otherwise permitted in the Business A zoning district.

Prior to its current use as a restaurant, the Property was a local social club for several decades. It is the Applicant’s understanding that the social club was lively and would operate late into the evening, often with patrons using the alley behind the building (which exits onto Tremont Street) to congregate and smoke. As a result of neighbor concerns relative to the disruptions caused by the former social club’s historic use of the alley, when the prior owner applied for the variances granted by the Decision, the Board restricted the use of the Property by imposing the following three (3) conditions:

1. that the use of the rear door into the right of way between 82-84 and 88-90 Tremont Street be limited to nonrecurring emergency egress only,
2. that if the structure is used for dry cleaning, then this use be limited to drop off service, where no dry cleaning is done on the premises, and
3. that the [then-existing] shed that appears to the rear of the structure be promptly removed and that any damage to the main structure be rectified.

The Applicant has occupied the Property and operated the restaurant “Puritan & Company” at the site for over a decade, however, as a result of the first and third conditions in the Decision, the Applicant has been storing trash inside the Property. Recently, the Cambridge Health Department requested that the Applicant no longer store trash inside and has requested that trash be stored outside. Due to the existing configuration of the building (constructed in 1867, per City records), the Applicant respectfully requests: (i) modification of the first condition to permit use of the rear door for general restaurant operations (staff only); and (ii) modification of the third condition to permit Applicant to apply for such permits as may be necessary to install a trash enclosure off the rear of the Property in the right of way between 82-84 Tremont Street and 88-90 Tremont Street. In particular, the Applicant proposes installing the proposed trash enclosure in the area shown on the attached **Exhibit A**, as more specifically shown in the plans submitted with the instant application.

**EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH M.G.L. 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:**

Continued enforcement of the existing condition limiting use of the rear door at the Property to “nonrecurring emergency egress only” directly impacts and, to some extent, prohibits the Applicant’s continued use of the Premises. First, the Applicant is forced to choose between (i) disregarding the Health Department’s request to store trash outside or (ii) violating the conditions of the Variance. Given the Applicant’s business as a restaurant, it must abide by those requirements set by the Health Department, but it must also abide by all applications restrictions related to use of the Property in order to avoid City violations and lease default. Second, limiting use of the rear door for “nonrecurring emergency egress only” also requires that all entrance into the building must be by way of the front door, even though back of house and access to all mechanical systems, including those located on the roof, are most easily accessed via the rear door. This means that during regular business hours, all staff, deliveries, and trade mechanics must walk through the dining room instead of using the rear door. Moreover, the conditions imposed in the Decision effectively deny the Applicant and any future occupant of the Property the ability to use of approximately 675.8 square feet (or approximately 12%) of the Property for anything other than emergency egress, despite the entire Property is taxed at the City’s commercial rate.

**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 in question is unique to the Property in that the subject lot is split between Business A and Residence C-1 zoning districts, which is unusual and atypical for the area. Although restaurant use is permitted by right in the front portion of the building located within the Business A zoning district, use of the rear portion of the building required appeal to the Board for the above referenced Variance as restaurant use prohibited in the Residence C-1 zoning district. The Property is a unique shape L-shaped lot having primary frontage on Cambridge Street, as well as frontage along Tremont Street resulting from an alley running along the rear of the Property.

**C. Desirable relief may be granted without either:**

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

The alley in question is not a public way used by pedestrians or cyclists for transport, so the use of the rear door for restaurant operations (but not patron ingress and egress) and the presence of the proposed trash enclosure will not interfere with any public use nor will such use of the rear door and alley be substantially detrimental to the public good. Not only will the proposed trash enclosure block the restaurant's refuse from the sight of neighbors, but it would also provide a secure enclosure so as to prevent rodents and other vermin from accessing same. The restrictions imposed in the Decision were intended to dissuade certain behaviors that are not applicable to the Applicant. Although there may have been issues in the past, the Applicant has already proven itself to be a respectful neighbor operating on a schedule with modest hours and maintaining a good relationship with neighboring properties – commercial and residential alike – and the Applicant intends to continue to do so. In contrast to the former occupant, the Applicant does not (and will not) operate as a social club and the alley will not be used for congregation. The use of the back door for restaurant operations will not be a nuisance for neighbors.

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

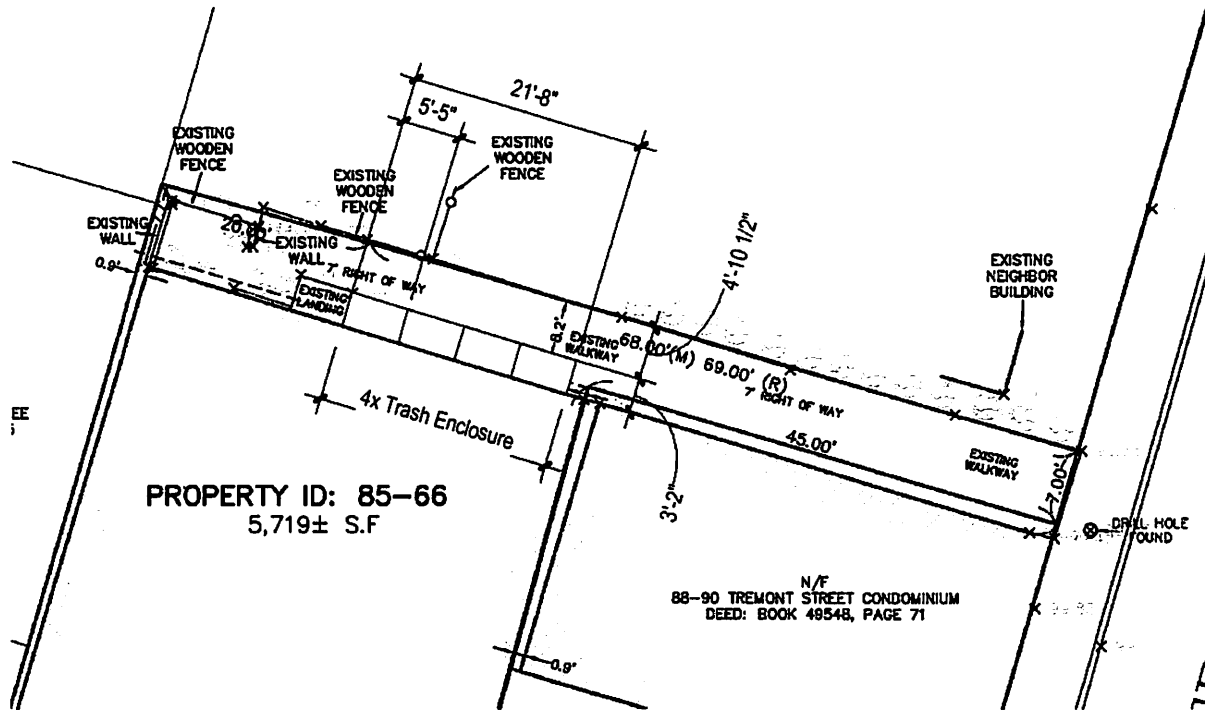
In granting the Decision, the prior Board determined that use of the rear portion of the Property located in the Residence C-1 zoning district did not nullify or derogate from the intent or purpose of the Ordinance. Modifying the existing Variance to permit use of the rear door for general restaurant operations (staff only) and the installation of a trash enclosure will not nullify or derogate from the intent of the Ordinance. The relief requested by the Applicant is tailored to permit the Applicant to continue its use of the Property in the same fashion it has operated for the past decade, subject to the new request of the Health Department to store trash outside the restaurant. In modifying the existing conditions, the Applicant will benefit from easier accessibility and less

disruption to the front of house for the restaurant operating therein. In granting the relief requested back in 2009 via the Decision, the former Board acknowledged that permitting the rear of the property to be used for commercial purposes would not nullify the Ordinance nor substantially derogate from the intent of same. The Applicant has proven itself to be a respectful restaurant operator and the requested relief would simply allow the Applicant to continue to operate its business in a manner typical of a use permitted in the Business A zoning district.



## EXHIBIT A

### Proposed Trash Enclosure Location



## **BZA Application Form**

### **DIMENSIONAL INFORMATION**

**Applicant:** Cambridge Cuisine LLC d/b/a Puritan & Company

**Present Use/Occupancy:** Restaurant

**Location:** 1164-1166 Cambridge Street, Cambridge, MA

**Zone:** Business A / Residence C-1 Zone

**Phone:** 617-570-3519

**Requested Use/Occupancy:** Restaurant

		<b><u>Existing Conditions</u></b>	<b><u>Requested Conditions</u></b>	<b><u>Ordinance Requirements</u></b>	
<b><u>TOTAL GROSS FLOOR AREA:</u></b>		4,945	4,945	None	(max.)
<b><u>LOT AREA:</u></b>		5,719	5,719	None	(min.)
<b><u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u></b>		0.86	0.86	1.0/1.75	
<b><u>LOT AREA OF EACH DWELLING UNIT</u></b>		N/A - No Dwelling Units	N/A - No Dwelling Units	N/A - No Dwelling Units	
<b><u>SIZE OF LOT:</u></b>	WIDTH	45.94 (front) / 85 (rear)	45.94 (front) / 85 (rear)	None Required	
	DEPTH	129	129	None Required	
<b><u>SETBACKS IN FEET:</u></b>	FRONT	0	0	None Required	
	REAR	8.2	8.2	28.4	
	LEFT SIDE	0.2	0.2	None Required	
	RIGHT SIDE	0.2	0.2	None Required	
<b><u>SIZE OF BUILDING:</u></b>	HEIGHT	21.81	21.81	35	
	WIDTH	120	120	None Provided	
	LENGTH	45.94	45.94	None Provided	
<b><u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u></b>		0	0	None Required	
<b><u>NO. OF DWELLING UNITS:</u></b>		0	0	None Provided	
<b><u>NO. OF PARKING SPACES:</u></b>		0	0	13	
<b><u>NO. OF LOADING AREAS:</u></b>		0	0	1	
<b><u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u></b>		N/A	N/A	None Provided	

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

There are no other buildings on the same lot.

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'.

## Pacheco, Maria

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**From:** Jessie Saacke <[jsaacke@comcast.net](mailto:jsaacke@comcast.net)>  
**Sent:** Sunday, March 12, 2023 7:44 PM  
**To:** Pacheco, Maria  
**Subject:** RE: Case BZA-206665, 1164-1166 Cambridge St., Puritan & Co., Zoning Variance Petition

Dear Ms. Pacheco

My husband and I have resided at 82-84 Tremont St, Unit 4 for nearly 30 years. At this time, we would like to state our strong opposition to the requested zoning variance. I am including below the letter sent to the zoning board by our neighbor Steve Michaels—we agree 100% with everything in Steve's letter. The current zoning agreement was a compromise, and this should continue to be honored. I am unaware of any "reasonable" reason to consider this change.

I can be reached at [jsaacke@comast.net](mailto:jsaacke@comast.net) or 617-851-7742 if you have any questions. We intend to attend the virtual hearing on March 23.

Thank you,  
Jessie Saacke and Freeman Deutsch

Cambridge Board of Zoning Appeal  
Attn.: Maria Pacheco  
831 Massachusetts Ave.  
Cambridge, MA 02139

RE: Case BZA-206665, 1164-1166 Cambridge St., Puritan & Co., Zoning Variance Petition

Dear Sirs:

I am one of four owners of the 82-84 Tremont St. Condominium. Our property abuts the back (south) side of the Puritan & Co. restaurant at our northeast corner. 1166 Cambridge St. owns the alley separating our building from theirs and 88-90 Tremont St., and our condominium possesses a legally-registered right of way allowing "usual and general passageway rights for all proper purposes" (via a wooden gate in our backyard fence) that permits us to enter and exit our back yard through the alley and to maintain our building and garden adjoining the alley. While 1166 Cambridge St. is zoned for commercial use, part of it, including the alley, is zoned for residential use. Thus the licensing of the Puritan & Co. restaurant there required review by the Zoning Board of Appeals as well as the License Commission.

When Puritan & Company first obtained its operating licenses, our condominium owners and other abutters testified before the BZA and License Commission that we did not want the restaurant owners and operators to use the alley, which is in a residential zone, as a routine passageway into or out of the restaurant, nor for storage or transport of deliveries to and/or removal of trash from the restaurant. The BZA agreed to stipulate, as a condition to the zoning variance allowing the restaurant, that the alley would only be used "for nonrecurring emergency egress only" from the restaurant's kitchen. No deliveries would be permitted through the alley, and no garbage or trash would be stored there, as previously, a deteriorated garbage shed in the back of the alley had become a nesting area for rodents.

Puritan & Company had largely abided by these conditions until mid-November 2022, when they started to violate the BZA's conditions as follows:

- by storing up to six large commercial recycling barrels in the back of the alley. The barrels partially obstruct Puritan's emergency exit and on occasion have completely blocked the gate exiting our back yard, which we use regularly. We have had to move Puritan's barrels out of the way of our backyard exit gate several times since then.
- They move the barrels out to the Tremont Street sidewalk (a residential zone) and obstruct it awaiting pick-up, five days a week at present.
- More recently, Puritan staff have also used the back door for staff ingress/egress on occasion and we have found cigarette butts in our garden bed adjacent to the alley.

In addition, the back of the alley adjacent to 1166 Cambridge Street has on and off been strewn with trash including a rusted propane cylinder, and is overgrown with weeds, as the owners of 1166 Cambridge St do not maintain the alley. In December, 2022, we requested a review of our property's rodent protection plan by Jimmy DeAngelo from the Inspectional Services Department who noted evidence of rat burrows in our alley-side garden (which we have recently had CO-fumigated and then snap-trapped by the City's residential pest control contractor), and told us that the back of the alley also had evidence of rodent traffic. Storing garbage and recycling in the alley exacerbates the rodent problem around our neighborhood and property.

Our condominium association has also undertaken winter snow removal from the alley to maintain our backyard egress to Tremont St., with no assistance from Puritan & Co. and our landscape contractor removes weeds and debris from the alley during spring-summer-autumn, indicating no intent from Puritan to maintain the alley.

I can't emphasize enough how completely opposed I am to modifying the previously granted variance condition on BZA-9779. The petition completely abrogates the current agreement which itself was a compromise, and there is no way in which the alleyway can be used for garbage storage and transport and recurrent egress without detriment to the abutting properties, most prominently 82-84 and 88-90 Tremont. With planned garbage pick-up 5 times a week and employees using the back door on a regular basis to move barrels inside and outside, this is a major concern. Besides the current impact on our peace and quiet, allowing these new uses of the alley will negatively impact our property values.

I therefore urge the BZA to deny the petition for case no. BZA-206665.

If you have any questions, please contact me at [unibear@comcast.net](mailto:unibear@comcast.net) or 617-866-3457 (mobile).

I will participate in the BZA virtual hearing on March 23 to state my concerns.

Sincerely yours,



March 9, 2023

Cambridge Board of Zoning Appeal

**Attn.: Maria Pacheco**

831 Massachusetts Ave.

Cambridge, MA 02139

RE: Case BZA-206665, 1164-1166 Cambridge St., Puritan & Co., Zoning Variance Petition

Dear Sirs:

I live at 73 Tremont Street, where I have owned a condominium for almost forty years. 73 Tremont Street is just a few houses down from the back alley of Puritan & Co. I'm writing in support of Stephen L. Michaels' letter opposing Puritan & Co.'s zoning variance petition (copied below) and to urge you to reject that petition. This is a residential neighborhood, which is already challenged by the use of Tremont Street by trucks and other commercial vehicles as an alternative to Prospect Street as a way to travel between Union and Central Squares. Opening Puritan's alley to commercial use, garbage pickup, etc., would only add to this problem and generally increase traffic and impinge on the residential nature of the neighborhood and further violate the zoning of this area as residential. In addition, it would only add to the rat infestation problem with which the neighborhood has been struggling. Puritan and Co. was able to obtain its original zoning variance only by agreeing to limit the use of the back alley to emergency uses. To now request a change to that agreement is the ultimate bad faith. Puritan and Co. should be required to keep its word.

Respectfully,



Steven Halpern

73 Tremont St.

Cambridge MA 02139

617-308-8167

[steve.halpern@comcast.net](mailto:steve.halpern@comcast.net)

7 and one-third inches in the 57-84  
(locally high) section of 2 to 3 feet  
highly fossiliferous limestone.

It is a very fossiliferous section and the fossils are well preserved.

The section is composed of a series of beds of varying thicknesses, some of which are highly fossiliferous. The fossils are well preserved and include many species of corals, sponges, and other marine invertebrates. The section is a good example of a fossiliferous limestone and is well worth a visit.

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Dear Sirs:

I am one of four owners of the 82-84 Tremont St. Condominium. Our property abuts the back (south) side of the Puritan & Co. restaurant at our northeast corner. 1164-66 Cambridge St. owns the alley separating our building from theirs and 88-90 Tremont St., and our condominium possesses a legally-registered right of way allowing "usual and general passageway rights for all proper purposes" (via a wooden gate in our backyard fence) that permits us to enter and exit our back yard through the alley and to maintain our building and garden adjoining the alley. While 1164-66 Cambridge St. is zoned for commercial use, the rear part of the building, including the alley, is zoned for residential use only. Thus the siting of the Puritan & Co. restaurant there required review by the Zoning Board of Appeals as well as the License Commission.

When Puritan & Company first obtained its operating licenses, our condominium owners and other abutters testified before the BZA and License Commission that we did not want the restaurant owners and operators to use the alley for recurrent passage into or out of the restaurant, nor for storage or transport of deliveries to and/or removal of refuse from the restaurant. The BZA agreed to stipulate, as a condition to the zoning variance allowing the restaurant, that the alley would only be used "for nonrecurring emergency egress only" from the restaurant's kitchen. No deliveries would be permitted through the alley, and no garbage or trash would be stored there, as previously, a deteriorated garbage shed in the back of the alley had become a nesting area for rodents.

Puritan & Company largely abided by these conditions until mid-November 2022, when they started to violate the BZA's conditions as follows:

- by storing up to six large commercial refuse/recycling bins in the rear part of the alley. The bins partially obstruct Puritan's emergency exit and on occasion have completely blocked the gate exiting our back yard, which we use regularly. We have had to move Puritan's barrels out of the way of our backyard exit gate several times since then.
- Puritan moves the barrels out to the Tremont Street sidewalk (also a residential zone) for pick-up, five days a week at present. This has at times obstructed the Tremont St. sidewalk. (There is no curb cut for the alley, just a residential permit parking space).
- More recently, Puritan staff have also started using the back door for ingress/egress on occasion. We have found cigarette butts in our garden bed adjacent to the alley.

In addition, the back of the alley has on and off been strewn with trash including a rusted propane cylinder, and is overgrown with weeds, as the owners of 1166 Cambridge St do not maintain the alley. In December, 2022, the 82-84 Tremont Condominium requested a review of our property's rodent protection plan by Jimmy DeAngelo from the Inspectional Services Department who noted rat burrows in our alley-side garden and evidence of rat transit across the back end of the alley. Our condo's pest-control contractor has recently CO-fumigated and snap-

[illegible]

with all available resources to ensure that the maximum number of persons are protected from the effects of the disaster. The Department of the Interior is authorized to use the funds for the purpose of providing for the care and maintenance of the persons who are displaced by the disaster. The Department of the Interior is also authorized to use the funds for the purpose of providing for the care and maintenance of the persons who are displaced by the disaster.

[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

trapped our property including our alley-side garden. Allowing Puritan routinely to store refuse bins in the alley will counter our rodent-control activities by providing daily sources of food to attract rats from surrounding properties.

For many years, the 82-84 Tremont Condominium has also removed winter snow from the alley to maintain our backyard egress to Tremont St., with no assistance from Puritan & Co. or the 1164-66 Cambridge owners, and our landscape contractor also has removed weeds and debris from the alley during summer and fall. Puritan has not noticeably maintained the alley except when we have complained to their management about a specific issue (as with removal of the propane canisters).

**THEREFORE, I STRONGLY URGE THE BZA TO REJECT PURITAN'S PETITION (case no. BZA-206665)** to modify the previously granted variance restrictions (BZA-9779). The petition completely abrogates the original variance restrictions which were negotiated as a compromise between the restaurant and the abutters. There is no way in which the alley can be used for garbage storage and transport and recurrent egress without detriment to the abutting properties, most prominently 82-84 and 88-90 Tremont. With planned garbage pick-up 5 times a week and employees using the back door on a regular basis to move barrels inside and outside as well as to access the kitchen, eliminating the variance restrictions would disrupt the abutters' peace and quiet and will reduce our property values.

If you have any questions, please contact me at [unibear@comcast.net](mailto:unibear@comcast.net) or 617-866-3457 (mobile).  
RE: Case BZA-206665, 1164-1166 Cambridge St., Puritan & Co., Zoning Variance Petition

Stephen L. Michaels

March 20, 2023  
Dr. Jaime Mateus  
84 Tremont St #1

City of Cambridge  
Board of Zoning Appeal  
831 Massachusetts Avenue, Cambridge, MA 02139

**Re: Opposition to BZA Number: 206665**

Dear Cambridge Board of Zoning Appeals,

My name is Jaime Mateus and together with my wife I am the owner of the property at 84 Tremont St Unit 1 which is a direct abutter to the alleyway in question in this zoning appeal filed by Cambridge Cuisine LLC d/b/a Puritan & Company ("Puritan").

**Historical context alleyway use and original variance**

The appropriate use of this alleyway has long been a contentious topic and it is important to understand some of the relevant history. The last time that the Zoning Board of Appeal discussed this topic was in 2009 when the initial variance was granted. I recognize the unusual nature of 15% of the property belonging to a residentially zoned area and 85% being in a commercial area. Furthermore, having also been a small business owner, I can fully understand the desire to be able to use that 15% interior area for commercial purposes. To be clear, I have no opposition to the initial zoning variance that allowed for use of that 15% of interior space. However, we must recognize that where we are today is not the starting point of negotiations; where we are now is already the compromise. It is a very reasonable compromise; in essence the result is that Puritan is allowed to use that interior space in as long as using that space does not cause a hardship to its abutters.

Puritan makes various references to being a good neighbor in their application. It is important to note some relevant facts that, I believe, speak for themselves. Condition #3 of the initial variance required that the shed at the rear of the structure be "promptly removed". However, this was never completed. While the shed was partially destroyed there has been a broken wall at the end of the alleyway for well over a decade. Over time that area has been overgrown with weeds, collected trash and building materials that has been discarded by contractors or maintenance workers, and has likely contributed to the rodent problems that the owners of the 82-84 Tremont St Condo have been continuously fighting against and paying to remediate.

The most blatant disregard that Puritan has shown the Board of Zoning Appeal is their repeated violation of Condition #1 of the zoning variance, which states that "the use of the rear door into the right of way between 82-84 and 88-90 Tremont St be limited to nonrecurring emergency egress only". Their violations of this condition are many, and represents willful ignorance of the variance rather than an occasional lapse. I am highlighting below some of the most egregious violations, as a comprehensive list would be too long to cover. In Appendix A you will also find photo documentation of these specific violations:

- December 10, 2015: storage of boxed appliance in alleyway. Additionally, large heavy boxes were stored such that they partially blocked the emergency egress from the backyard of the 82-84 Tremont St condominium, these were stored overnight.
- June 8, 2016: use of the rear door and alleyway to wash trash barrels with water and bleach
- May 6, 2017: use of the rear door and alleyway for a wedding photoshoot
- February 20, 2019: disposal of an old dishwasher in the alleyway in a way that fully blocks opening of the emergency egress from the backyard of the 82-84 Tremont St Condominium
- May 9, 2020: use of the rear alley to clean plastic floor mat with chemicals
- November 20, 2020: use of alleyway to store 9 or more propane gas tanks, including having the tanks block the opening of the emergency egress door from the 82-84 Tremont St Condo and creating a fire hazard

#### **Permissible use of alleyway was a known factor for all parties**

It is important to recognize that Puritan entered into a lease on this property with full knowledge of the existing zoning peculiarities and the 2009 variance. The unusual lot was a known factor that represented both an opportunity (large interior space) and a risk (requiring unusual trash disposal operations). As part of entering into a leasing agreement the lessee should consider the pros and cons of the property in question, and what the appropriate fair market value would be for such a lease.

Similarly, we were fully aware of the zoning boundaries and of the 2009 zoning variance when we purchased the property at 84 Tremont St. Knowledge that the alleyway was exclusively in a residential zone and did not directly abut a commercial zone was a key factor in my decision to purchase the property due to the high value I place on low noise environment and privacy.

Changing the use of the alleyway in a manner that creates noise and loss of privacy is a substantial hardship to the residential neighbors.

#### **What happens if variance is granted?**

We already know what will happen if the variance is granted. This is because Puritan as of recently has already been using the alleyway for trash disposal and storage, with at least 5 large bins located in the alley way. Those bins are being rolled up and down the alleyway multiple times per day and they are very loud. The ground is uneven, the bins are heavy and the noise disruption is substantial. The recycling bins are even louder with the sound of glass bottles rattling. This is being done as late as 11:45pm, which is presumably when staff are fully done with cleaning after the restaurant closes at night. This is much louder than any traffic noise that we ever hear and creates a substantial hardship to the residents who live and sleep there with the many bedroom windows facing the alleyway. This recent increased use of the alleyway is yet another example of the complete disregard that Puritan has for existing zoning regulations.

#### **Hardship to residents**

If this variance is granted, I expect it will have a substantial financial and non-financial impact to our property and any residents. Financially, just like the use of the alleyway was a key factor in

my decision to purchase the property, I expect it will be a relevant factor for when the property is sold in the future. For any residents, either owners or tenants, the fact remains that all of the bedroom windows face that alleyway, and I expect there to be a substantial impact to the market rental value if this zoning variance is granted.

Non-financial hardship would also come from the negative impact to sleep and loss of privacy. The operating hours of the restaurant are not compatible with the typical bedtime for adults or kids. As a parent I know I would not want to live in a property where daily loud noises prevent my children from having a restful sleep.

If this variance is granted, who will compensate the financial and non-financial losses of the residents?

#### **There is no hardship to Puritan**

The entire argument supporting Puritan's claims of hardship are non-sensical. If the original variance did not exist, commercial use of the residentially zoned portion of the building would not be possible and there would therefore not be any hardship associated with commercial use of the back door and alleyway. In essence Puritan is trying to re-frame the discussion in a manner that does not honestly represent the entire context. The existing variance addresses a hardship caused by the large lot size, and already benefits Puritan. They are essentially now arguing that there are now new hardships given their expanded use of the space under the new variance.

A simple solution to their existing hardships would be to nullify the original variance. That seems like a better solution than anything else that Puritan has proposed.

#### **Summary**

I fully oppose the application from Puritan to change the existing variance. Their arguments do not appropriately take into consideration the entire context of historical compromise that exists or the substantial hardship this would cause to the residents.

Furthermore, Puritan has repeatedly demonstrated a complete disregard for the existing variance requirements and limitations. Should a variance be granted that includes another list of restrictions, I have no faith that Puritan will abide by those, just like they have not abided by their existing restrictions.

I hope the Board of Zoning Appeal will consider all of the evidence and strongly consider the track record of behavior more than written promises in their decision making. I am available should the Board have any questions on my objection to the application.

Sincerely,



Dr. Jaime Mateus  
84 Tremont St #1  
Cambridge MA 02139



## Appendix A

December 10, 2015: storage of boxed appliances in alleyway



**June 8, 2016:** *use of the rear door and alleyway to wash trash barrels with water and bleach*



**May 6, 2017:** *use of the rear door and alleyway for a wedding photoshoot*





**February 20, 2019:** disposal of an old dishwasher in the alleyway in a way that fully blocks opening of the emergency egress from the backyard of the 82-84 Tremont St Condominium



**May 9, 2020:** *use of the rear alley to clean plastic floor mat with chemicals*





**November 20, 2020:** use of alleyway to store 9 or more propane gas tanks, including having all of the tanks block the opening of the emergency egress door from the 82-84 Tremont St Condo and creating a fire hazard





March 20, 2023  
Dr. Ashley Mateus  
84 Tremont St #1

City of Cambridge  
Board of Zoning Appeal  
831 Massachusetts Avenue, Cambridge, MA 02139

**Re: Opposition to BZA Number: 206665**

Dear Cambridge Board of Zoning Appeals,

My name is Ashley Mateus and together with my husband I am the owner of the property at 84 Tremont St Unit 1 which is a direct abutter to the alleyway in question in this zoning appeal filed by Cambridge Cuisine LLC d/b/a Puritan & Company.

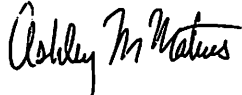
My husband has already written a detailed account of our argument against allowing Puritan to use the alleyway. A quick summary of that argument is that the agreement reached in 2009 is already the compromise position to allow a restaurant to use the unusual shaped space and additional commercial use of an alleyway in the residential area will cause unacceptable levels of noise late at night. Also, Puritan has not been respectful of the agreement already in place and regularly violated the agreement not to use the back door or alleyway for commercial purposes, so we are not confident they would follow through on any restrictions put on additional uses they want to be granted.

I want to add some personal details to my husband's note that would help you understand why the use of the alleyway would be disruptive. Our unit is on the ground floor directly abutting the alleyway in question and the master bedroom suit has a small, attached area that looks directly over the back door of Puritan with two windows. Right under that window is where both of our small children's crib was placed as infants until about 1 year old. The second and only other bedroom in our unit, where the children slept as they got older, also faces the alleyway with two large windows.

We loved this home for our family, and only moved away when work took us out of the state. Since we have left we have rented our unit one other family with young children. Please imagine the drastic change that would take place in our lives or our tenants lives if those kids were woken up nightly to the sound of staff talking as they close at midnight (or really anytime after an 8pm bedtime!), doors open and shutting, and rolling loud trash bins going up and down the alleyway. I would expect these disruptions if we decided to live in a busy commercial area, but we chose our home to be on a quiet residential street. Even just thinking about those already sleep-deprived early parenting nights interrupted with trash barrel removal upsets me. I would never wish that upon any parent.

We are one of 4 different units that directly abut this alleyway, and other neighbors further than direct abutters have already noted the increase in late night noise in the neighborhood because of the trash barrel removal. I appreciate your consideration of this impact to families' lives as you review Puritan's proposal.

Sincerely,

A handwritten signature in cursive script that reads "Ashley Mateus".

Ashley Mateus

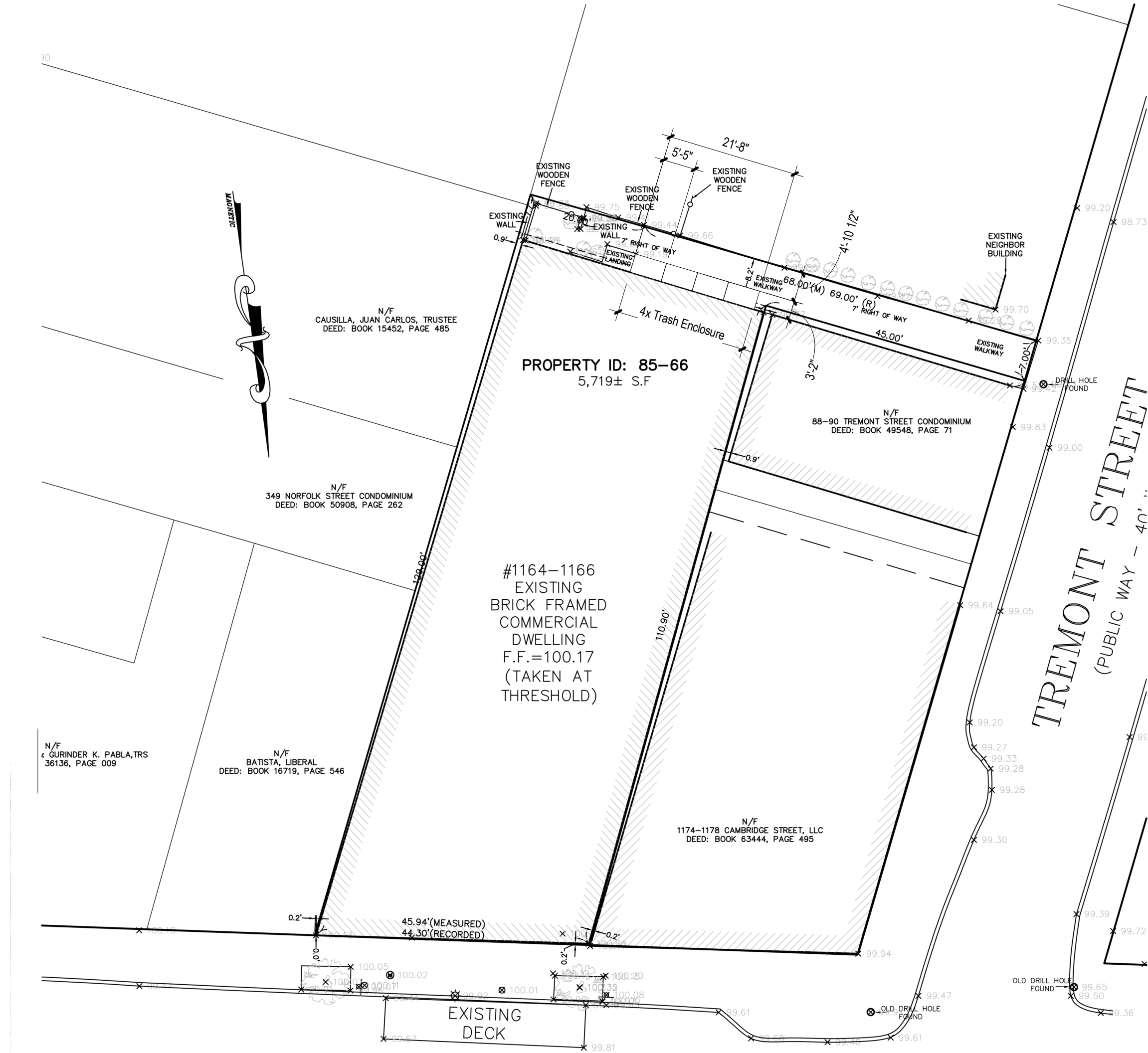




PROPOSED ENCLOSURE



ENCLOSURE VISUALIZATION



PLAN



Joe The Architect, LLC  
343 Medford Street, Suite 40, Somerville, MA 02145  
t: +1(617) 764-3593 e: askjoe@joethearchitect.com  
www.joethearchitect.com

CLIENT

Puritan Oyster Bar

CONSULTANT

SEAL

PROJECT INFORMATION

470 Puritan Oyster Bar

1166 Cambridge St.  
Cambridge, MA. 02139

FOR INFORMATION

11/3/2022 12:52:31 PM

**WARNING:**  
Joe The Architect, Inc., all drawings and written material herein constitute the original and unpublished work of the architect, and the same may not be duplicated, used, or disclosed without the written consent of the architect. Contractors to use Architecture drawings for set out. Contractors to check and verify all Dimensions on Site prior to Construction/Installation. Figure Dimensions take precedence over Scaled Dimensions. Any discrepancies should be immediately referred to the Architect. The project manager shall be notified in writing of any discrepancies prior to proceeding with the work. The scale of drawings may change when copied or faxed. All work to comply with I.B.C. Regulations and relevant American Standards.  
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ISSUE CHART

N	ISSUE	DATE
	PROJECT NUMBER	
	470	
Checker	CHECKED	
Approver	APPROVED	
1/16" = 1'-0"	SCALE	

SHEET NAME

TRASH  
ENCLOSURE  
VISUALIZATION

SHEET NUMBER

A001



EXISTING LEGEND	
SS	SEWER LINE
⊙	SEWER MANHOLE
W	WATER LINE
G	GAS LINE
UP	UTILITY POLE
⊗	GAS VALVE
E	OVERHEAD ELECTRIC SERVICE
WV	WATER VALVE
□	CATCH BASIN
○	FENCE
205	CONTOUR LINE (MJR)
195	CONTOUR LINE (MNR)
X	SPOT GRADE
⊕	DRAIN MANHOLE
⊗	HYDRANT
⊗	TREE

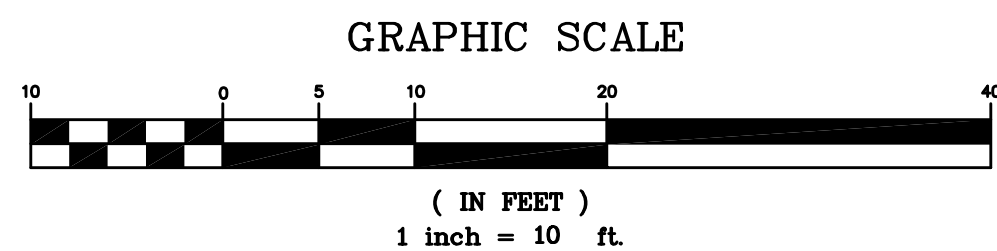


Address: 1166 Cambridge St

Ground Elevation Min:	23.1 ft-CCB
Ground Elevation Max:	25.4 ft-CCB
2070 - 1% - SLR/SS	N/A
2070 - 1% - Precip	23.5
2070 - 10% - SLR/SS	N/A
2070 - 10% - Precip	N/A
2030 - 1% - Precip	23.3
2030 - 10% - Precip	N/A
Present Day - 1% - Precip	N/A
Present Day - 10% - Precip	N/A
FEMA 500-Year	N/A
FEMA 100-Year	N/A
1% - LTFE	23.5
10% - LTFE	N/A

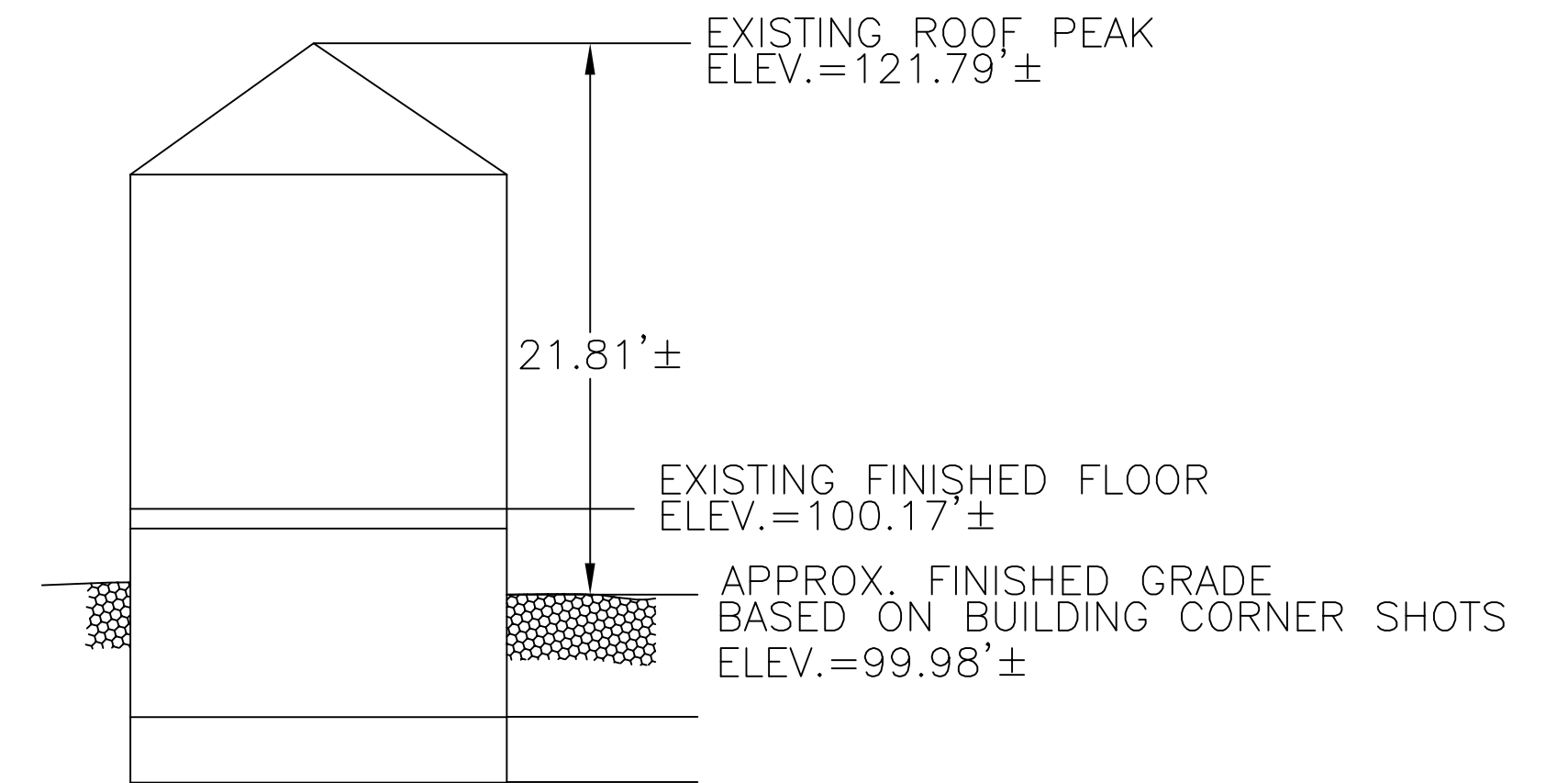
Selected Map-Lot: 85-66

Selected Address: 1166 Cambridge St

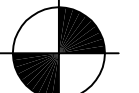


NOTES:

1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 09/17/2022.
2. DEED REFERENCE: BOOK 52379, PAGE 555  
PLAN REFERENCE 1: REF PLAN 403 OF 2007  
PLAN REFERENCE 2: REF PLAN 1189 OF 1988  
PLAN REFERENCE 3: REF PLAN 216 OF 2002  
PLAN REFERENCE 4: REF PLAN 506 OF 1988  
PLAN REFERENCE 5: 22237-A  
MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0576E, IN COMMUNITY NUMBER: 250186, DATED 06/04/2010.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
8. THE ELEVATIONS SHOWN ARE BASED ON AN ASSUMED DATUM.
9. ZONING DISTRICT: BA- BUSINESS A



EXISTING PROFILE  
NOT TO SCALE

SCALE	1"=10'		
DATE	10/13/2022	REV	DATE
SHEET	1	REVISION	BY
PLAN NO.	1 OF 1	1164-1166 CAMBRIDGE STREET CAMBRIDGE MASSACHUSETTS	
CLIENT:	PLOT PLAN OF LAND		SHEET NO.
DRAWN BY	GB	 <b>PETER NOLAN &amp; ASSOCIATES LLC</b> LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS 80 JEWETT STREET NEWTON, MA, SUITE 1 PHONE: 857 891 7478 EMAIL: pnolan@pnasurveyors.com	
CHKD BY	PJN		
APPD BY	PJN		

# PURITAN OYSTER BAR INMAN SQ CAMBRIDGE, MA

TRASH ENCLOSURE  
11/03/22

1

11/03/22

[www.joethearchitect.com](http://www.joethearchitect.com)

PD SD DD CD VE CA

**JtA**



PLAN

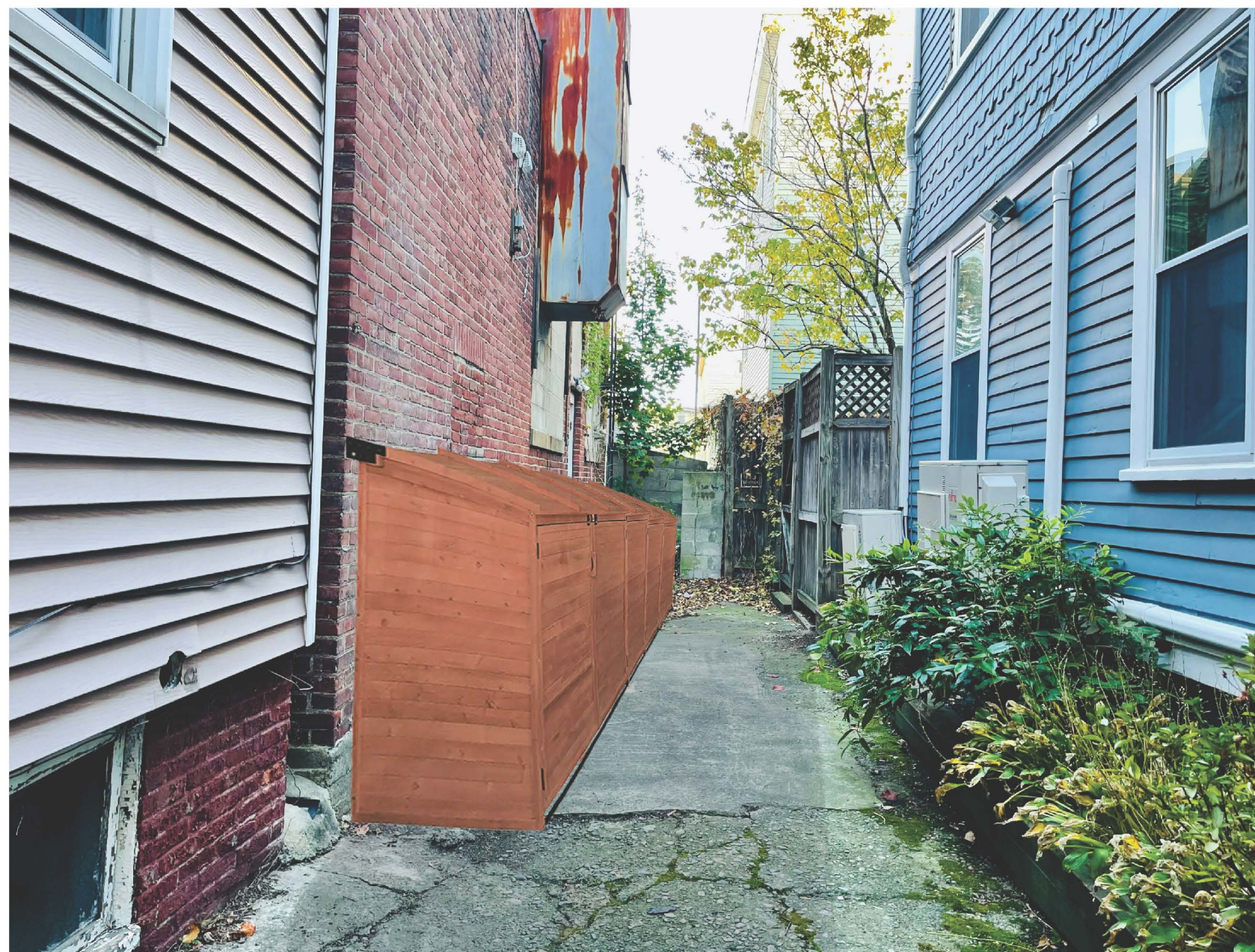
PD SD DD CD VE CA







PROPOSED ENCLOSURE



ENCLOSURE VISUALIZATION



**NARRATIVE TO APPLICATION FOR MODIFICATION  
OF EXISTING CONDITIONS TO VARIANCE**

Subject Property: 1164 Cambridge Street, Cambridge, MA 02139  
Map-Lot: 85-66

Applicant Name: Cambridge Cuisine LLC d/b/a Puritan & Company  
c/o A. Barnosky, Esq., 255 State Street, 7<sup>th</sup> Floor, Boston, MA 02109

Applicant's Representative: Adam R. Barnosky, Esq.  
Ruberto, Israel & Weiner, 255 State Street, 7<sup>th</sup> Floor, Boston, MA 02109

Owner of Record: 1164 Cambridge Street LLC  
40 Naples Road, Brookline, MA 02446

**Narrative**

The Applicant seeks a modification of the variance granted to 1164 Cambridge Street, LLC (the “**Variance**”), relative to the property situated at and known as 1164 Cambridge Street, Cambridge, Massachusetts (the “**Property**”), pursuant to that certain decision rendered May 14, 2009, by the Cambridge Board of Zoning Appeal (the “**Board**”) for Case Number 9779, a copy of which has been recorded with the Middlesex South Registry of Deeds on July 16, 2009, in Book 53214, Page 42 (the “**Decision**”).

The Property and the building constructed thereon is a split lot with approximately 85% of the building located at the front of lot sited within the Business A zone and the balance of the building in the rear sited in the Residence C-1 zone. The Decision permits use of the rear portion of the building, which was zoned for office and retail uses, for use as a restaurant, which is otherwise permitted in the Business A district.

The Applicant has occupied the Property and operated the restaurant “Puritan & Company” at the site for over a decade.

In granting the Variance, the Board imposed three (3) conditions restricting the use of the Property:

1. that the use of the rear door into the right of way between 82-84 and 88-90 Tremont Street be limited to nonrecurring emergency egress only,
2. that if the structure is used for dry cleaning, then this use be limited to drop off service, where no dry cleaning is done on the premises, and
3. that the [then-existing] shed that appears to the rear of the structure be promptly removed and that any damage to the main structure be rectified.

Due to the above conditions, the Applicant has been storing trash inside the Property. Recently, the Cambridge Health Department requested that the Applicant no longer store trash inside and has requested that trash be stored outside. Due to the existing configuration of the building (constructed



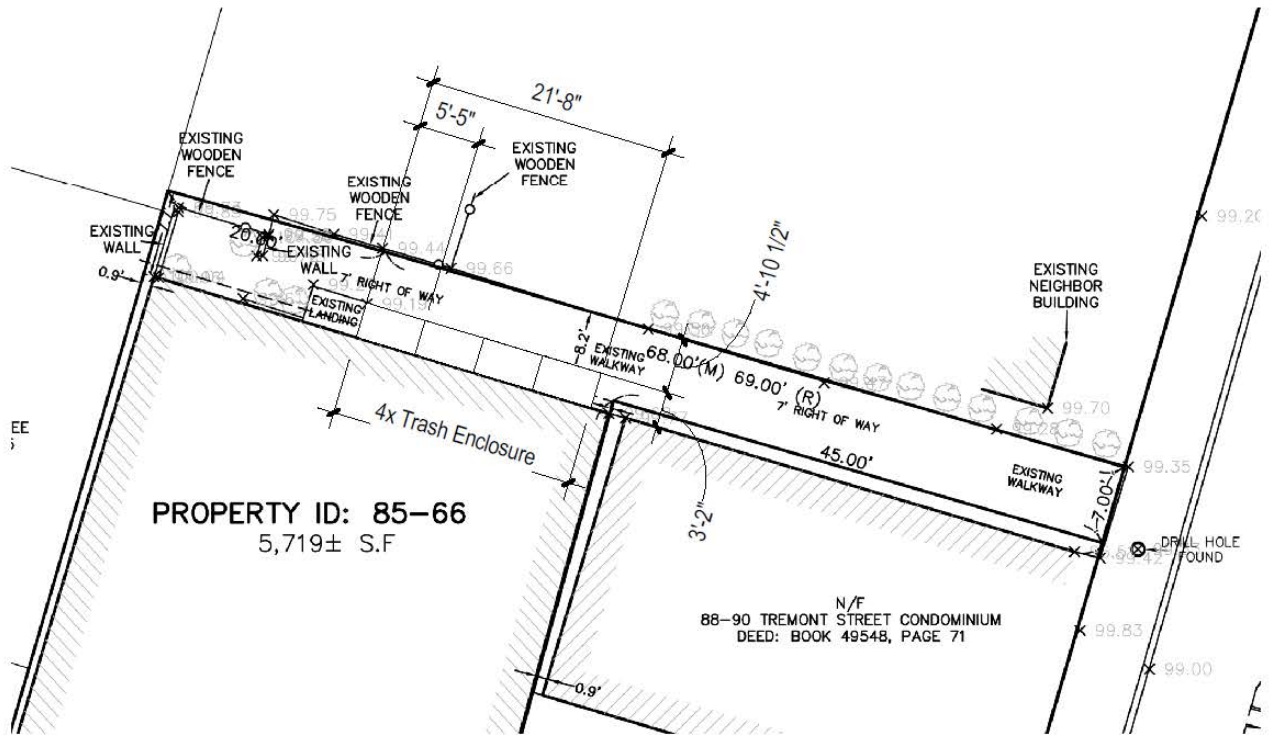
in 1867, per City records), the Applicant respectfully requests (i) modification of the first condition and (ii) modification of the third condition to permit Applicant to apply for such permits as may be necessary to install a trash shed off the rear of the Property in the right of way between 82-84 Tremont Street and 88-90 Tremont Street. In particular, the Applicant proposes installing the proposed trash shed in the area shown on the attached **Exhibit A**, as more specifically shown in the plans submitted with the instant application.

**Requirements for Variances (Zoning Ordinance § 10.31)**

- A. A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise to the petitioner or appellant.
- Continued enforcement of the existing condition limiting use of the rear door at the Property to “nonrecurring emergency egress only” prohibits the Applicant’s continued use of the Premises by forcing the Applicant to choose between (i) disregarding the Health Department’s request to store trash outside or (ii) violating the conditions of the Variance. Given the Applicant’s business as a restaurant, it must abide by those requirements set by the Health Department, but it must also abide by all applications restrictions related to use of the Property in order to avoid City violations and lease default.
- B. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structure but not affecting generally the zoning district in which it is located.
- The hardship in question is unique to the Property in that the subject lot is split between Business A and Residence C-1 zones, which is unusual and atypical for the area. Although restaurant use is permitted by right in the front portion of the building located within the Business A zone, use of the rear portion of the building required appeal to the Board for the above referenced Variance as restaurant use prohibited in the Residence C-1 zone.
- C. Desirable relief may be granted without either: (i) substantial detriment to the public good; or (ii) nullifying or substantially derogating from the intent or purpose of this Ordinance.
- Modifying the existing Variance to permit the installation of a trash shed and use of the rear door for more than simply emergency egress will not be substantially detrimental to the public good, nor will it nullify or derogate from the intent of the Ordinance. The relief requested by the Applicant is tailored to permit the Applicant to continue its use of the Property in the same fashion it has operated for the past decade. The alley in question is not a public way used by pedestrians or cyclists for transport and the proposed trash storage would be covered so as to prevent rodents and other vermin from accessing same. The restaurant also maintains modest hours and use of the back door will not be a nuisance for neighbors.

## EXHIBIT A

### Proposed Trash Shed Location



**ATTORNEY AUTHORIZATION FORM**

**1164-1166 Cambridge Street  
Cambridge, MA 02139**

The undersigned, as an authorized representative of CAMBRIDGE CUISINE LLC d/b/a Puritan & Company, a Massachusetts limited liability company with an address of 1166 Cambridge Street, Cambridge, Massachusetts 02139 (the "**Applicant**"), being an applicant before the City of Cambridge Board of Zoning Appeals for a modification of the conditions provided in the decision for Board of Zoning Appeals Case No. 9779 relative to the premises located at 1164-1166 Cambridge Street, Cambridge, Massachusetts 02139 (Map-Lot: 85-66) (the "**Application**"), does hereby authorize Attorneys Adam R. Barnosky and Michael J. Barone, Jr., of Ruberto, Israel & Weiner, P.C. to file any and all filings, documents and appearances required in connection with the Application and any appeals so required relating thereto before the City of Cambridge and its affiliated boards.

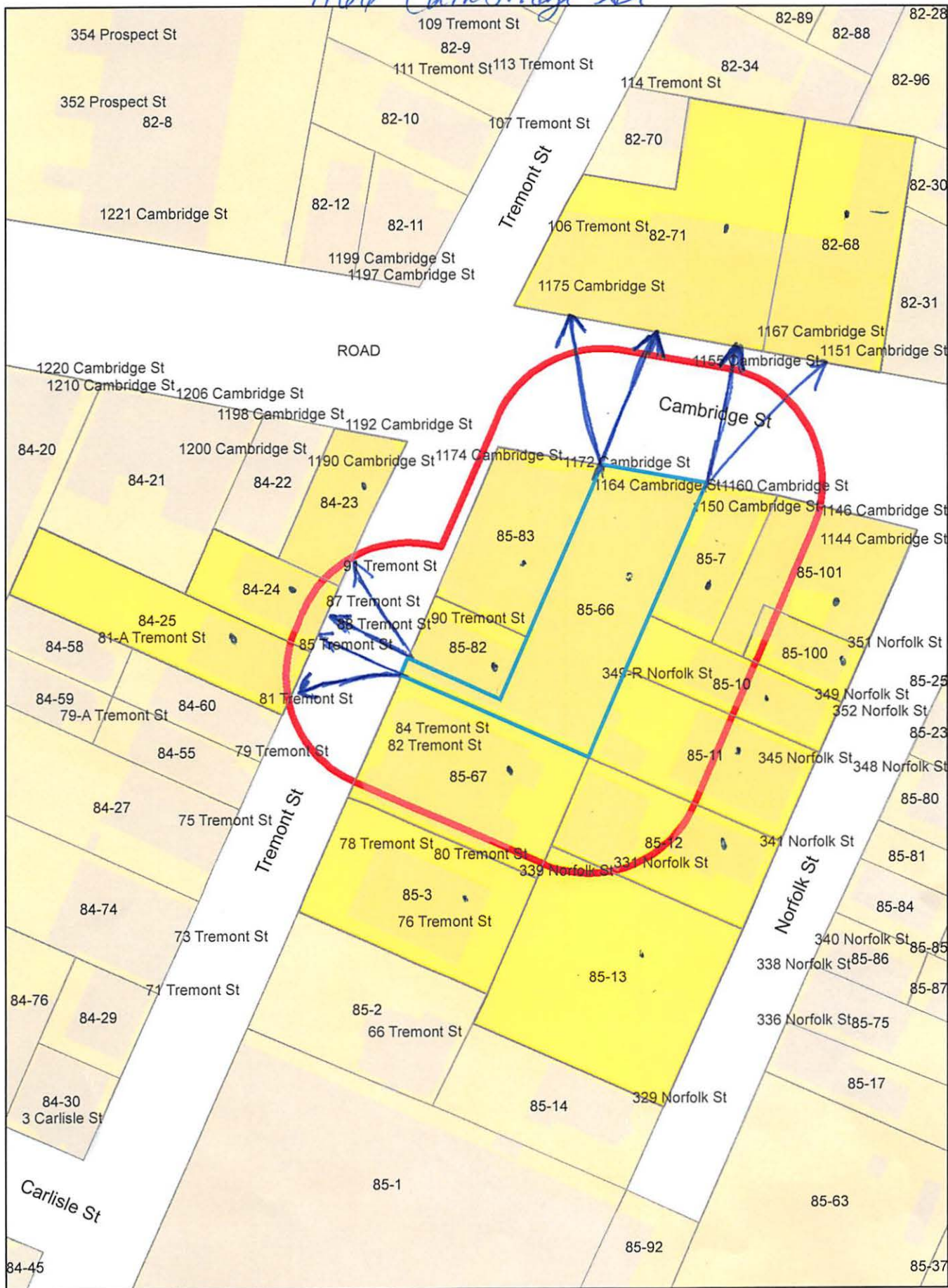
In Witness Whereof, the party below has executed this Attorney Authorization Form by its duly authorized representative, as an instrument under seal, as of the 21<sup>st</sup> day of November, 2022.

**APPLICANT:**

CAMBRIDGE CUISINE LLC

By:   
Name: Ming-Tai Huh  
Title: Managing Member

1166 Cambridge St.





1164-1166 Camb. St.

*Retitlers*

85-12  
MEDEIROS, MARIE G. & LUCY M. FONTANILLS  
341 NORFOLK ST  
CAMBRIDGE, MA 02139

85-67  
MICHAELS, STEPHEN L.,  
TRUSTEE 82 TREMONT STREET REALTY TRUST.  
82 TREMONT ST. UNIT#2  
CAMBRIDGE, MA 02139

RUBERTO, ISRAEL & WEINER, P.C.  
C/O ADAM R. BARNOSKY, ESQ.  
255 STATE STREET – 7TH FLOOR  
BOSTON, MA 02109

85-13  
CAMBRIDGE CITY OF PUBLIC WORKS DEPT  
147 HAMPSHIRE ST  
CAMBRIDGE, MA 02139

85-66  
1164 CAMBRIDGE LLC,  
1164 CAMBRIDGE ST  
CAMBRIDGE, MA 02139

RUBERTO, ISRAEL & WEINER, P.C.  
C/O MICHAEL J. BARONE, JR. ESQ.  
255 STATE STREET – 7TH FLOOR  
BOSTON, MA 02109

85-67  
DEUTSCH, FREEMAN S. & JANE SAACKE  
82-84 TREMONT ST., #4  
CAMBRIDGE, MA 02139

85-11  
CAUSILLA, JUAN CARLOS,  
TRUSTEE THE MARIA SPERA IRREV TRUST  
312 PALLADIO DR  
GREENVILLE, SC 29617

85-7  
BATISTA, LIBERAL  
1158 CAMBRIDGE ST.  
CAMBRIDGE, MA 02139

85-101  
PABLA, JASPAL S. & GURINDER K. PABLA,  
TRS B.S. SODHI NOMINEE TRUST  
16 MENOTOMY ROCKS DR.  
ARLINGTON, MA 02476

85-83  
1174-1178 CAMBRIDGE STREET, LLC  
120 GALLOUPES POINT RD  
SWAMPSCOTT, MA 01907

85-3  
ULM, FRANZ-JOSEF & LAILA FARSAKH  
76 TREMONT ST  
CAMBRIDGE, MA 02139

85-67  
MATEUS, JAIME A. ASHLEY M. MATEUS  
82-84 TREMONT ST UNIT #1  
CAMBRIDGE, MA 02139

85-100  
NESSON, ROBERT E. & KATHE GREGORY  
76 BERKELEY ST  
SOMERVILLE, MA 02143

82-68  
RENZELLA, JOSEPH A., JR  
TRS, THE 1155 CAMB ST IRREV TRUST  
1157 CAMBRIDGE ST  
CAMBRIDGE, MA 02139

82-71  
JAS CONSOLIDATED POPERTIES LLC  
C/O JAS CORPORATION  
1035 CAMBRIDGE ST., #12  
CAMBRIDGE, MA 02141

82-71  
JUST-A-START CORPORATION,  
C/O JAS PROPERTIES  
243 BROADWAY  
CAMBRIDGE, MA 02139

84-23  
1190 CAMBRIDGE STREET LLC  
C/O BLOCK PROPERTIES LLC  
1330 BOYLSTON ST., STE 600  
CHESTNUT HILL, MA 02467

84-24  
HART, CHAD W. & ERIN JANE HART  
87 TREMONT ST  
CAMBRIDGE, MA 02139

85-82  
PETERS, OLIVIA N.  
88-90 TREMONT ST. UNIT#3  
CAMBRIDGE, MA 02139

85-82  
ADADEVOH, SELORM  
90 TREMONT ST #2  
CAMBRIDGE, MA 02139

85-10  
MURPHY, BRYAN & LAUREN MARCELL, &  
ANDRE & LYNN MARCELL  
349 NORFOLK ST UNIT #349  
CAMBRIDGE, MA 02139

85-82  
STINEMAN, DARREN G. & SAMANTHA R. BURNS  
88 TREMONT ST UNIT #1  
CAMBRIDGE, MA 02139

85-10  
MURPHY, BRYAN  
349 NORFOLK ST  
CAMBRIDGE, MA 02139

84-25  
85 TREMONT ST LLC  
7 CRESCENT ST  
CAMBRIDGE, MA 02138

85-3  
WEBB CYNTHIAANN BLAIR TRS CYNTHIAANN  
BLAIR WEBB REVOCABLE LIVING T  
76-80 TREMONT ST  
CAMBRIDGE, MA 02139

85-3  
PHEUNGFUNK, PUNNEE  
78 TREMONT STREET, UNIT #78  
CAMBRIDGE, MA 02139

85-67  
HOPKINS, JOHN  
82-84 TREMONT ST., #3  
CAMBRIDGE, MA 02139

85-13  
CITY OF CAMBRIDGE  
C/O YI-AN HUANG  
CITY MANAGER

85-13  
CITY OF CAMBRIDGE  
C/O NANCY GLOWA  
CITY SOLICITOR



# City of Cambridge

MASSACHUSETTS

## BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

*2 bds*

### BZA

### POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: William Gilson Date: 3/6/23  
(Print)

Address: 1164-1166 Cambridge St.

Case No. BZA-206665

Hearing Date: 3/23/23

Thank you,  
Bza Members

## Pacheco, Maria

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**From:** Stephen Michaels <unibear@comcast.net>  
**Sent:** Sunday, March 5, 2023 3:03 PM  
**To:** Pacheco, Maria  
**Subject:** Opposition to BZA-206665 Puritan & Co. Zoning Variance Petition

*Handwritten signature*

Cambridge Board of Zoning Appeal  
**Attn.: Maria Pacheco**  
831 Massachusetts Ave.  
Cambridge, MA 02139

RE: Case BZA-206665, 1164-1166 Cambridge St., Puritan & Co., Zoning Variance Petition

Dear Sirs:

I am one of four owners of the 82-84 Tremont St. Condominium. Our property abuts the back (south) side of the Puritan & Co. restaurant at our northeast corner. 1164-66 Cambridge St. owns the alley separating our building from theirs and 88-90 Tremont St., and our condominium possesses a legally-registered right of way allowing "usual and general passageway rights for all proper purposes" (via a wooden gate in our backyard fence) that permits us to enter and exit our back yard through the alley and to maintain our building and garden adjoining the alley. While 1164-66 Cambridge St. is zoned for commercial use, the rear part of the building, including the alley, is zoned for residential use only. Thus the siting of the Puritan & Co. restaurant there required review by the Zoning Board of Appeals as well as the License Commission.

When Puritan & Company first obtained its operating licenses, our condominium owners and other abutters testified before the BZA and License Commission that we did not want the restaurant owners and operators to use the alley for recurrent passage into or out of the restaurant, nor for storage or transport of deliveries to and/or removal of refuse from the restaurant. The BZA agreed to stipulate, as a condition to the zoning variance allowing the restaurant, that the alley would only be used "for nonrecurring emergency egress only" from the restaurant's kitchen. No deliveries would be permitted through the alley, and no garbage or trash would be stored there, as previously, a deteriorated garbage shed in the back of the alley had become a nesting area for rodents.

Puritan & Company largely abided by these conditions until mid-November 2022, when they started to violate the BZA's conditions as follows:

- by storing up to six large commercial refuse/recycling bins in the rear part of the alley. The bins partially obstruct Puritan's emergency exit and on occasion have completely blocked the gate exiting our back yard, which we use regularly. We have had to move Puritan's barrels out of the way of our backyard exit gate several times since then.
- Puritan moves the barrels out to the Tremont Street sidewalk (also a residential zone) for pick-up, five days a week at present. This has at times obstructed the Tremont St. sidewalk. (There is no curb cut for the alley, just a residential permit parking space).
- More recently, Puritan staff have also started using the back door for ingress/egress on occasion. We have found cigarette butts in our garden bed adjacent to the alley.

In addition, the back of the alley has on and off been strewn with trash including a rusted propane cylinder, and is overgrown with weeds, as the owners of 1166 Cambridge St do not maintain the alley. In December, 2022, the 82-84 Tremont Condominium requested a review of our property's rodent protection plan by Jimmy DeAngelo from the Inspectional Services Department who noted rat burrows in our alley-side garden and evidence of rat transit across the back end of the alley. Our condo's pest-control contractor has recently CO-fumigated and snap-trapped our property including our alley-side



garden. Allowing Puritan routine, to store refuse bins in the alley will counter our rodent-control activities by providing daily sources of food to attract rats from surrounding properties.

For many years, the 82-84 Tremont Condominium has also removed winter snow from the alley to maintain our backyard egress to Tremont St., with no assistance from Puritan & Co. or the 1164-66 Cambridge owners, and our landscape contractor also has removed weeds and debris from the alley during summer and fall. Puritan has not noticeably maintained the alley except when we have complained to their management about a specific issue (as with removal of the propane canisters).

**THEREFORE, I STRONGLY URGE THE BZA TO REJECT PURITAN'S PETITION (case no. BZA-206665)** to modify the previously granted variance restrictions (BZA-9779). The petition completely abrogates the original variance restrictions which were negotiated as a compromise between the restaurant and the abutters. There is no way in which the alley can be used for garbage storage and transport and recurrent egress without detriment to the abutting properties, most prominently 82-84 and 88-90 Tremont. With planned garbage pick-up 5 times a week and employees using the back door on a regular basis to move barrels inside and outside as well as to access the kitchen, eliminating the variance restrictions would disrupt the abutters' peace and quiet and will reduce our property values.

If you have any questions, please contact me at [unibear@comcast.net](mailto:unibear@comcast.net) or 617-866-3457 (mobile).

I will participate in the BZA virtual hearing on March 23 to state my concerns.

Sincerely yours,

*Stephen L. Michaels*

Stephen L. Michaels  
82 Tremont St., Apt. 2  
Cambridge, MA 02139-1332  
USA

*unibear@comcast.net*  
617-866-3457