



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

BZA APPLICATION FORM

Plan No: BZA-014464-2017

GENERAL INFORMATION

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

Special Permit : _____ Variance : V Appeal : _____

PETITIONER : Noca Provisions & Robert Harris C/O Sean D. Hope, Esq.

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

LOCATION OF PROPERTY : 156 Rindge Ave Cambridge, MA

TYPE OF OCCUPANCY : 4.35(F) 1 ZONING DISTRICT : Residence B zone

REASON FOR PETITION :

Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner requests a Use Variance relief to operate a Restaurant/Specialty Food Store with 20 seats and Beer and Wine consumed on Premises.

SECTIONS OF ZONING ORDINANCE CITED :

Article 4.000 Section 4.35 (F) (1) (Restaurant with Beer & Wine).

Article 10.000 Section 10.31 (Variance).

Original Signature(s) :

Sean D. Hope
(Petitioner(s) / Owner)

Sean D. Hope
(Print Name)

Address : 675 Massachusetts Avenue
Cambridge, MA 02139

Tel. No. : 617.492.0220

E-Mail Address : Sean@hopelegal.com

Date : September 14, 2017

BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to
The Secretary of the Board of Zoning Appeals.

I/We SUSAN SULLIVAN
(OWNER)

Address: 29 BANKS ST SOMERVILLE

State that I/We own the property located at 152-156 RINDGE AVE
which is the subject of this zoning application.

The record title of this property is in the name of SUSAN H SULLIVAN
TRUSTEE OF SUSAN H. SULLIVAN LIVING TRUST

*Pursuant to a deed of duly recorded in the date May 14, 2013, Middlesex South
County Registry of Deeds at Book 37266, Page 292; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____

Susan H Sullivan

SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

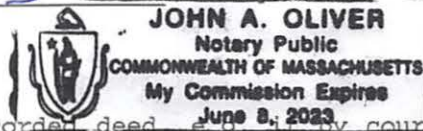
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

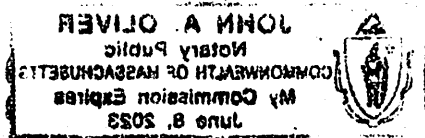
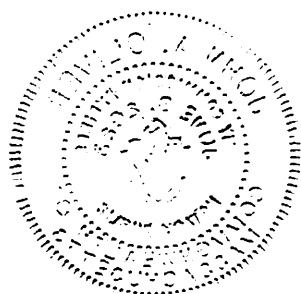
The above-name Susan Sullivan personally appeared before me,
this 30th of August, 2017, and made oath that the above statement is true.

John Oliver Notary

My commission expires 6/8/23 (Notary Seal)



- If ownership is not shown in recorded deed, or by court order, recent deed, or inheritance, please include documentation.



BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

- A)** A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

A Literal enforcement of the Ordinance would involve a substantial hardship to the Petitioner because the premises has a long history of Non-conforming Commercial Uses and the building itself is not suitable for residential dwelling.

Granting the requested relief will allow for a continued Commerical/Retail Use of the premises that is consistent with the evolving North Cambridge Culinary dining options.

- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardship is owing to the non-conforming one story structure designed and built for non-residential purposes and history of Commercial/Retail Uses that almost any viable Use would require zoning relief.

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

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

Desirable relief may be granted without substantial detriment to the public because the proposed Specialty Food Store is already in operation and the introduction of the restaurant will only enhance the dining experience and not be a detriment to the public good.

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

Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance because Petitioner's proposed Use is an appropriate commercial use that will activate the street scape and draw its patron's residents in the surrounding neighborhood.

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

BZA APPLICATION FORM**DIMENSIONAL INFORMATION**

APPLICANT: Hope Legal law Offices **PRESENT USE/OCCUPANCY:** Food Retail
LOCATION: 156 Rindge Ave Cambridge, MA **ZONE:** Residence B zone
PHONE: 6174920220 **REQUESTED USE/OCCUPANCY:** Restaurant/Food Retail

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>		800	800	2686.5	(max.)
<u>LOT AREA:</u>		5,373	5,373	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		.14	.14	.5	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		0	0	2,500	(min.)
<u>SIZE OF LOT:</u>	WIDTH	45'	45'	50'	(min.)
	DEPTH	75'	75'	n/a	
<u>SETBACKS IN FEET:</u>	FRONT	0	0	15'	(min.)
	REAR	n/a	n/a	25'	(min.)
	LEFT SIDE	40'	40'	7.5'	(min.)
	RIGHT SIDE	47'	47'	7.5'	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	16'	16'	35'	(max.)
	LENGTH	45'	45'	n/a	
	WIDTH	35'	35'	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		5%	5%	40%	(min.)
<u>NO. OF DWELLING UNITS:</u>		0	0	2	(max.)
<u>NO. OF PARKING SPACES:</u>		7	7	2	(min./max)
<u>NO. OF LOADING AREAS:</u>		0	0	0	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>		n/a	n/a	10'	(min.)

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

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.



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2017 SEP 20 PM 3:50

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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Sean D. Hope
(Print Name)

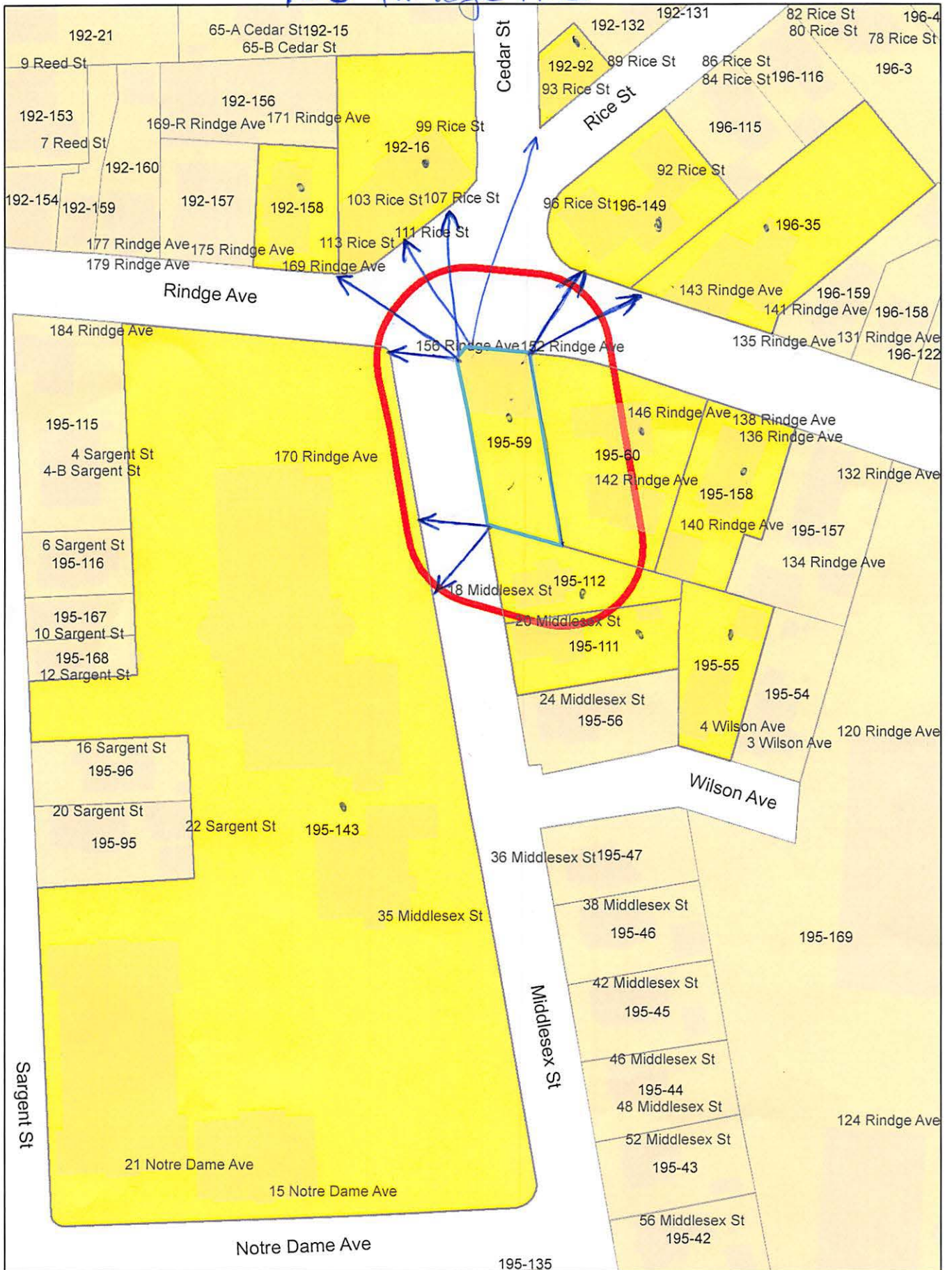
Address : 675 Massachusetts Avenue
Cambridge, MA 02139

Tel. No. : 617.492.0220

E-Mail Address : Sean@hopelegal.com

Date : September 14, 2017

156 Rindge Ave



156 Rindge Ave

Petitioner

192-92
89 RICE STREET, LLC
44 DALY ROAD
MEDFORD, MA 02155

192-158
MCNULTY, STEVEN & KATE M. BERSETH
62 MT. PLEASANT ST.
CAMBRIDGE, MA 02140

SEAN D. HOPE, ESQ.
675 MASS AVENUE
CAMBRIDGE, MA 02139

195-59
SULLIVAN, SUSAN H.
29 BANKS ST
SOMERVILLE, MA 02144

195-60
BROOTEN, BERNADETTE J.
142 RINDGE AVE., #142
CAMBRIDGE, MA 02140

195-60
McCARTHY, KATHLEEN,
TRUSTEE THE KATHLEEN MCCARTHY LIV TR
144 RINDGE AVE UNIT #144
CAMBRIDGE, MA 02140

195-60
EMISON, GRANT K. & LYNN K. BETLOCK
146 RINDGE AVE. UNIT#146
CAMBRIDGE, MA 02140

195-111
DERHAM, ELIZABETH M.
20 MIDDLESEX STREET
CAMBRIDGE, MA 02140

195-112
CLEMENS, DAVID T. & TAWNIA L. LEWIS
18 MIDDLESEX ST
CAMBRIDGE, MA 02140

195-143
VINEYARD CHRISTIAN FELLOWSHIP OF
CAMBRIDGE
15 NOTRE DAME AVENUE
CAMBRIDGE, MA 02140

195-158
DALEY, MARILYN
136-138 RINDGE AVE
CAMBRIDGE, MA 02140

196-35-149
LAVERTY, CHARLES R. JR., & PAUL R. LOHNE CO-
TRUSTEES OF THE WISE INVESTMENT TRUST
C/O LAVERTY / LOHNES PROP
75 CAMBRIDGE PKWY, STE 100
CAMBRIDGE, MA 02142

195-55
O'SULLIVAN, MARY E.
4 WILSON AVE
CAMBRIDGE, MA 02140

192-16
YORKE, MICHAEL R.
99 RICE ST., UNIT #105
CAMBRIDGE, MA 02140

192-16
SULLIVAN, ELLEN & PETER RICH
99 RICE ST., #111
CAMBRIDGE, MA 02140

192-16
LANGMUIR, CHARLES
99 RICE ST., #107
CAMBRIDGE, MA 02140

192-16
FITCH, JASON R.
99 RICE STREET, UNIT #103
CAMBRIDGE, MA 02140



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139

Telephone: 617 349 4683 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

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

Jurisdiction Advice

To the Owner of Property at 156 Rindge Avenue

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

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

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

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

CHC staff initials SLB

Date September 27, 2017

Received by Uploaded to Energov

Date September 27, 2017

Relationship to project BZA 14464-2017

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

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

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

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

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

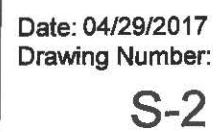
Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that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

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

July 2003

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

A-01



152-156 Rindge Ave

