



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

BZA APPLICATION FORM

Plan No: BZA-017229-2019

GENERAL INFORMATION

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

Special Permit : _____ Variance : ✓ Appeal : _____

PETITIONER : Windsor Ninety Three LLC - C/O Richard C. Lynds, Esq.

PETITIONER'S ADDRESS : 245 Sumner Street, #110 Boston, MA 02128

LOCATION OF PROPERTY : 93 Windsor St Cambridge, MA

TYPE OF OCCUPANCY : Retail Business & Consumer Service (4.35) ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :
Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :


Request for a change of use and occupancy from current use of retail store to proposed use of full restaurant which serves alcohol, with no entertainment. Proposal is to re-use existing conditions and floor plan of existing space. No change or addition to existing square footage.

SECTIONS OF ZONING ORDINANCE CITED :

Article 4.000 Section 4.35.F.1 (Restaurant with Alcohol).

Article 10.000 Section 10.30 (Variance).

Original Signature(s) :


(Petitioner(s) / Owner)
Joseph E. Donovan
Manager
(Print Name)

Address : 50 FRANKLIN ST, SUITE 400
BOSTON MA 02110

Tel. No. : 617 412-3252

E-Mail Address : _____

Date : _____

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 Windsor Ninety Three, LLC
(OWNER)

Address: 50 Franklin St, Suite 400, Boston, MA 02110

State that I/We own the property located at 93 Windsor St, Cambridge, MA
which is the subject of this zoning application.

The record title of this property is in the name of Windsor Ninety Three, LLC

*Pursuant to a deed of duly recorded in the date 6/21/16, Middlesex South
County Registry of Deeds at Book 67964, Page 412; or
Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____

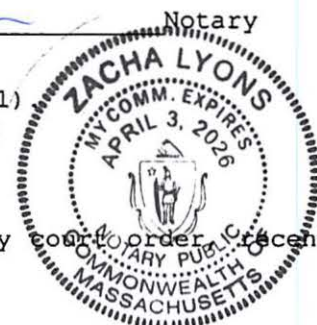

SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

Commonwealth of Massachusetts, County of Suffolk

The above-name Joseph Donavan personally appeared before me,
this 17th of December, 2019, and made oath that the above statement is true.

My commission expires April 3, 2026 (Notary Seal)



- If ownership is not shown in recorded deed, e.g. if 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:

The premises contains a pre-existing non conforming structure that is located in the Residence B District which restricts commercial uses. As a commercial structure, the Premises would not be easily converted to a conforming residential use. Premises have been used and occupied as a retail commercial establishment historically and a similar use is proposed.

- 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 shape and size of the lot would be non conforming under the current dimensional regulations for the Residence B District and the conversion to even a conforming use would likely require a variance.

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

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

The Premises have been utilized as a commercial retail establishment for numerous years, which has sold food products and groceries, and more recently as a cafe/ fast food establishment. The intent is to continue with the commercial uses, which will continue to service the immediate area and offer a restaurant concept.

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

The Premises have been utilized as a commercial retail establishment for numerous years, which has sold food products and groceries, and more recently as a cafe/ fast food establishment. The intent is to continue with the commercial uses, which will continue to service the immediate area and offer a restaurant concept.

- * 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: Christopher Cwynar **PRESENT USE/OCCUPANCY:** Retail Business
LOCATION: 93 Windsor St Cambridge, MA **ZONE:** Residence B Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Restaurant

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	<u>2022 sf</u>	<u>2022 sf</u>	<u>.sting/ no char</u>	<u>(max.)</u>
<u>LOT AREA:</u>	<u>3043 sf</u>	<u>3043 sf</u>	<u>.sting/ no char</u>	<u>(min.)</u>
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²	<u>.66</u>	<u>.66</u>	<u>.sting/ no char</u>	<u>(max.)</u>
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>(min.)</u>
<u>SIZE OF LOT:</u>				
<u>WIDTH</u>	<u>47'</u>	<u>47'</u>	<u>.sting/ no char</u>	<u>(min.)</u>
<u>DEPTH</u>	<u>67'</u>	<u>67'</u>	<u>.sting/ no char</u>	
<u>SETBACKS IN FEET:</u>				
<u>FRONT</u>	<u>0</u>	<u>0</u>	<u>.sting/ no char</u>	<u>(min.)</u>
<u>REAR</u>	<u>20'</u>	<u>20'</u>	<u>.sting/ no char</u>	<u>(min.)</u>
<u>LEFT SIDE</u>	<u>0</u>	<u>0</u>	<u>.sting/ no char</u>	<u>(min.)</u>
<u>RIGHT SIDE</u>	<u>0</u>	<u>0</u>	<u>.sting/ no char</u>	<u>(min.)</u>
<u>SIZE OF BLDG.:</u>				
<u>HEIGHT</u>	<u>15.75'</u>	<u>15.75'</u>	<u>.sting/ no char</u>	<u>(max.)</u>
<u>LENGTH</u>	<u>47'</u>	<u>47'</u>	<u>.sting/ no char</u>	
<u>WIDTH</u>	<u>47'</u>	<u>47'</u>	<u>.sting/ no char</u>	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	<u>920 sf</u>	<u>920 sf</u>	<u>.sting/ no char</u>	<u>(min.)</u>
<u>NO. OF DWELLING UNITS:</u>	<u>0</u>	<u>0</u>	<u>.sting/ no char</u>	<u>(max.)</u>
<u>NO. OF PARKING SPACES:</u>	<u>0</u>	<u>0</u>	<u>.sting/ no char</u>	<u>(min./max)</u>
<u>NO. OF LOADING AREAS:</u>	<u>1</u>	<u>1</u>	<u>.sting/ no char</u>	<u>(min.)</u>
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>(min.)</u>

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.

No other occupancies or adjacent buildings on same lot. No change to existing brick/CMU structure

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'.

CITY OF CAMBRIDGE

Massachusetts
BOARD OF ZONING APPEAL
831 Mass Avenue, Cambridge, MA.
617) 349-6100

April 15, 2020

Windsor Ninety-Three LLC
C/O Richard C. Lynds, Esq.
245 Sumner Street, #110
Boston, MA 02128

RE: 93 Windsor Street – BZA-017229-2019

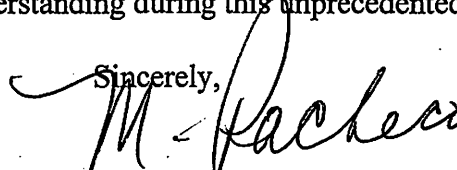
Dear Mr. Lynds,

I am writing to you in regard to your above up-coming Board of Zoning Appeal Hearing.

At this time the City will not be holding any non-essential public meetings due to the COVID-19 Pandemic and the City Manager's closure of all City buildings to non-essential business. On April 3, 2020, the Governor signed into law Chapter 53 of the Acts of 2020 ("Act"), which extends all land use permitting deadlines until after the State of Emergency is lifted. In light of the extensions provided for in the Act and the closure of City buildings, at this time the Board of Zoning Appeal will be rescheduling all public hearings in accordance with the extensions permitted under the Act. You will receive notice of the new date, once the hearing is rescheduled.

Thank you for your patience and understanding during this unprecedented time.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Pacheco", written over the word "Sincerely,".

Maria Pacheco
Administrative Assistant

* * * * *

(7:02 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde

CONSTANTINE ALEXANDER: I now call Case Number
017229 -- 93 Windsor Street. Again, this case is proposed
to continue this case until April 23.

The petitioner is aware of that, and is amenable
to that continuance, and is aware of the requirements for
continued cases related to a new sign posting, and time for
submission of new plan specs.

So on the basis of all that, the Chair moves that
we continue this case until 7:00 p.m. April 23. Again, as
suggested by Mr. Sullivan, I'm going to take a roll call
vote. Brendan?

BRENDAN SULLIVAN: Brendan Sullivan, yes.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: [Silence]

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: I vote yes.

CONSTANTINE ALEXANDER: Okay. Let's go back to
Andrea. Andrea, are you there? We need four votes to take

1 any action. The Chair is going to vote in favor of it as
2 well. So we have three votes in favor, and one missing
3 person at this point. Andrea, are you there yet?

4 JIM MONTEVERDE: Hold on. I'll try and text her.

5 CONSTANTINE ALEXANDER: Okay. Seems like she lost
6 the connection.

7 [Noise as Andrea rejoins the meeting.]

8 JIM MONTEVERDE: Is she back?

9 ANDREA HICKEY: Yeah, I'm -- can you hear me??

10 CONSTANTINE ALEXANDER: Yes.

11 JIM MONTEVERDE: Yep.

12 ANDREA HICKEY: All right. I could hear you
13 before, but you couldn't hear me. So why don't we do that
14 last case again?

15 CONSTANTINE ALEXANDER: Okay, sure. I propose
16 that we continue the case at 017229 on 93 Windsor Street
17 until 7:00 p.m. on April 23. The petitioner is amenable to
18 that, and is aware of the requirements for new signed
19 posting and expect to modify plans, specifications and the
20 like.

21 And so, three of us have so far voted to continue
22 this case until April 23, and we anxiously await your vote.

1 ANDREA HICKEY: Andrea Hickey, yes.

2 [All vote YES]

3 CONSTANTINE ALEXANDER: Okay. Four votes in
4 favor, the motion has been carried. This case is continued
5 as well.

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ARCHITECT
EMBARC
40 E STREET, 3RD FLOOR
ROSLINDEN, MD 21237
O 410.766.8333 F 410.766.8334
www.embarcstudio.com

OWNER
BREW ON THE GRID, CAMBRIDGE LLC
55 HANFORD STREET
WINDSOR, MA 01158

MEVP ENGINEERS
ALLOY ENGINEERING CONSULTING
SERVICES, INC.

93 WINDSOR STREET, CAMBRIDGE, MA

REVISIONS	DATE	BY
1	10/20/2010	10/20/2010



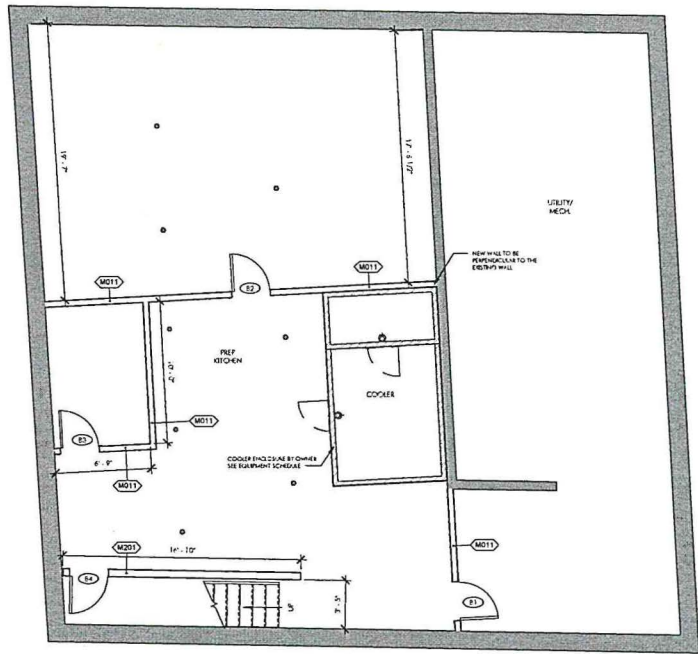
DRAWING INFORMATION	
DATE	10/20/2010
PROJECT	10/20/2010
SCALE	1/4" = 1'-0"

DRAWING TITLE
PARTITION PLANS

DRAWING NUMBER

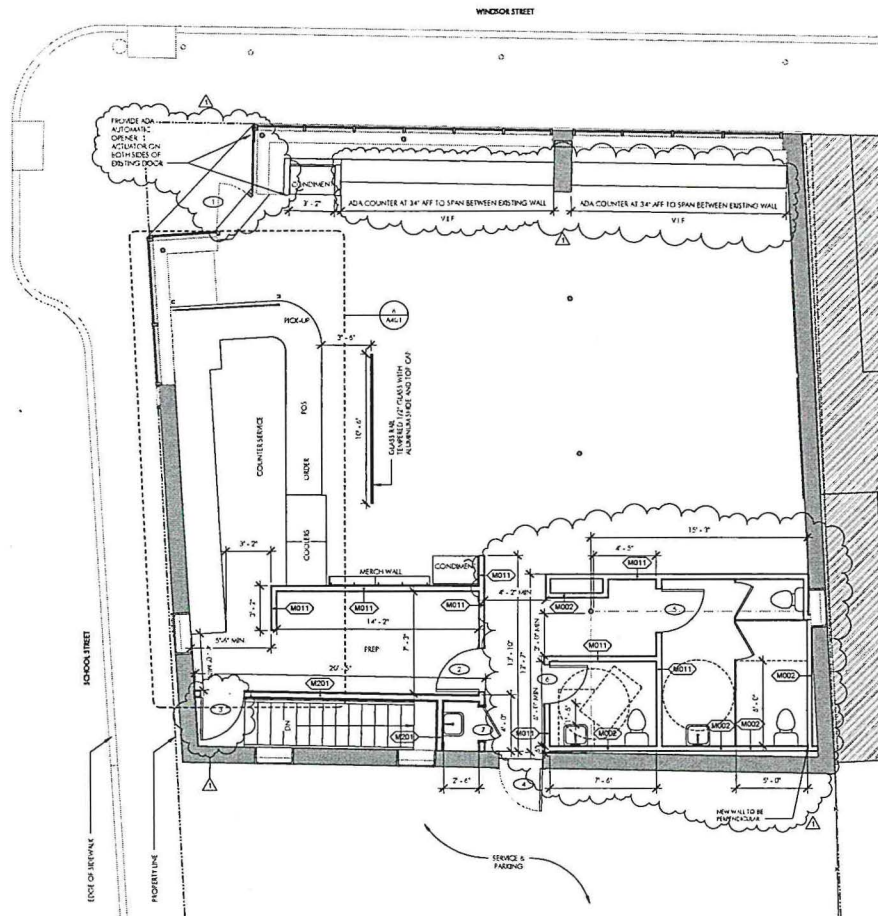
A101

Copyright EMBARC Studio, LLC

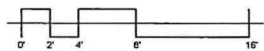


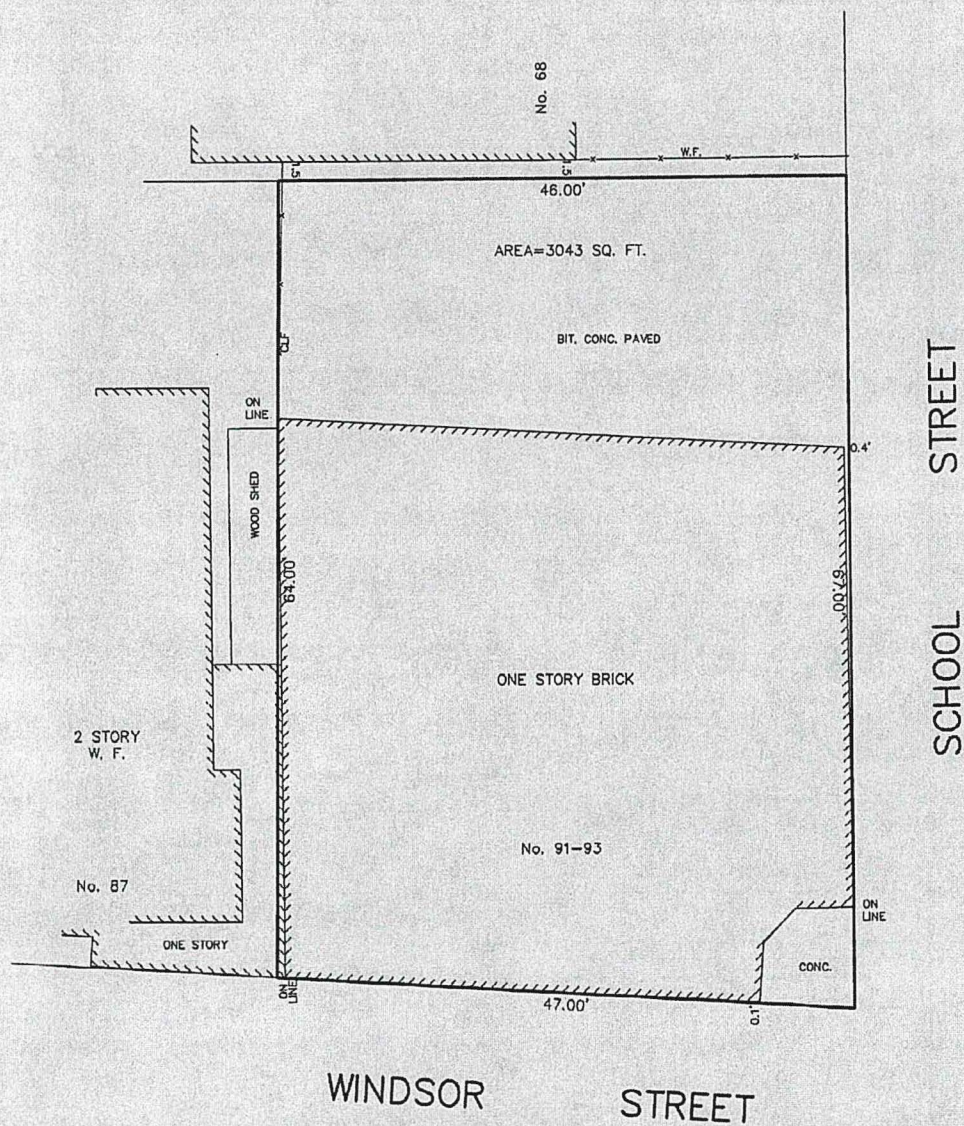
2 BASEMENT PARTITION PLAN
1/4" = 1'-0"

- PARTITION PLAN NOTES:**
- 1) PROVIDE BLOCKING AT LOCATIONS INCLUDING BUT NOT LIMITED TO CASEWORK, SHELVING, COUNTERS, CABINETS, DOOR STOPS, HANDRAIL BRACKETS, TELEVISION LOCATIONS, BATHROOM ACCESSORIES, ETC. WHERE INDICATED, SPECIFIED OR REQUIRED TO PROVIDE A SOLID BASE.
 - 2) THROUGH-PENETRATION FIRESTOPS PER UL DESIGN RECOMMENDATIONS *CONTRACTOR TO BRACE WALLS AS REQUIRED
 - 3) GWS TO BE TAPED @ LOCATIONS WHERE FINISHED SURFACE IS FRP



1 FIRST FLOOR PARTITION PLAN
1/4" = 1'-0"





Antoni Szerszunowicz



PLOT PLAN
91-93 WINDSOR STREET
CAMBRIDGE, MASS.

SCALE : 1" = 10'

MAY 4, 2016

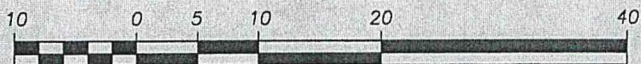
AGH ENGINEERING

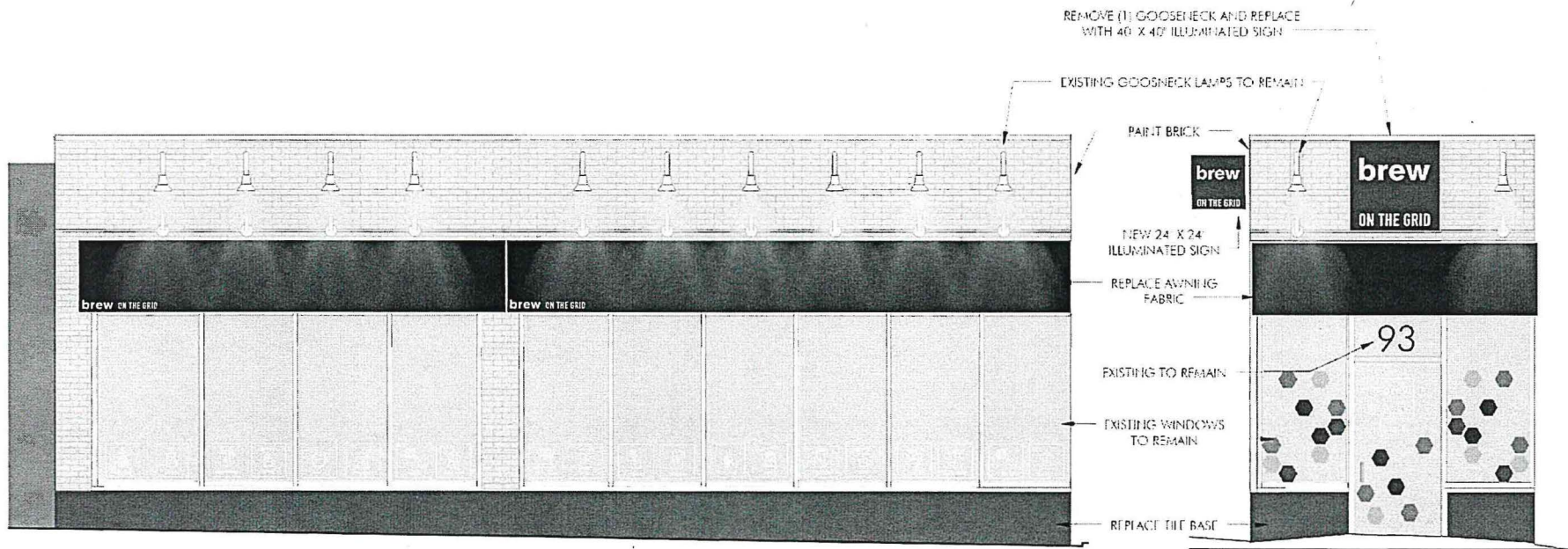
166 WATER STREET

STOUGHTON, MA 02072

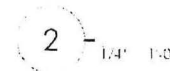
PHONE: (781)344-2386

GRAPHIC SCALE

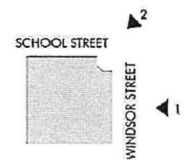




WINDSOR STREET ELEVATION (EAST)

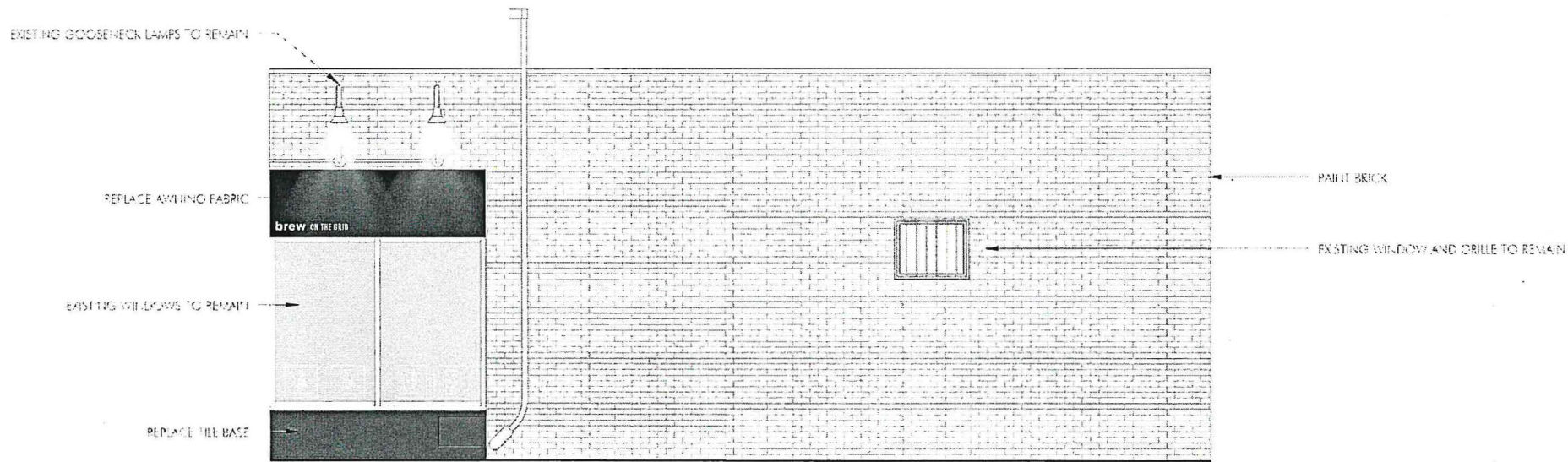


ENTRY ELEVATION



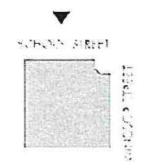
PROPOSED WINDSOR STREET ELEVATIONS
 BREW ON WINDSOR
 600 BROADWAY, SUITE 200, CAMDEN, NJ 08102

REV. 27, 2016



1

SCHOOL STREET ELEVATION (NORTH)



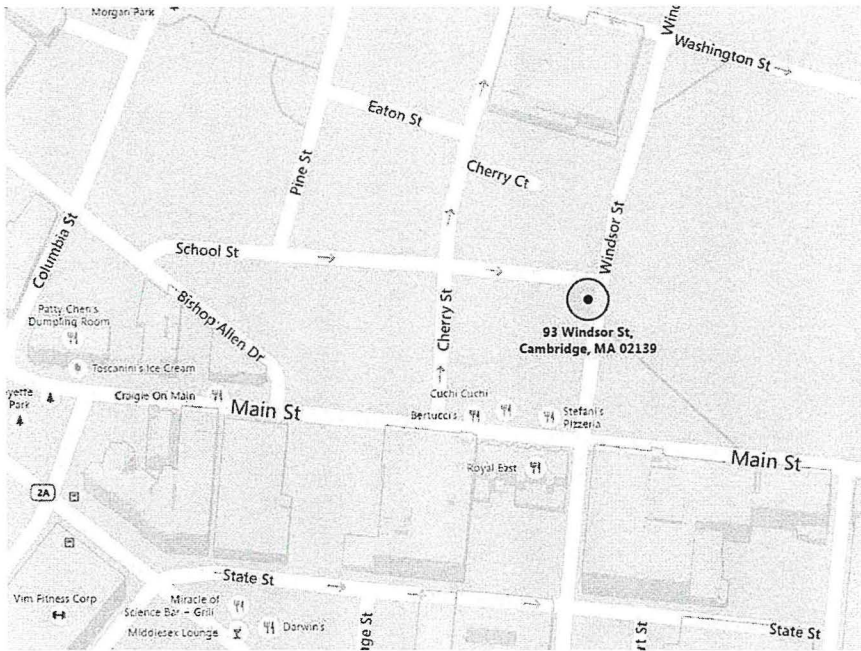
EMBARC STUDIO
ARCHITECTURAL DESIGN

7/27/2016 4:23:49 PM

C:\Users\dswane\Documents\16062_93 Windsor Street.dwg dswane.rvt

PROPOSED SCHOOL STREET ELEVATION
BREW ON WINDSOR
WINDSOR STREET, WINDSOR, MA

ARCHITECT

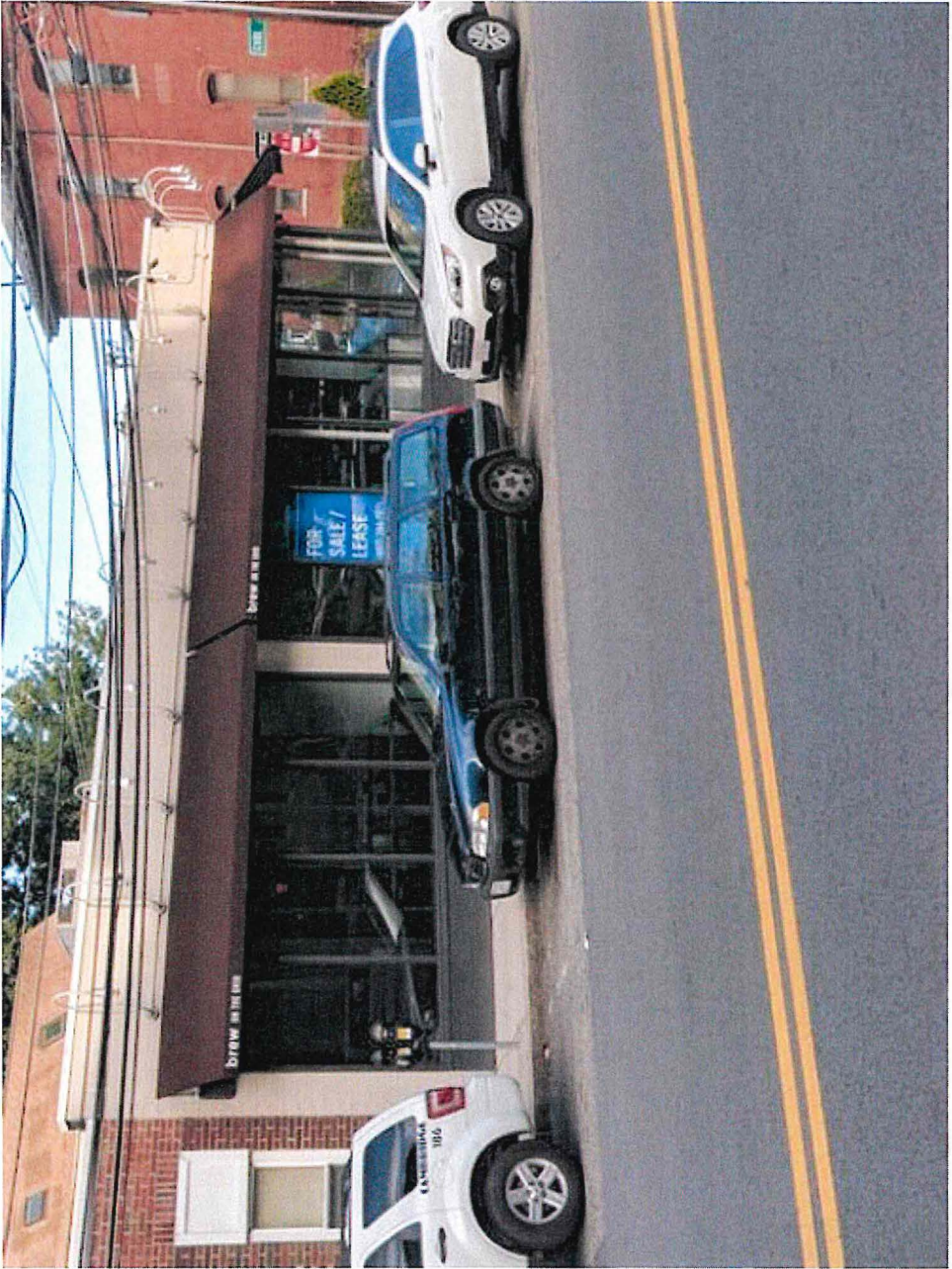


AERIAL MAP



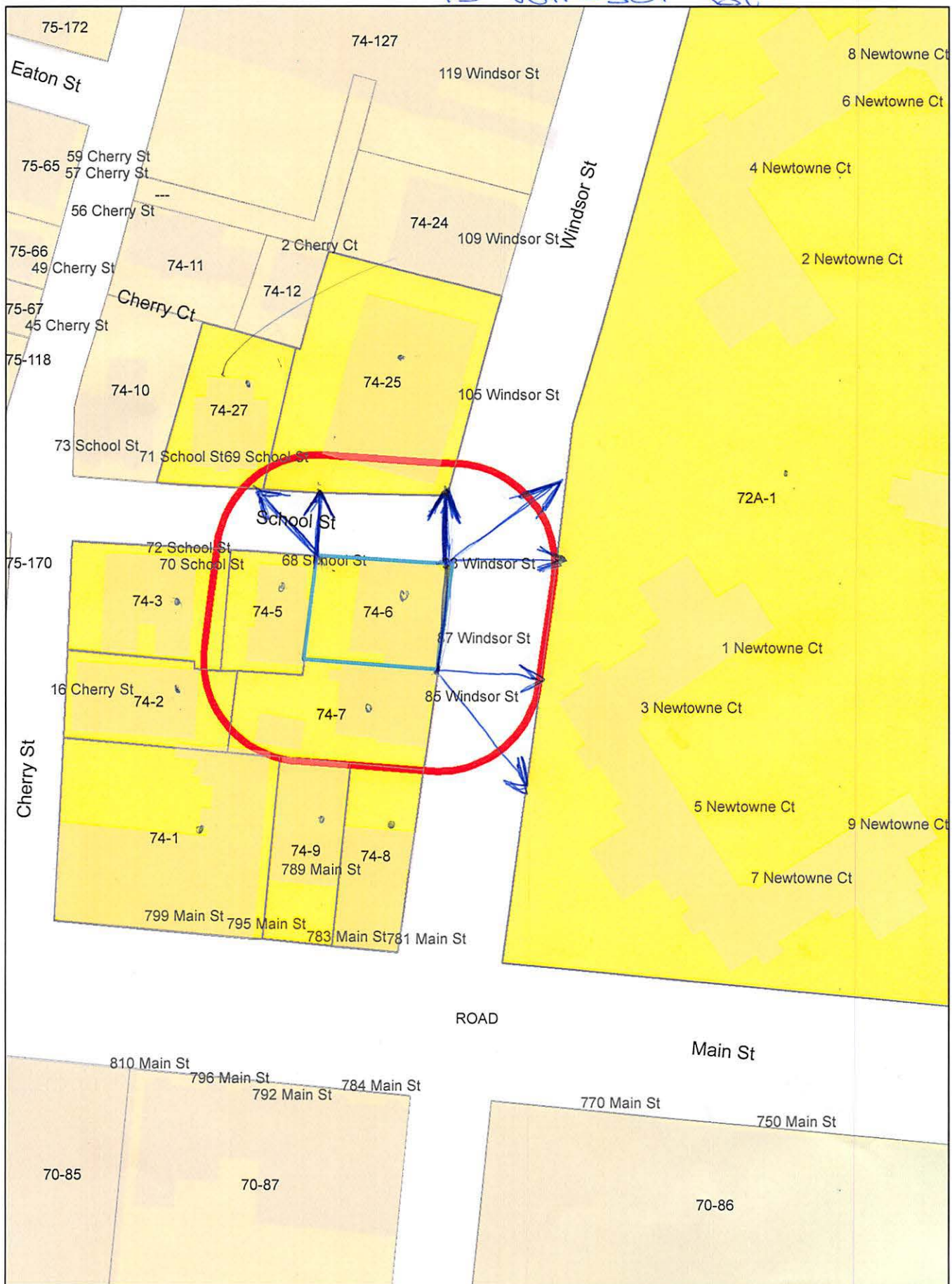
BIRD'S EYE







93 Windsor St.



93 Windsor St.

Petitioner

74-2
UNION BAPTIST CHURCH
874 MAIN ST.
CAMBRIDGE, MA 02139

74-6
WINDSOR NINETY THREE LLC,
1495 HANCOCK STREET
QUINCY, MA 02169

RICHARD C. LYND, ESQ.
245 SUMNER STREET #110
BOSTON, MA 02128

74-7
CHEN HSUEH, YU TSAI CHEN,
WINSTON WONG & YU PAO CHEN
85 WINDSOR ST
CAMBRIDGE, MA 02139

72A-1
CAMBRIDGE HOUSING AUTHORITY
675 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

JOSEPH E. DONOVAN, MANAGER
50 FRANKLIN STREET - SUITE 400
BOSTON, MA 02110

74-5
RAVI, NALINI, NATHAN RAVI & ARVIND RAVI
68 SCHOOL ST., #3
CAMBRIDGE, MA 02139

74-5
UDEN, JAMES
68 SCHOOL ST 1
CAMBRIDGE, MA 02139

74-5
ROSENFELD, ADAM P.
68 SCHOOL ST., #2
CAMBRIDGE, MA 02139

74-27
CHEN, KEVIN W.
69-71 SCHOOL ST., UNIT #69
CAMBRIDGE, MA 02139

74-27
MA, WEI
71 SCHOOL ST
CAMBRIDGE, MA 02139

74-1
805 MAIN ST. LLC
33 CHURCH ST
CAMBRIDGE, MA 02138

74-3
NG, BILLY C. & GRACE M.
TRUSTEES OF BILLY & GRACE NG REVOC TRT
99 HARRISON AVE
WAKEFIELD, MA 01880

74-8
805 MAIN ST LLC
33 CHURCH ST
CAMBRIDGE, MA 02138

74-9
CRAGWELL ALFRED &
JOHN BLACKMAN HUBERT ALLYNE
TRUSTEES OF THE CHRISTIAN MISSION
787 MAIN ST
CAMBRIDGE, MA 02139

74-25
CITY OF CAMBRIDGE
C/O LOUIS DePASQUALE
CITY MANAGER

74-25
CAMBRIDGE CITY OF RECREATION DEPT
51 INMAN ST
CAMBRIDGE, MA 02139

74-25
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR



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

2019 DEC 19 PM 12:40

BZA APPLICATION FORM

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
Plan No: BZA-017229-2019

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Article 10.000 Section 10.30 (Variance).

Original Signature(s) :


Joseph E. Donovan
Manager

(Print Name)

Address :

50 FRANKLIN ST, SUITE 400
Boston MA 02110

Tel. No. :

617 412-3252

E-Mail Address :

Date : _____



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

BZA

POSTING NOTICE – PICK UP SHEET

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

Name: Patrick Donovan Date: 1/29/20
(Print)

Address: 23 Windsor St.

Case No. BZA-017229-2019

Hearing Date: 2/13/20

Thank you,
Bza Members



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*

Joseph V. Ferrara, Chandra Harrington, Elizabeth Lyster, Caroline Shannon, Jo M. Solet, *Members*

Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

Jurisdiction Advice

To the Owner of Property at 93 Windsor Street

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

- ☐ Old Cambridge Historic District
- ☐ Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
- ☐ Avon Hill Neighborhood Conservation District
- ☐ Half Crown – Marsh Neighborhood Conservation District
- ☐ Harvard Square Conservation District
- ☐ 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 is 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 application anticipated. No CHC review of use of building.
- ☐ 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 February 4, 2020

Received by Uploaded to Energov

Date February 4, 2020

Relationship to project BZA 017229-2019

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>

Constantine Alexander Chair of BZA and Members,

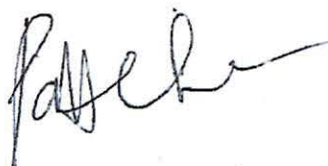
My name is Marc Shulman, I live at 85 Windsor street, along with my wife Patty and two sons. We have lived here since 1993. Since 2000, we have run The Windsor Inn BnB and Guest House at this location, renting out to professors and visiting scholars. We, also, live on premise. We describe the location as a "Quiet house near MIT"

Our wall touches the wall of 93 Windsor st. We are direct abutters, and can hear when the workers are talking, sometimes late at night. It seems that they have been preparing the space. We witnessed them demo the interior in August, even prior to securing a permit. They dragged 15-20 black plastic bags, out the back, and threw them into a van. It was 10 pm. Clearly they have little respect for the municipal codes of the City of Cambridge and have further contempt for the nature of this residential area.

We are in direct opposition to the opening of a full service restaurant with alcohol. Further the request for a variance is unjustified under the hardship requirements under MGL ch 40a section 10. We have reviewed the petitioners application and there is no "..hardship owing to 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, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship." There is no hardship that exists in this case. In fact we believe this variance is being sought merely on the basis the petitioner finds the zoning inconvenient. We ask that the BZA deny this petition as we will certainly appeal should relief be granted.

Sincerely,

Marc Shulman, Innkeeper
Patty Chen, Innkeeper
Hsueh Chen, building owner





City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2020 FEB 14 AM 10:13
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 # 017 229-2019

Address: 93 Windsor St

☒ Owner, ☐ Petitioner, or ☐ Representative: Christopher Cwynar
(Print Name)

for Windsor Ninety Three LLC

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: 2/13/2020

Signature [Signature]

* * * * *

(8:17 p.m.)

Sitting Members: Constantine Alexander, Janet Green, Andrea
A. Hickey, Jim Monteverde, and Slater W.
Anderson

CONSTANTINE ALEXANDER: The Chair will now call
017229 -- 93 Windsor Street. Anyone here wishing to be
heard on this matter? Name and address for the
stenographer, please.

RICHARD LYNDY: Good evening, Mr. Chairman, three
of the members. For the record, Attorney Richard Lynds, L-
y-n-d-s, 245 Sumner Street, East Boston, on behalf of the
petitioner.

ALI YAGCIOULU: Ali Yagcioglu.

COLLECTIVE: You'll need to spell it

ALI YAGCIOGLU: A-l-i Y-a-g-c-i-o-g-l-u, last
name.

CONSTANTINE ALEXANDER: Did you get that?

THE REPORTER: Could you repeat that, please,
closer to the mic?

ALI YAGCIOGLU: A-l-i and last name is Y-a-g-c-i-
o-g-l-u.

1 CONSTANTINE ALEXANDER: You don't have to give
2 your name and address, unless you think you might speak,
3 that's all. It's up to you.

4 DANIEL SURIAN: Sure, okay, sure. My name is
5 Daniel Surian S-u-r-i-a-n, 128 Cambridge Street,
6 Charlestown, Massachusetts.

7 RICHARD LYNDS: Mr. Chairman, just by way of a
8 brief housekeeping matter -- and we may be here for a very
9 short period -- when we filed our petition for this matter,
10 we identified this -- we were before this Board back in
11 2016, with respect to this property.

12 CONSTANTINE ALEXANDER: Remember the case.

13 RICHARD LYNDS: We identified this as the
14 Residence B Zoning District. We did submit that as part of
15 our application. I did notice in the public notice for this
16 that it identified as Residence C1. With that said, that --

17 CONSTANTINE ALEXANDER: I don't think that makes a
18 difference for the purpose of -- we can go forward tonight,
19 because basically you're seeking a use variance.

20 RICHARD LYNDS: Correct.

21 CONSTANTINE ALEXANDER: Which residence or
22 district it's in doesn't make much of a difference.

1 RICHARD LYNDS: Okay.

2 CONSTANTINE ALEXANDER: It's the physical
3 location.

4 RICHARD LYNDS: So with -- our concern was with
5 respect to parking. I know there's a distinction in the
6 parking table that does indicate that NA in the residence B
7 versus --

8 CONSTANTINE ALEXANDER: But you've only sought --
9 you didn't seek parking relief. So --

10 RICHARD LYNDS: That's correct.

11 CONSTANTINE ALEXANDER: -- if you need parking, if
12 you have to come back, we can go forward tonight and --

13 RICHARD LYNDS: Okay.

14 CONSTANTINE ALEXANDER: -- let's assume we grant
15 you the variance, you'll have the use variance.

16 RICHARD LYNDS: Okay.

17 CONSTANTINE ALEXANDER: Then you'll have to come
18 back another night, some other night with us on parking.

19 RICHARD LYNDS: I wasn't sure if the Board
20 preferred to do a bifurcated hearing or do it all once, but
21 --

22 ANDREA HICKEY: Unless you have a preference to do

1 it all at once.

2 RICHARD LYNDS: If the Board is okay, we don't
3 have a problem moving forward this evening, and we'll come
4 back for the parking variance separately, unless the Board
5 prefers to have it all heard together. It's really --

6 CONSTANTINE ALEXANDER: I don't care. Andrea, if
7 you do --

8 ANDREA HICKEY: No, I'm just thinking if we
9 approve --

10 RICHARD LYNDS: Yep.

11 JANET GREEN: -- and then it doesn't approve.

12 ANDREA HICKEY: -- then they don't get it.

13 CONSTANTINE ALEXANDER: We approve it, they can do
14 a restaurant, but they're going to have to solve the parking
15 problem.

16 JANET GREEN: Right.

17 CONSTANTINE ALEXANDER: They can't solve it; they
18 can't operate the restaurant.

19 RICHARD LYNDS: So I think it's probably
20 appropriate to have the hearing done together with --

21 CONSTANTINE ALEXANDER: That's fine.

22 ANDREA HICKEY: Yeah. To me that makes sense.

1 CONSTANTINE ALEXANDER: I have no objection to
2 that.

3 RICHARD LYNDS: Okay. So what -- we would just
4 need to do a new public notice that include the request for
5 relief on the parking?

6 CONSTANTINE ALEXANDER: You have to re-advertise
7 and file an application for the parking relief.

8 RICHARD LYNDS: Sure.

9 CONSTANTINE ALEXANDER: And this is not a case
10 heard. So we can do it --

11 RICHARD LYNDS: Understood.

12 CONSTANTINE ALEXANDER: -- as soon as you can do
13 it.

14 RICHARD LYNDS: Okay.

15 CONSTANTINE ALEXANDER: And you don't have to have
16 the five of us present, it's much easier.

17 RICHARD LYNDS: Understood. Yep. So before we
18 formally open the public hearing, yep, that's fine. So what
19 was the -- what was the earliest time we could do that if we
20 get our updated petition before the --

21 SISIA DAGLIAN: The twenty-seventh of this month.

22 RICHARD LYNDS: Would that give us sufficient time

1 for a public notice?

2 CONSTANTINE ALEXANDER: I don't know. I don't
3 feel they give time to advertise and the like.

4 RICHARD LYNDS: Yeah. We need two weeks.

5 CONSTANTINE ALEXANDER: I would suggest -- just a
6 suggestion -- the next one after that.

7 SISIA DAGLIAN: March 12 already has three
8 continued hearing.

9 ANDREA HICKEY: This is a case not heard. Oh, it
10 is, I guess.

11 CONSTANTINE ALEXANDER: It's a case unheard.

12 JANET GREEN: It's continued.

13 ANDREA HICKEY: My apologies.

14 SISIA DAGLIAN: March 26?

15 CONSTANTINE ALEXANDER: Is that a problem for you?

16 RICHARD LYNDS: I mean, the sooner the better, if
17 that's the earliest we could possibly do. Otherwise --

18 CONSTANTINE ALEXANDER: It is the earliest, yes.

19 RICHARD LYNDS: Okay. Then March 26 it is.

20 CONSTANTINE ALEXANDER: Okay. By the way, I'll
21 make the motion. Are you aware that there's a letter of
22 opposition to the relief you seek?

1 RICHARD LYNDS: I believe so, yes.

2 CONSTANTINE ALEXANDER: Okay, just want to make
3 sure so you can be prepared --

4 RICHARD LYNDS: Yep.

5 CONSTANTINE ALEXANDER: -- to deal with that, when
6 we --

7 RICHARD LYNDS: Understood.

8 RICHARD LYNDS: -- have it on the twenty-sixth.

9 RICHARD LYNDS: Yep, we will.

10 CONSTANTINE ALEXANDER: Okay. The Chair moves
11 that we continue this case as a case not heard, until 7:00
12 p.m. on March 26, subject to the following conditions:

13 One, that you sign a waiver of time for decision.
14 And Sisia there will have that for you, that just --

15 RICHARD LYNDS: Yep, understood.

16 CONSTANTINE ALEXANDER: -- avoids legal problems.

17 Two, that the posting sign that's there now either
18 be modified or get a new one, and it reflects the new date,
19 March 26, and the new time, 7:00 p.m. And that sign must be
20 maintained for the 14 days before the hearing, just as you
21 did for tonight.

22 ALI YAGCIOGLU: The door, okay.

1 CONSTANTINE ALEXANDER: On the door, that's fine.

2 ALI YAGCIOGLU: Okay.

3 CONSTANTINE ALEXANDER: And lastly, to the extent
4 -- I don't think this may be -- well, it may be relevant --
5 to the extent that you have new plans or revised drawings or
6 the like, or dimensional changes, those all must be in our
7 files no later than 5:00 p.m. on the Monday -- no later than
8 5:00 p.m. on the Monday before --

9 RICHARD LYNDS: 48 hours.

10 CONSTANTINE ALEXANDER: Yeah. So it's 3.5, that's
11 to allow us and the public time to review --

12 RICHARD LYNDS: Sure.

13 CONSTANTINE ALEXANDER: -- what's going to be
14 considered at the hearing on March 26. All those in favor
15 of continuing the case on this basis, please say, "Aye."

16 THE BOARD: Aye.

17 [All vote YES]

18 CONSTANTINE ALEXANDER: Five in favor, we'll see
19 you in March.

20 RICHARD LYNDS: Thank you very much, thank you for
21 your time. Thank you.

22 JANET GREEN: It's not quite 8:30.

1 [Simultaneous speech]

2 CONSTANTINE ALEXANDER: We cannot hear the next
3 case until 8:30, because that's when it's advertised for.
4 We'll have a five-minute break. Sorry. We're too efficient
5 tonight.

6 [BREAK]

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