



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: _____

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

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

(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

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

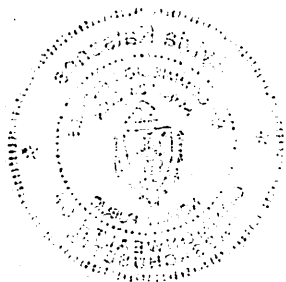
On this 30th day of November 2022, personally appeared before me, the undersigned notary public, Armia Azadian, personally known to me to be the person who signed the Property Owner's Consent and acknowledged to me that he signed it voluntarily for the purposes stated therein as the free act and deed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

Sylvia Katsenes

Sylvia Katsenes

My commission expires August 23, 2024







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.

Return

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. Alirezaei

000925

6FR40/c360000
6V-14/A

EMBASSY OF SWITZERLAND
U.S. Interests Section
Tehran

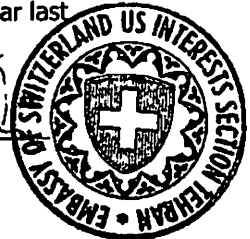
EMBASSY OF SWITZERLAND
CONSULATE ACKNOWLEDGMENT
U.S. Interests Section
Tehran

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:



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, 7th Fl., Boston, MA 02109

Applicant's Representative: Adam R. Barnosky, Esq.; Michael J. Barone, Jr., Esq.
RIW, 255 State Street, 7th 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.

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

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

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 Architectural drawings for set out. Contractors to check and verify all Dimensions on Site prior to Construction/Fabrication. 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 faded. All work to comply with I.B.C. Regulations and relevant American Standards. © 2021- all rights reserved

ISSUE CHART

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

TRASH ENCLOSURE VISUALIZATION

SHEET NUMBER

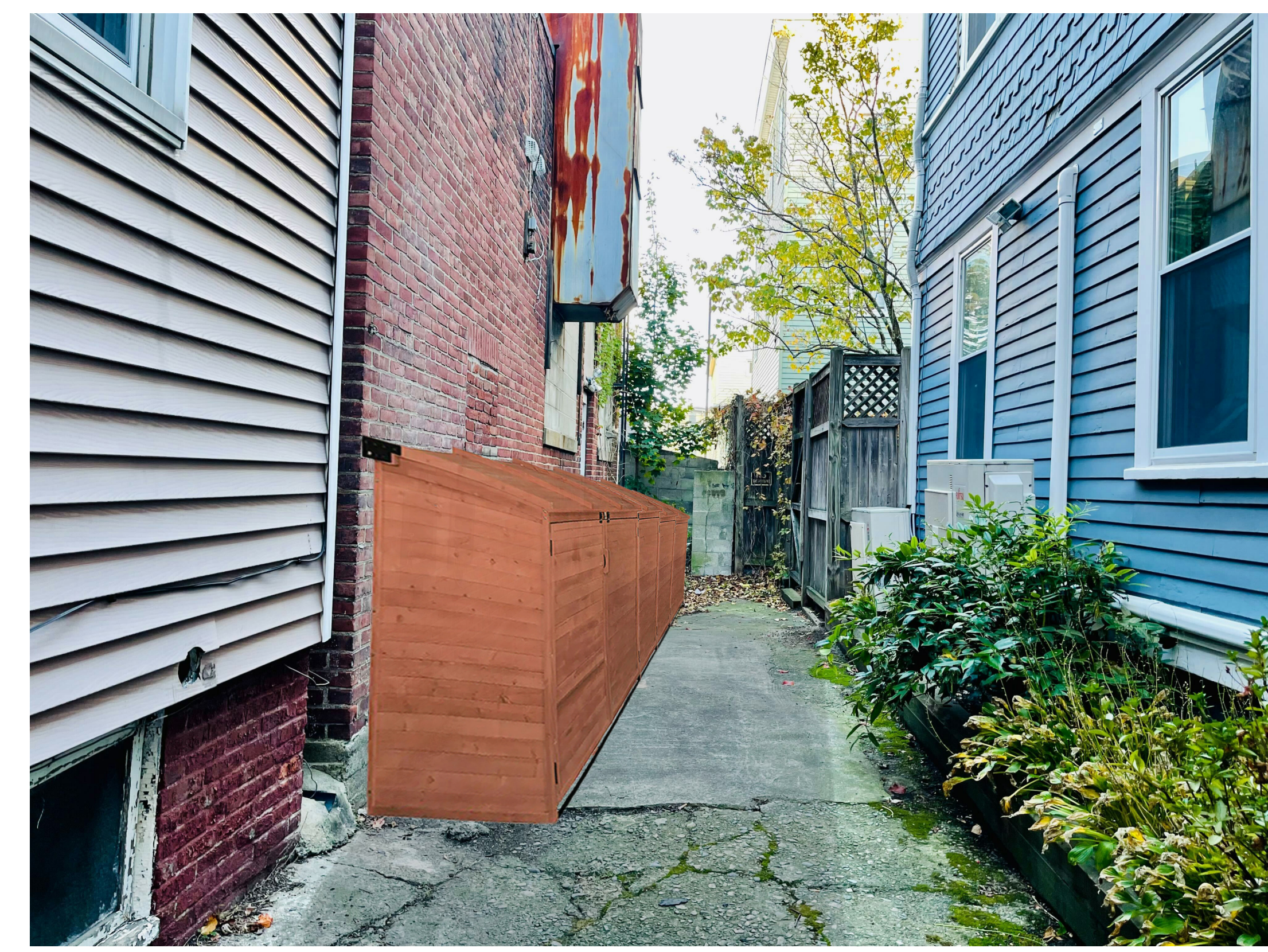
A001



PLAN



PROPOSED ENCLOSURE



ENCLOSURE VISUALIZATION

EXISTING LEGEND

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

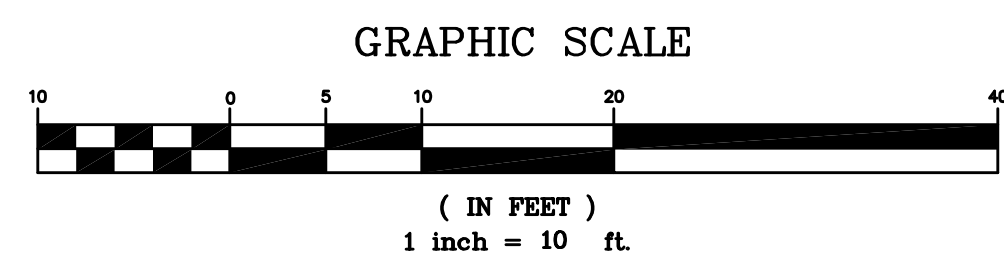


Address: 1166 Cambridge St

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

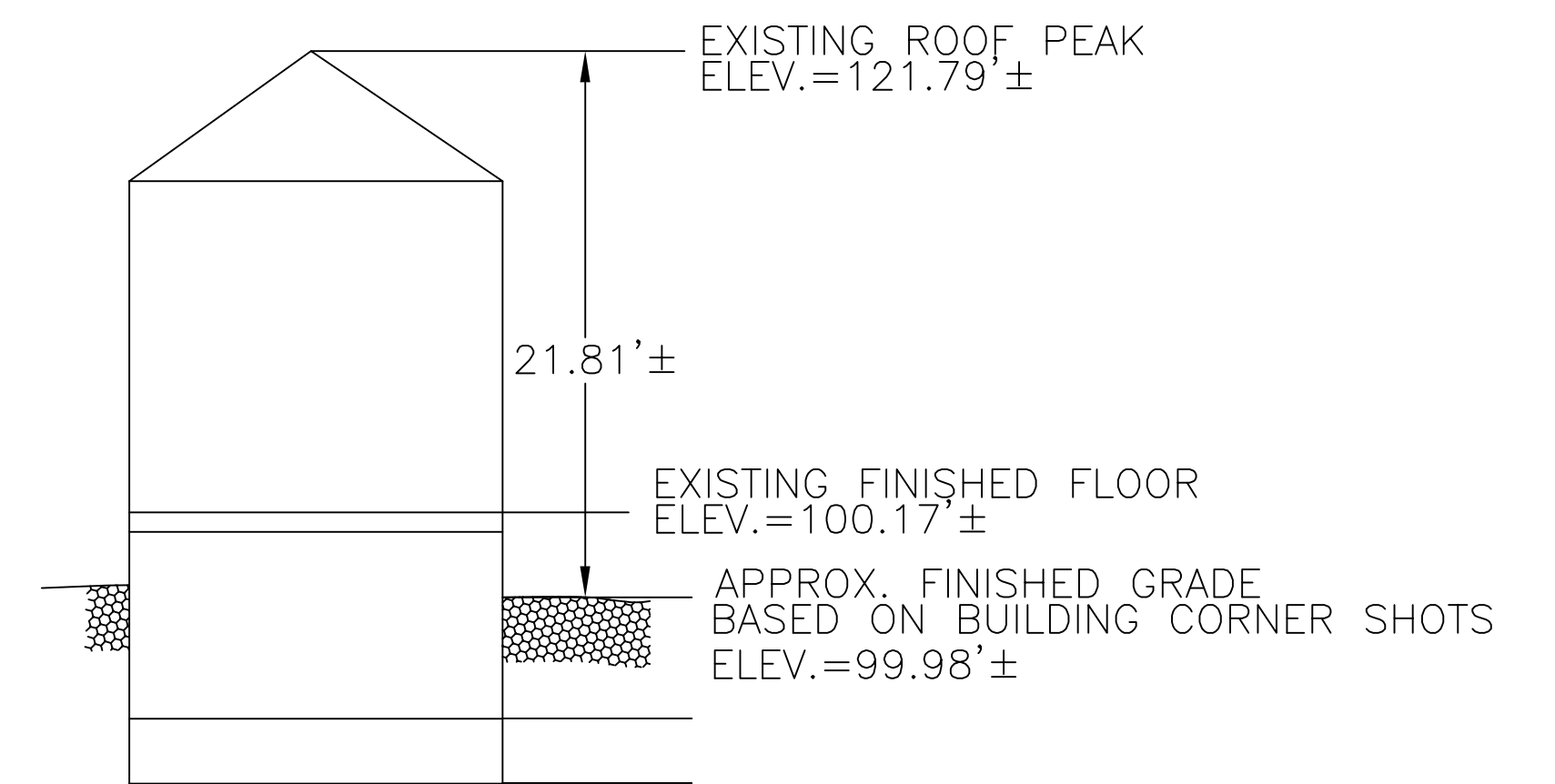
Selected Map-Lot: 85-66

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	REVISION	BY
SHEET	1164-1166 CAMBRIDGE STREET CAMBRIDGE MASSACHUSETTS		
PLAN NO.	1 OF 1		
CLIENT:	PLOT PLAN OF LAND		
DRAWN BY	GB		
CHKD BY	PUN		
APPD BY	PUN		
PETER NOLAN & ASSOCIATES LLC LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS 80 JEWETT STREET NEWTON, MA, SUITE 1 PHONE: 857 891 7478 EMAIL: pnolan@pnasurveyors.com			
SHEET NO.	1		

PETER NOLAN & ASSOCIATES LLC SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES, OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDING WITH THE CONTRACT DOCUMENTS. THE EXTENT OF PETER NOLAN & ASSOCIATES LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COST.
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NO PART OF THIS DOCUMENT MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPIING, RECORDING OR OTHERWISE, WITHOUT THE PRIOR WRITTEN PERMISSION OF PETER NOLAN & ASSOCIATES LLC ANY

**PURITAN OYSTER
BAR
INMAN SQ
CAMBRIDGE, MA**

TRASH ENCLOSURE
11/03/22

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11/03/22
www.joethearchitect.com

PD SD DD CD VE CA

JtA



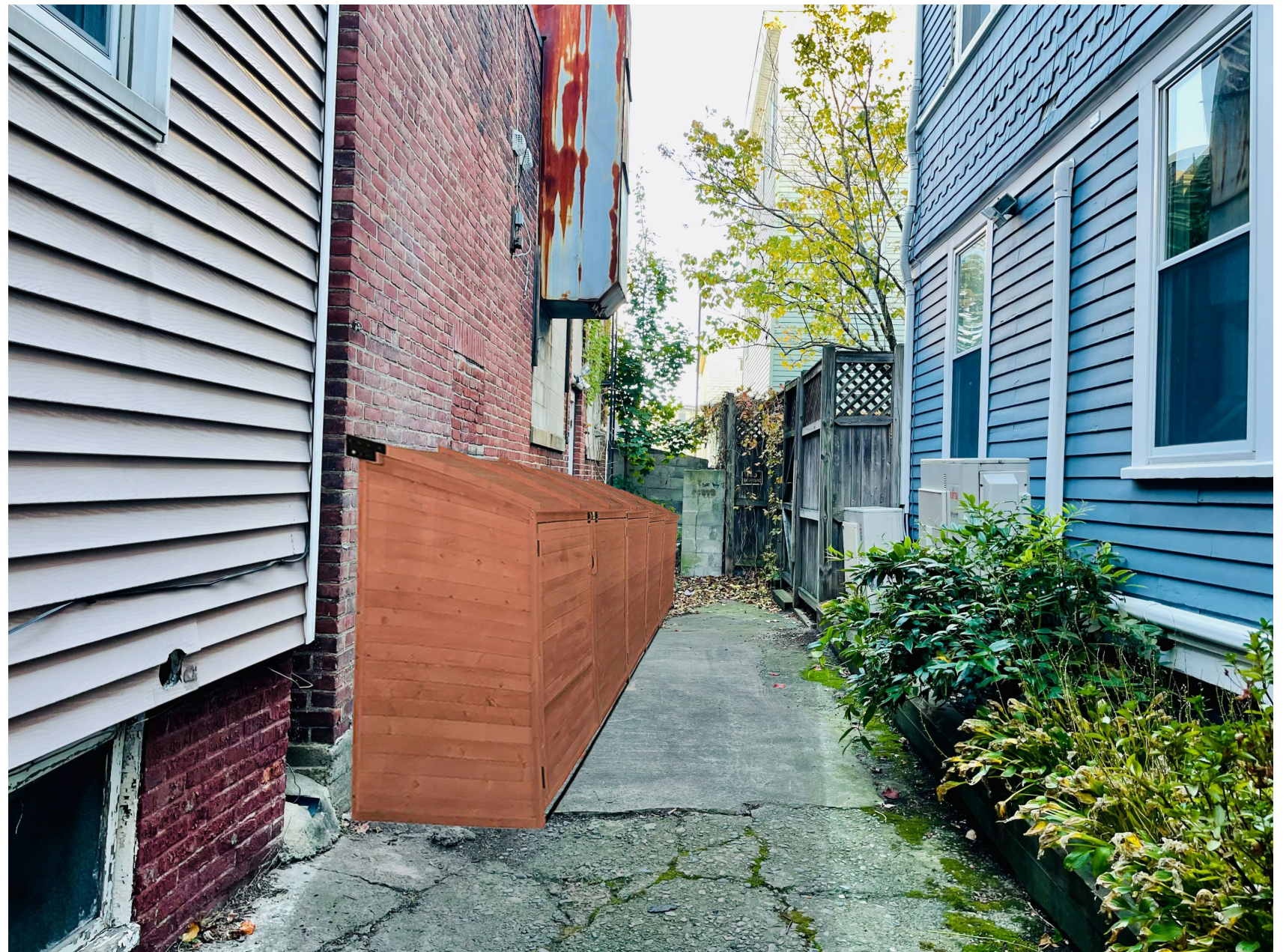
PLAN

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, 7th Floor, Boston, MA 02109

Applicant's Representative: Adam R. Barnosky, Esq.
Ruberto, Israel & Weiner, 255 State Street, 7th 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

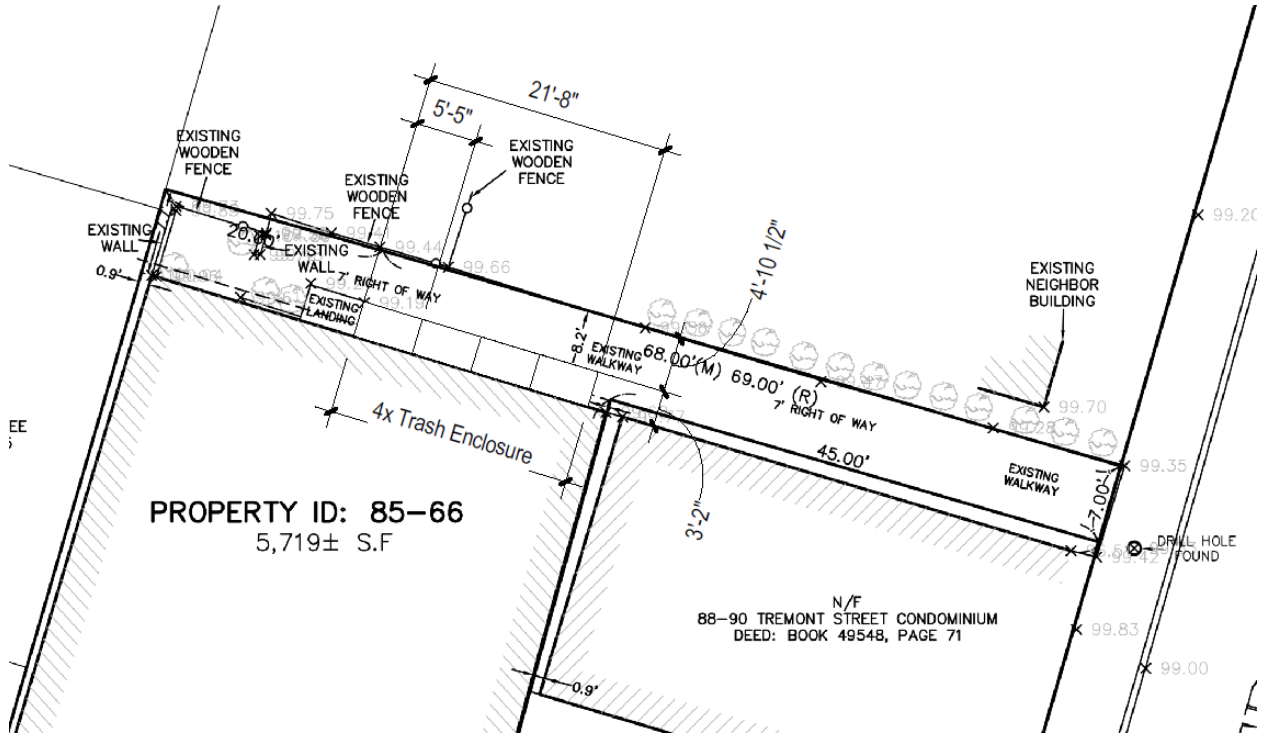
in 1867, per City records), the Applicant respectfully requests (i) modification of the first condition and (ii) modification of the third condition to permit Applicant to apply for such permits as may be necessary to install a trash shed off the rear of the Property in the right of way between 82-84 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 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 21st day of November, 2022.

APPLICANT:

CAMBRIDGE CUISINE LLC

By: 

Name: Ming-Tai Huh

Title: Managing Member

1164-1166 Camb. St.

Retirees

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

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

OPPS

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 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

Pacheco, Maria

From: Jessie Saacke <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 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 backyard, 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 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

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.

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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 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.

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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 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 black ink that reads "Ashley Mateus". The signature is written in a cursive style with a large initial 'A'.

Ashley Mateus



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

Replacement

BZA

POSTING NOTICE – PICK UP SHEET

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

Name: William Gilson Date: 5/10/23
(Print)

Address: 1164-1164 Cambridge St.

Case No. BZA-206665

Hearing Date: 5/25/23

Thank you,
Bza Members

UNITED STATES
DEPARTMENT OF JUSTICE

INVESTIGATION OF THE
ACTS OF TERRORISM

MEMORANDUM FOR THE DIRECTOR

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [REDACTED]

Reference is made to the report of the New York Office dated 10/15/68.

IT IS THE POLICY OF THE DEPARTMENT OF JUSTICE

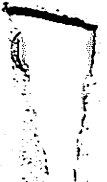
TO MAINTAIN THE CONFIDENTIALITY OF THE
IDENTITIES OF SOURCES OF INFORMATION

WHICH ARE OBTAINED BY THE DEPARTMENT OF JUSTICE

IN THE COURSE OF ITS INVESTIGATIONS

AND TO PROTECT THE IDENTITIES OF SUCH SOURCES

10/15/68



1 * * * * *

2 (8:23 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Slater W. Anderson, and Matina
5 Williams

6 BRENDAN SULLIVAN: The Board will now hear Case No.
7 206665 -- 1164-1166 Cambridge Street.

8 MICHAEL BARONE: Good evening, Mr. Chair, members
9 of the Board. My name is Michael Barone. I'm an attorney
10 with Ruberto, Israel & Weiner, 255 State Street, Boston,
11 Massachusetts. I'm here representing Cambridge Cuisine LLC
12 doing business as Puritan & Company, the current tenant at
13 1164-1166 Cambridge Street.

14 The application before you this evening is for a
15 modification of existing variance conditions that were
16 imposed in a 2009 variance decision. We would humbly
17 request a continuance of this evening's hearing.

18 Our client has commenced community outreach
19 processes, which we know this Board very much favors, and we
20 have a community meeting scheduled for April 8 at 10a, and
21 we've been working closely with the East Cambridge Business
22 Association and have been disseminating notices out to

1 neighbors, inviting them to the meeting on April 8.

2 BRENDAN SULLIVAN: Great. Okay. You're aware of
3 correspondence, Michael, or that has come in? Some of it
4 came in -- well, this afternoon at 4:17 so you may or may
5 not be, but it is available to you, and then Staff can e-
6 mail those to you so that you can address those concerns,
7 those issues, and you'll be aware of them probably at the
8 public forum.

9 So the next available date would be May 11. That
10 works for you?

11 MICHAEL BARONE: That does. I do know my client
12 has been in touch with a few different City Departments, and
13 I think is still waiting on some correspondence. If we
14 could push to May 25, that would be greatly appreciated.
15 But if the Board would prefer May 11, we can certainly do
16 so.

17 BRENDAN SULLIVAN: No. It's entirely up to you.
18 We're very flexible on that. So we can go May 25, that
19 works for you?

20 MICHAEL BARONE: That would be wonderful, thank
21 you.

22 BRENDAN SULLIVAN: All right. So let me make a

1 motion, then, to continue this matter to May 25, 2023 at
2 6:00 p.m. on the condition that the petitioner change the
3 posting sign to reflect the new date of May 25, 2023 and the
4 time at 6:00 p.m.

5 Any new documents, submittals be in the file by
6 5:00 p.m. on the Monday prior to the May 25, 2023 meeting.
7 I would ask that the petitioner's Counsel sign a waiver of
8 the statutory requirement for a hearing and a decision to be
9 rendered therefor.

10 That such document can be obtained by Staff. They
11 will e-mail it to you if you could sign it and send it back
12 to them. Said document must be returned by 5:00 p.m. a week
13 from tonight. Ask you to comply with that, and that's a
14 condition as part of continuing this matter.

15 And I think that's all, and to maintain the
16 posting sign for at least 14 days prior to the hearing, and
17 that the posting sign should face Cambridge Street, as
18 opposed to before it was sort of facing the side of the
19 entryway.

20 On the motion, then, to continue this matter to
21 May 25, Jim Monteverde?

22 JIM MONTEVERDE: In favor.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: Yes, in favor, but also would like
3 to confirm for the record that this is a case not heard,
4 correct?

5 BRENDAN SULLIVAN: It is a case not heard,
6 correct.

7 ANDREA HICKEY: Mm-hm. Thank you. I'm in favor.

8 BRENDAN SULLIVAN: Yep. Matina Williams?

9 MATINA WILLIAMS: In favor.

10 BRENDAN SULLIVAN: Slater Anderson?

11 SLATER ANDERSON: In favor.

12 BRENDAN SULLIVAN: Brendan Sullivan in favor.

13 [All vote YES]

14 BRENDAN SULLIVAN: This matter is, on the five
15 affirmative votes, this matter is continued to May 25, 2023.
16 See you then.

17 MICHAEL BARONE: Thank you very much.

18

19

20

21

22

Pacheco, Maria

From: Unibear <unibear@comcast.net>
Sent: Wednesday, March 22, 2023 12:24 AM
To: Pacheco, Maria
Cc: John and Marie Hopkins; Jessie Saacke; Jaime Mateus; Freeman Deutsch
Subject: Re: Automatic reply: Case BZA-206665, 1164-1166 Cambridge St., Puritan & Co., Zoning Variance Petition

Dear Ms. Pacheco,

I want to state my concurrence with the emails sent to you by my neighbors, today, regarding Puritan & Company's intention to request a continuance/postponement of the ZBA hearing of their petition scheduled for March 23. I have previously written to the Board stating my opposition to the petition and reasons therefor, and have set aside time to participate remotely in Thursday's hearing from California where I am temporarily caring for an injured parent.

I ask that the ZBA proceed with the hearing without further delay.

Sincerely,
Stephen L. Michaels
82 Tremont St., Apt. 2

Sent from my iPhone
Unibear@comcast.net

On Mar 21, 2023, at 6:56 PM, Jessie Saacke <jsaacke@comcast.net> wrote:

Dear Ms. Pacheco,

I previously sent an email noting my opposition to the requested zoning variance. I am concerned as we received a letter that was slipped under our front door at some point today, signed by Will Gilson stating that he plans to ask for a continuance at the "currently scheduled ZBA hearing on March 23." He has invited us to join him for an in person meeting at the restaurant on Saturday, April 8 at 10 am. While it's perhaps a kind offer, I know I'm not available on that date, but I am available for the scheduled meeting on March 23. I've had it on my calendar for weeks. I would ask that the meeting go ahead as planned, as there is no stated reason for the continuance, aside from his wish to "have a collaborative effort and to ease any perceived contention" which strikes me as something he might have considered before he requested the variance. I have cc'ed the other members of our condo association as I believe folks plan to attend on March 23 and I have no idea if they are available on a different date; I'm also unsure if they received the "notice" that was slid under the doors.

Thank you for your attention to this matter.

Sincerely,

Jessie Saacke

On Mar 12, 2023, at 7:44 PM, Pacheco, Maria <mpacheco@cambridgema.gov> wrote:

I am currently out of the office and will return on March 13, 2023. I will respond to you upon my return.

Thank you,

**Maria Pacheco
Zoning Administrative Assistant**

Pacheco, Maria

From: Jaime Mateus <jaime.mateus@gmail.com>
Sent: Tuesday, March 21, 2023 10:10 PM
To: Jessie Saacke
Cc: Pacheco, Maria; Steve Michaels; John and Marie Hopkins; Freeman Deutsch; Ashley Mateus
Subject: Re: Automatic reply: Case BZA-206665, 1164-1166 Cambridge St., Puritan & Co., Zoning Variance Petition

Dear Ms. Pacheco,

I fully agree with Jessie's comments. I was made aware of the letter by a neighbor, and it does not strike me as productive to have a hearing scheduled on the 23rd, and for Puritan to come to that meeting with a plan to ask for a continuance. That seems like it would not be a good use of people's time.

I too am unavailable for the in-person meeting at Puritan on this or any date, as I am currently in California. However, I remain available for the virtual meeting on the 23rd when the hearing is scheduled. I have cleared my calendar to make sure I can attend that meeting and hope that we can proceed with a productive hearing as is planned.

I think that the residents of our building on the 82-84 Tremont St Condo are likely some of the most directly impacted neighbors, and at least 2 of the 4 units in that building are not able to attend Puritan's in-person meeting. I am also concerned that they are trying to use this in-person approach as a tactic to sway public opinion on the matter in an environment they can control rather than face a fair discussion at the BZA meeting.

Sincerely,
Jaime Mateus

On Tue, Mar 21, 2023 at 6:56 PM Jessie Saacke <jsaacke@comcast.net> wrote:

Dear Ms. Pacheco,

I previously sent an email noting my opposition to the requested zoning variance. I am concerned as we received a letter that was slipped under our front door at some point today, signed by Will Gilson stating that he plans to ask for a continuance at the "currently scheduled ZBA hearing on March 23." He has invited us to join him for an in person meeting at the restaurant on Saturday, April 8 at 10 am. While it's perhaps a kind offer, I know I'm not available on that date, but I am available for the scheduled meeting on March 23. I've had it on my calendar for weeks. I would ask that the meeting go ahead as planned, as there is no stated reason for the continuance, aside from his wish to "have a collaborative effort and to ease any perceived contention" which strikes me as something he might have considered before he requested the variance. I have cc:ed the other members of our condo association as I believe folks plan to attend on March 23 and I have no idea if they are available on a different date; I'm also unsure if they received the "notice" that was slid under the doors.

Thank you for your attention to this matter.

Sincerely,

Jessie Saacke

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Thank you,

**Maria Pacheco
Zoning Administrative Assistant**

Pacheco, Maria

From: Jessie Saacke <jsaacke@comcast.net>
Sent: Tuesday, March 21, 2023 9:57 PM
To: Pacheco, Maria
Cc: Steve Michaels; John and Marie Hopkins; Jaime Mateus; Freeman Deutsch
Subject: Re: Automatic reply: Case BZA-206665, 1164-1166 Cambridge St., Puritan & Co., Zoning Variance Petition

Dear Ms. Pacheco,

I previously sent an email noting my opposition to the requested zoning variance. I am concerned as we received a letter that was slipped under our front door at some point today, signed by Will Gilson stating that he plans to ask for a continuance at the "currently scheduled ZBA hearing on March 23." He has invited us to join him for an in person meeting at the restaurant on Saturday, April 8 at 10 am. While it's perhaps a kind offer, I know I'm not available on that date, but I am available for the scheduled meeting on March 23. I've had it on my calendar for weeks. I would ask that the meeting go ahead as planned, as there is no stated reason for the continuance, aside from his wish to "have a collaborative effort and to ease any perceived contention" which strikes me as something he might have considered before he requested the variance. I have cc:ed the other members of our condo association as I believe folks plan to attend on March 23 and I have no idea if they are available on a different date; I'm also unsure if they received the "notice" that was slid under the doors.

Thank you for your attention to this matter.

Sincerely,

Jessie Saacke

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I am currently out of the office and will return on March 13, 2023. I will respond to you upon my return.

Thank you,

**Maria Pacheco
Zoning Administrative Assistant**

Pacheco, Maria

From: marie barry <mariebarryhopkins@gmail.com>
Sent: Wednesday, March 22, 2023 11:11 PM
To: Pacheco, Maria
Cc: John Hopkins
Subject: CASE NO: BZA-206665 Cambridge Cuisine LLC - d/b/a Puritan & Company

Dear Ms. Pacheco,

Puritan & Company currently have 9 large (commercial?) wheelie bins (6 recycling and 3 trash) stored in the alleyway adjacent to 84, Tremont Street.

These wheelie bins are dragged along the alleyway to be emptied between 3 and 5 times a day depending on the day of the week and the restaurant's opening hours. This movement and noise can be as early as 9:30 am and as late as midnight.

The bins frequently block the exit from our rear garden.

The noise generated by the bins being hauled back and forth along the concrete alleyway is very loud and reverberates throughout our condo. My husband and I are often trying to sleep when the bins are emptied last thing at night when the restaurant is open late.

The noise is a nuisance to say the very least. I am studying remotely via Zoom from 9:00 am - 3:00 pm and the sound drowns out the instructor. It can also be heard when the tv is on. We are living on the second floor of the house. The sound of the bins being dragged must be extremely loud on the bottom floor.

Full heavy wheelie bins being rolled (dragged) along a bumpy uneven concrete surface several times a day in a residential area is totally unacceptable. The noise is generated by the wheels and glass bottles in the recycling bins primarily. Each round of recycling and trash disposal can take 5 minutes or more. And the din of the empty bins being hauled back down the alley to rear doorstep of Puritan & Company is equally audible.

Furthermore, the presence of 3 large wheelie bins of restaurant trash and waste in the alleyway is a major concern considering the severe and chronic rat problem in our neighborhood. In recent months, the Condo owners of 82 - 84, Tremont Street, have invested a lot of time and money dealing with pest control Companies and the City of Cambridge itself in an effort to solve the rat problem.

We hope that you will take our views into consideration in advance of the Public Hearing on Thursday, March 23, 2023 @ 7:45 P.M.

Thank you,

Mary Rose Barry & John Hopkins

84, Tremont Street,
Unit 3,
Cambridge, MA02139

















Pacheco, Maria

From: John Hopkins <johnjihopkins@hotmail.com>
Sent: Thursday, March 23, 2023 4:17 PM
To: Pacheco, Maria
Cc: ICE
Subject: Re: CASE NO: BZA-206665 Cambridge Cuisine LLC - d/b/a Puritan & Company

Dear Ms. Pacheco,

I concur with everything which my wife wrote in the email below. The activities of the Puritan & Company has negatively impacted the quality of life for us both inside and outside of our home.

I hope you take this into consideration when making any decision.

Thank you,
John Hopkins.

On Mar 22, 2023, at 23:11, marie barry <mariebarryhopkins@gmail.com> wrote:

Dear Ms. Pacheco,

Puritan & Company currently have 9 large (commercial?) wheelie bins (6 recycling and 3 trash) stored in the alleyway adjacent to 84, Tremont Street.

These wheelie bins are dragged along the alleyway to be emptied between 3 and 5 times a day depending on the day of the week and the restaurant's opening hours. This movement and noise can be as early as 9:30 am and as late as midnight.

The bins frequently block the exit from our rear garden.

The noise generated by the bins being hauled back and forth along the concrete alleyway is very loud and reverberates throughout our condo. My husband and I are often trying to sleep when the bins are emptied last thing at night when the restaurant is open late.

The noise is a nuisance to say the very least. I am studying remotely via Zoom from 9:00 am - 3:00 pm and the sound drowns out the instructor. It can also be heard when the tv is on. We are living on the second floor of the house. The sound of the bins being dragged must be extremely loud on the bottom floor.

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Furthermore, the presence of 3 large wheelie bins of restaurant trash and waste in the alleyway is a major concern considering the severe and chronic rat problem in our neighborhood. In recent months, the Condo owners of 82 - 84, Tremont Street, have invested a lot of time and money dealing with pest control Companies and the City of Cambridge itself in an effort to solve the rat problem.

We hope that you will take our views into consideration in advance of the Public Hearing on Thursday, March 23, 2023 @ 7:45 P.M.

Thank you,

Mary Rose Barry & John Hopkins

84, Tremont Street,
Unit 3,
Cambridge, MA02139

















Pacheco, Maria

From: Stephen Michaels <unibear@comcast.net>
Sent: Tuesday, April 4, 2023 11:22 AM
To: Pacheco, Maria
Subject: BZA-206665 Puritan & Co. Zoning Variance Petition

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 Ms. Pacheco:

I am one of the owners of the 82-84 Tremont Street condominium, whose property abuts the alley in the above-referenced petition before the BZA.

When the BZA approved a continuance of the petitioner's hearing on March 23 to May 25, the Board instructed the petitioner to (1) update its public notice of hearing to state the new hearing date in May and (2) to move the notification posting to a sidewalk-adjacent location on Cambridge Street where it was visible to the public.

As of this morning (April 4), instruction (2) has been satisfied, but the notification is the OLD obsolete sign stating the hearing is on March 23. The Board may wish to remind Puritan & Company's owners of the Board's requirement.

Furthermore, the petitioner continues as of this morning to store six trash and recycling barrels in the alley, with regular removal and emptying of the barrels via the alley and the Tremont Street sidewalk. This action is forbidden by the existing alley restrictions in the zoning variance that were negotiated by the petitioner and abutters and approved by the BZA in 2009. Photos are attached showing these barrels this morning, along with continued lack of maintenance of the rear end of the alley. (Our condominium association has been routinely sweeping, weeding and removing snow from the alley, from our back gate to the Tremont Street sidewalk, as part of maintaining our garden and fence that abut the alley.)



This is not the first time we have notified the BZA of this violation. I hope that, if it is the petitioner's strategy to argue for removal of the alley-use restrictions on the grounds that they have been ignoring them since November, 2022 without troubling the abutters, the BZA will note this violation in favor of our objection to the current petition and consider the reliability of the promises in the petition.

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

I will participate in the BZA virtual hearing on May 25 to summarize my and my neighbors' 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

Pacheco, Maria

From: John Hopkins <johnjjhopkins@hotmail.com>
Sent: Tuesday, April 4, 2023 2:58 PM
To: Stephen Michaels; Pacheco, Maria; ICE
Subject: Re: BZA-206665 Puritan & Co. Zoning Variance Petition

Hi Ms. Pacheco,

I wish to reiterate one more time on behalf of myself and my wife Marie that the activities of the Puritan in the alley way immediately adjacent to our condominium are negatively impacting the quality of life inside and outside the four walls of our home.

Over the last few months the Puritan has significantly ramped up their level of business activities in this alley way without there being any change in the zoning status of the alley.

The removal of trash and recycling barrels is occurring many times per day, especially throughout the evening all the way to 11.45pm on the weekends. It starts earlier on weekends.

Each time this happens the noise level in our apartment is significant, enough to be heard anywhere in the house and easily enough to wake up anyone who sleeping or bother anyone who is working. I have recorded this noise in our bedroom by iphone video with sound if this is admissible evidence.

We can also clearly all conversations between staff at the Puritan in the alley way. The alley way used to be quiet but now it is busy and noisy due to the staff and activities happening there. I have also smelled cigarette smoke coming in to our apartment due to staff smoking in the alley way. This was just once so far.

The Puritan have not been good neighbours over the years. They have left the alleyway dirty and have left several propane tanks in the back of the alley for a period of about a year. These propane tanks were cleared out relatively recently, prior to their latest zoning application. The alley way has always been a problem due to rats. This problem has been greatly reduced by the recent rat extermination efforts of the town and of us in 82-84 Tremont Street.

Much of the rat problem may have been due to the readily available food from trash cans and dumpsters near (or now in) the alley way.

I will also attend and participate in the BZA virtual hearing on May 25th.

Thanks,

John Hopkins
82 Tremont St., Apt. 2
Cambridge, MA 02139-1332

johnjjhopkins@hotmail.com

617-306-2817

From: Stephen Michaels <unibear@comcast.net>
Sent: 04 April 2023 11:21
To: Maria Pacheco <mpacheco@cambridgema.gov>
Subject: BZA-206665 Puritan & Co. Zoning Variance Petition

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

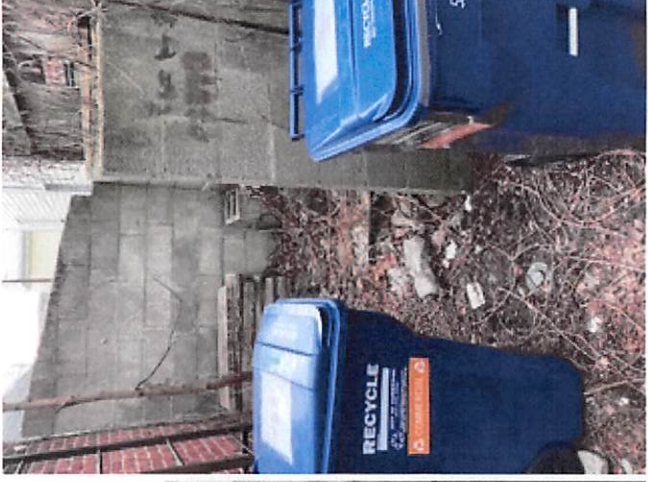
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Sincerely yours,

Stephen L. Michaels

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

USA

unibear@comcast.net
617-866-3457

1164



WE OFFER THE BEST DEAL ON OUR BILLS
Please call through the Public & Co. Dept at
617-621-2222 or visit our website at
www.cambridge.gov

Notice of Public Hearing

A Petition has been presented to the Board of Zoning Appeal (BZA) on the following matter. If you wish to express your views in favor of or in opposition to the petition, you are invited to attend the public hearing and present your comments to Maria Parkes, Supervisor of the Board of Zoning Appeal, 831 Massachusetts Avenue, Cambridge, MA. Please be advised that documents may be submitted to the BZA's office at 831 Massachusetts Avenue, Cambridge, MA, or submitted by email to publichearing@cambridge.gov. If you would like further information, including a list of documents to be submitted, or any interested party for the BZA's consideration at the hearing, please contact the BZA's office at 349-6100 or visit our website at www.cambridge.gov. Documents are submitted prior to 5:00 pm on the Monday before the public hearing. If within the BZA's sole discretion, written comments are accepted for consideration at the public hearing, you will be notified by email.

Members of the public can participate or view the meeting remotely using the Zoom Webinar
 Virtual Hearing - THURSDAY - MARCH 23, 2023 8:45 AM - 10:00 AM
 Web ID: 857 436 5557
 Dial In: 617 621 2222 or 1 301 715 8592
 Passcode: 857 436 5557

Case No.: BZA 23-0068
Location: 184 LIME AMBRIDGE STREET
 CAMBRIDGE, MA 02142
PETITIONER: CAMBRIDGE CEMENT LLC, DBA PETERAN COMPANY
 C/O ADAM R. BAIRDSONY, L30
ZONING DISTRICT: BUSINESS RESIDENCE C-1ZONE
PETITION: Variance. To modify previously granted variance condition, as Case BZA-079 to permit the use of the rear door building for general restaurant operations (not only) that previously provided the use of a new back entrance.
VIOLATIONS: See 88A, 88B, 88C, 88D, 88E, 88F, 88G, 88H, 88I, 88J, 88K, 88L, 88M, 88N, 88O, 88P, 88Q, 88R, 88S, 88T, 88U, 88V, 88W, 88X, 88Y, 88Z, 88AA, 88AB, 88AC, 88AD, 88AE, 88AF, 88AG, 88AH, 88AI, 88AJ, 88AK, 88AL, 88AM, 88AN, 88AO, 88AP, 88AQ, 88AR, 88AS, 88AT, 88AU, 88AV, 88AW, 88AX, 88AY, 88AZ, 88BA, 88BB, 88BC, 88BD, 88BE, 88BF, 88BG, 88BH, 88BI, 88BJ, 88BK, 88BL, 88BM, 88BN, 88BO, 88BP, 88BQ, 88BR, 88BS, 88BT, 88BU, 88BV, 88BW, 88BX, 88BY, 88BZ, 88CA, 88CB, 88CC, 88CD, 88CE, 88CF, 88CG, 88CH, 88CI, 88CJ, 88CK, 88CL, 88CM, 88CN, 88CO, 88CP, 88CQ, 88CR, 88CS, 88CT, 88CU, 88CV, 88CW, 88CX, 88CY, 88CZ, 88DA, 88DB, 88DC, 88DD, 88DE, 88DF, 88DG, 88DH, 88DI, 88DJ, 88DK, 88DL, 88DM, 88DN, 88DO, 88DP, 88DQ, 88DR, 88DS, 88DT, 88DU, 88DV, 88DW, 88DX, 88DY, 88DZ, 88EA, 88EB, 88EC, 88ED, 88EE, 88EF, 88EG, 88EH, 88EI, 88EJ, 88EK, 88EL, 88EM, 88EN, 88EO, 88EP, 88EQ, 88ER, 88ES, 88ET, 88EU, 88EV, 88EW, 88EX, 88EY, 88EZ, 88FA, 88FB, 88FC, 88FD, 88FE, 88FF, 88FG, 88FH, 88FI, 88FJ, 88FK, 88FL, 88FM, 88FN, 88FO, 88FP, 88FQ, 88FR, 88FS, 88FT, 88FU, 88FV, 88FW, 88FX, 88FY, 88FZ, 88GA, 88GB, 88GC, 88GD, 88GE, 88GF, 88GG, 88GH, 88GI, 88GJ, 88GK, 88GL, 88GM, 88GN, 88GO, 88GP, 88GQ, 88GR, 88GS, 88GT, 88GU, 88GV, 88GW, 88GX, 88GY, 88GZ, 88HA, 88HB, 88HC, 88HD, 88HE, 88HF, 88HG, 88HH, 88HI, 88HJ, 88HK, 88HL, 88HM, 88HN, 88HO, 88HP, 88HQ, 88HR, 88HS, 88HT, 88HU, 88HV, 88HW, 88HX, 88HY, 88HZ, 88IA, 88IB, 88IC, 88ID, 88IE, 88IF, 88IG, 88IH, 88II, 88IJ, 88IK, 88IL, 88IM, 88IN, 88IO, 88IP, 88IQ, 88IR, 88IS, 88IT, 88IU, 88IV, 88IW, 88IX, 88IY, 88IZ, 88JA, 88JB, 88JC, 88JD, 88JE, 88JF, 88JG, 88JH, 88JI, 88JJ, 88JK, 88JL, 88JM, 88JN, 88JO, 88JP, 88JQ, 88JR, 88JS, 88JT, 88JU, 88JV, 88JW, 88JX, 88JY, 88JZ, 88KA, 88KB, 88KC, 88KD, 88KE, 88KF, 88KG, 88KH, 88KI, 88KJ, 88KL, 88KM, 88KN, 88KO, 88KP, 88KQ, 88KR, 88KS, 88KT, 88KU, 88KV, 88KW, 88KX, 88KY, 88KZ, 88LA, 88LB, 88LC, 88LD, 88LE, 88LF, 88LG, 88LH, 88LI, 88LJ, 88LK, 88LL, 88LM, 88LN, 88LO, 88LP, 88LQ, 88LR, 88LS, 88LT, 88LU, 88LV, 88LW, 88LX, 88LY, 88LZ, 88MA, 88MB, 88MC, 88MD, 88ME, 88MF, 88MG, 88MH, 88MI, 88MJ, 88MK, 88ML, 88MN, 88MO, 88MP, 88MQ, 88MR, 88MS, 88MT, 88MU, 88MV, 88MW, 88MX, 88MY, 88MZ, 88NA, 88NB, 88NC, 88ND, 88NE, 88NF, 88NG, 88NH, 88NI, 88NJ, 88NK, 88NL, 88NM, 88NO, 88NP, 88NQ, 88NR, 88NS, 88NT, 88NU, 88NV, 88NW, 88NX, 88NY, 88NZ, 88OA, 88OB, 88OC, 88OD, 88OE, 88OF, 88OG, 88OH, 88OI, 88OJ, 88OK, 88OL, 88OM, 88ON, 88OO, 88OP, 88OQ, 88OR, 88OS, 88OT, 88OU, 88OV, 88OW, 88OX, 88OY, 88OZ, 88PA, 88PB, 88PC, 88PD, 88PE, 88PF, 88PG, 88PH, 88PI, 88PJ, 88PK, 88PL, 88PM, 88PN, 88PO, 88PP, 88PQ, 88PR, 88PS, 88PT, 88PU, 88PV, 88PW, 88PX, 88PY, 88PZ, 88QA, 88QB, 88QC, 88QD, 88QE, 88QF, 88QG, 88QH, 88QI, 88QJ, 88QK, 88QL, 88QM, 88QN, 88QO, 88QP, 88QQ, 88QR, 88QS, 88QT, 88QU, 88QV, 88QW, 88QX, 88QY, 88QZ, 88RA, 88RB, 88RC, 88RD, 88RE, 88RF, 88RG, 88RH, 88RI, 88RJ, 88RK, 88RL, 88RM, 88RN, 88RO, 88RP, 88RQ, 88RR, 88RS, 88RT, 88RU, 88RV, 88RW, 88RX, 88RY, 88RZ, 88SA, 88SB, 88SC, 88SD, 88SE, 88SF, 88SG, 88SH, 88SI, 88SJ, 88SK, 88SL, 88SM, 88SN, 88SO, 88SP, 88SQ, 88SR, 88SS, 88ST, 88SU, 88SV, 88SW, 88SX, 88SY, 88SZ, 88TA, 88TB, 88TC, 88TD, 88TE, 88TF, 88TG, 88TH, 88TI, 88TJ, 88TK, 88TL, 88TM, 88TN, 88TO, 88TP, 88TQ, 88TR, 88TS, 88TT, 88TU, 88TV, 88TW, 88TX, 88TY, 88TZ, 88UA, 88UB, 88UC, 88UD, 88UE, 88UF, 88UG, 88UH, 88UI, 88UJ, 88UK, 88UL, 88UM, 88UN, 88UO, 88UP, 88UQ, 88UR, 88US, 88UT, 88UU, 88UV, 88UW, 88UX, 88UY, 88UZ, 88VA, 88VB, 88VC, 88VD, 88VE, 88VF, 88VG, 88VH, 88VI, 88VJ, 88VK, 88VL, 88VM, 88VN, 88VO, 88VP, 88VQ, 88VR, 88VS, 88VT, 88VU, 88VV, 88VW, 88VX, 88VY, 88VZ, 88WA, 88WB, 88WC, 88WD, 88WE, 88WF, 88WG, 88WH, 88WI, 88WJ, 88WK, 88WL, 88WM, 88WN, 88WO, 88WP, 88WQ, 88WR, 88WS, 88WT, 88WU, 88WV, 88WW, 88WX, 88WY, 88WZ, 88XA, 88XB, 88XC, 88XD, 88XE, 88XF, 88XG, 88XH, 88XI, 88XJ, 88XK, 88XL, 88XM, 88XN, 88XO, 88XP, 88XQ, 88XR, 88XS, 88XT, 88XU, 88XV, 88XW, 88XX, 88XY, 88XZ, 88YA, 88YB, 88YC, 88YD, 88YE, 88YF, 88YG, 88YH, 88YI, 88YJ, 88YK, 88YL, 88YM, 88YN, 88YO, 88YP, 88YQ, 88YR, 88YS, 88YT, 88YU, 88YV, 88YW, 88YX, 88YY, 88YZ, 88ZA, 88ZB, 88ZC, 88ZD, 88ZE, 88ZF, 88ZG, 88ZH, 88ZI, 88ZJ, 88ZK, 88ZL, 88ZM, 88ZN, 88ZO, 88ZP, 88ZQ, 88ZR, 88ZS, 88ZT, 88ZU, 88ZV, 88ZW, 88ZX, 88ZY, 88ZZ

Copies of the application are on file at the City Clerk's Office, City Hall, 795 Massachusetts Avenue, and at the Inspectional Services Department, 831 Massachusetts Avenue, Cambridge, Massachusetts.
 Address written comments to the Board of Zoning Appeal, 831 Massachusetts Avenue, Cambridge, MA 02139
 For more information please call 349-6100. TTY: 349-6112

PURITAN
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SAMBRI



Notice of Public Hearing

A Petition has been presented to the Board of Zoning Appeal (BZA) on the following matter. If you wish to express your views in favor of or in opposition to the petition, you are invited to attend the public hearing held virtually, or submit a written statement to the Board of Zoning Appeal, 831 Mass Avenue, Cambridge, Mass. or please contact the Zoning department at 349-6100 or visit our office at Inspectional Services Department. Please be aware that all documents may be submitted, including revisions to plans or documents previously submitted by the petitioner or any interested party for the BZA's consideration at the hearing if the documents are submitted prior to 5:00 p.m. on the Monday before the public hearing. It is within the BZA's sole discretion whether to accept further revisions to plans or documents at the public hearing.

Members of the public can participate or view the meeting remotely using the Zoom Webinar link: <https://cambridgema.zoom.us/j/85702635517>
Or join by phone: Dial +1 929 436 2866 or +1 301 715 8592 - Webinar ID: 857 026 55517

VIRTUAL HEARING - THURSDAY - MARCH 23, 2023 @ 7:45 P.M.

Dear Note: If at this hearing, the BZA Chairperson continues the case to a later date, you will not receive further notice. However, dates for continued BZA cases are posted on the notice board at the City Clerk's office, City Hall, and the City's Website.

CASE NO: BZA-206665

LOCATION: 1164-1166 CAMBRIDGE STREET
CAMBRIDGE, MA

PETITIONER: CAMBRIDGE CUISINE LLC - DBA PURITAN & COMPANY
C/O ADAM R. BARNSKY, ESQ.

ZONING DISTRICT: BUSINESS RESIDENCE C-1 ZONE

PETITION: **Variance:** 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.

VIOLATIONS: Art. 4.000, Sec. 4.35 a,c,d,e,f,j,k,g,r (Retail Uses) & Sec. 4.34 a,b,c,d,e,f (Office Uses).
Art. 10.000, Sec. 10.30 (Variance).

Copies of the application are on file at the City Clerk's Office, City Hall, 795 Massachusetts Avenue, and at the Inspectional Services Department, Lombard Building, 831 Massachusetts Avenue, Cambridge, Massachusetts.

Address written comments to the Board of Zoning Appeal.
831 Massachusetts Avenue, Cambridge, MA 02139

For more information please call 349-6100. TTY: 349-6112

BRUNCH · DINNER · OYSTERS · CHARCUTERIE





City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2023 MAR 22 PM 2:09
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-204665

Address: 1164-1166 Cambridge St.

Owner, Petitioner, or Representative: Michael J. Barone, Jr. Esq.
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The Owner, Petitioner, or Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: March 21, 2023


Signature

March 21, 2023

Via Online Portal and Email

Maria Pacheco
Secretary
Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge MA 02139

Re: BZA No. 206665 – Request for Continuance of Hearing
Property Address: 1164-1166 Cambridge Street, Cambridge, MA 02139
Applicant: Cambridge Cuisine LLC d/b/a Puritan & Company

Dear Ms. Pacheco:

I write on behalf of Cambridge Cuisine LLC d/b/a Puritan & Company (the “**Applicant**”), relative to its above referenced application to modify conditions to an existing variance (the “**Application**”) at 1164-166 Cambridge Street (the “**Property**”). The Application is scheduled to be heard by the City of Cambridge Board of Zoning Appeal (the “**Board**”) on Thursday, September 23, 2023 (the “**Hearing**”).

The Applicant is in the process of conducting community outreach relative to the Application, with a neighborhood meeting scheduled at the Property on Saturday, April 8, 2023, at 10:00 AM (the “**Community Meeting**”).

Accordingly, I am writing to request a continuance of the Hearing until the Board’s first available meeting following the Community Meeting. I still intend to attend the Hearing to answer any questions the Board may have.

Thank you for your consideration with respect to this matter. Should you have any questions or concerns, please do not hesitate to contact me at your convenience.

Respectfully yours,



MICHAEL J. BARONE, JR.

cc: Cambridge Cuisine LLC (via email)

COMMUNITY MEETING NOTICE

PURITAN & CO.

SATURDAY, APRIL 8, 2023

10:00 AM

Dear Neighbors,

My name is Will Gilson and I am one of the owners of Puritan and Company. Some of you I have had the pleasure of meeting over the past 10 years we have been at 1166 Cambridge Street, and some of you I have yet to meet. I am writing this letter to let you know about Puritan's pending application before the Cambridge Zoning Board of Appeals and invite you to a meeting to discuss any questions or concerns.

Our application relates to limited, additional use of the rear of our building for the purposes of staff access and refuse storage in strict compliance with the standards of the City of Cambridge Health Department and limited to operational hours only. For the past ten years, we have stored refuse indoors at considerable expense and inconvenience. Since we have added our oyster bar concept to our space and at the request of the Health Department, we have had to move these barrels to the rear of the building.

We submitted our application in the hopes of activating a collaborative effort and to ease any perceived contention around this area. We believe by working together, we can create an area that meets our business needs while ensuring it is safe, sanitary, and maintained for all parties.

We hope you will join us for an in person meeting at the restaurant on **Saturday, April 8th at 10:00 a.m. in our private dining room at Puritan & Company**. In order to accommodate this meeting, we plan to request a continuance at our currently scheduled ZBA hearing on March 23.

We hope to see you there and we look forward to working with you on this.

Sincerely, Will Gilson