



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

BZA APPLICATION FORM

Plan No: BZA-017140-2019

GENERAL INFORMATION

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

Special Permit : _____ Variance : v Appeal : _____

PETITIONER : Chew LLC - C/O Sarah Like Rhatigan, Esq.

PETITIONER'S ADDRESS : 12 Marshall Street Boston, MA 02108

LOCATION OF PROPERTY : 279-283 Western Ave Cambridge, MA 02139

TYPE OF OCCUPANCY : commercial/retail and residential ZONING DISTRICT : Residence C-1 Zone

REASON FOR PETITION :
 Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner seeks to modify prior variance (2011-BZA-10034) to allow commercial/retail use of the first floor space as a kitchen innovation/research space, under use regulations Section 4.34 (f) and 4.21 (m).

SECTIONS OF ZONING ORDINANCE CITED :

Article 4.000 Section 4.34.F (Table of Use Regulations).
 Article 4.000 Section 4.21.M (Table of Use Regulations).
 Article 10.000 Section 10.30 (Variance).

Original Signature(s) : 
 (Petitioner(s) / Owner)
Sarah Like Rhatigan, Esq., on behalf of
Chew, LLC (Print Name)

Address : 12 Marshall St. Boston MA 02108

Tel. No. : 617-543-7009

E-Mail Address : sarah@trilosylaw.com

Date : 6/17/19

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 Safe Journeys, LLC
(OWNER)

Address: 24 Ridgewood Terrace, Northampton, MA 01060

State that I/We own the property located at 277-283 Western Avenue,
which is the subject of this zoning application. a/k/a 279-283 Western Ave.

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

*Pursuant to a deed of duly recorded in the date 6/2/2016, Middlesex South County Registry of Deeds at Book 673386, Page 308; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.


PRESIDENT,
SAFE JOURNEYS, LLC
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

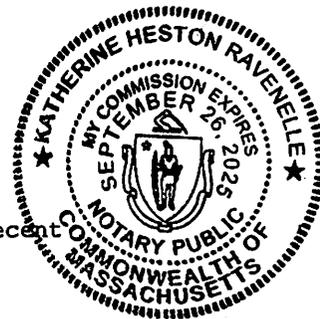
Commonwealth of Massachusetts, County of Hampshire

The above-name Mark Dean personally appeared before me, this 28th of March, 2019, and made oath that the above statement is true.

Katherine Heston Ravelle Notary

My commission expires 9/26/2025 (Notary Seal).

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



NOTARY PUBLIC STATE OF CALIFORNIA

My commission expires on _____



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) The subject premises have historically (since its construction) had a ground floor commercial use. In 2010, the prior owner petitioned for a variance to add and construct a second story on the building to accommodate two new residential units. At the time, the then petitioner asked to memorialize the commercial use of the first floor. The Board granted a variance for five (5) uses, all under Section 4.35 of the CZO (subsections 1, c, d, e, and r), one of which was a restaurant use. The current Petitioners operate a food incubator laboratory which researches and develops food products for manufacturing by third parties. When the Petitioner sought a permit to do renovations to accommodate this planned use, ISD gave them a permit under the restaurant use category previously approved. The Petitioners subsequently sought a Certificate of Occupancy to satisfy USDA requirements, and while their work passed all inspections (there was a question involving the fire department now resolved) ISD then decided that the proper use category for the facility would be under CZO Section 4.34 (f) (technical office for research and development) because no food is actually served at this location. It would be a significant hardship for the Petitioner to now have to relocate its business after considerable investment in this location and because the actual use is less intensive than a restaurant use. The Petitioner has operated in the space for more than two years with no neighborhood issues, and no parking concerns (there are usually no more than six employees on site, many of whom commute by bike) and no delivery issues as there would be with a restaurant use.

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 unique to this structure because it was originally built for commercial use, and following the construction of the two new units on the second story, it would now be costly to redo the first floor for a permitted residential use (with no parking available).

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

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

The current use is far less intrusive than the other uses permitted by the 2011 variance, and any of such uses would cause far more congestion and traffic and parking issues than the present (and proposed) use by the Petitioner.

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

Because of the previous "grandfather" status of the space as commercial, and the small footprint of this space along a major Cambridge thoroughfare, the present use by Petitioners does not nullify or substantially derogate from the intent or purpose of the CZO since there are many other commercial uses in existence along Western Avenue and the business of the Petitioners complements the neighborhood rather than detracting from it.

- * 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: Trilogy Law LLC **PRESENT USE/OCCUPANCY:** Sec. 4.35 a, c, d, e & r

LOCATION: 279-283 Western Ave Cambridge, MA 02139 **ZONE:** Residence C-1 Zone

PHONE: _____ **REQUESTED USE/OCCUPANCY:** Sec. 4.43 (f) and 4.21 (m)

		<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>		5,331 sf	5,331 sf	2,171 sf	(max.)
<u>LOT AREA:</u>		2,895 sf	2,895 sf	5,000 sf	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²		1.53	1.53	0.75	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		1,448 sf	1,448 sf	1,500 sf	(min.)
<u>SIZE OF LOT:</u>	WIDTH	59.87'	59.87'	50' min.	(min.)
	DEPTH	66.39'	66.39'	--	
<u>SETBACKS IN FEET:</u>	FRONT	0'	0'	H+L/4	(min.)
	REAR	n/a	n/a	n/a	(min.)
	LEFT SIDE	0'	0'	H+L/5	(min.)
	RIGHT SIDE	4'	4'	H+L/5	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	35'	35'	35'	(max.)
	LENGTH	59.87'	59.87'	--	
	WIDTH	--	--	--	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>		0.09	0.09	0.30	(min.)
<u>NO. OF DWELLING UNITS:</u>		2	2	1.93	(max.)
<u>NO. OF PARKING SPACES:</u>		0	0	0	(min./max)
<u>NO. OF LOADING AREAS:</u>		0	0	0	(min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>		n/a	n/a	n/a	(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.

Property consists of the first floor commercial/retail space and 2 residential units on the 2nd and 3rd floors. Total 1st floor square footage 2,224 sqft.

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



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2019 JUN 19 AM 11:48

BZA APPLICATION FORM

Plan No: BZA-017140-2019
 OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

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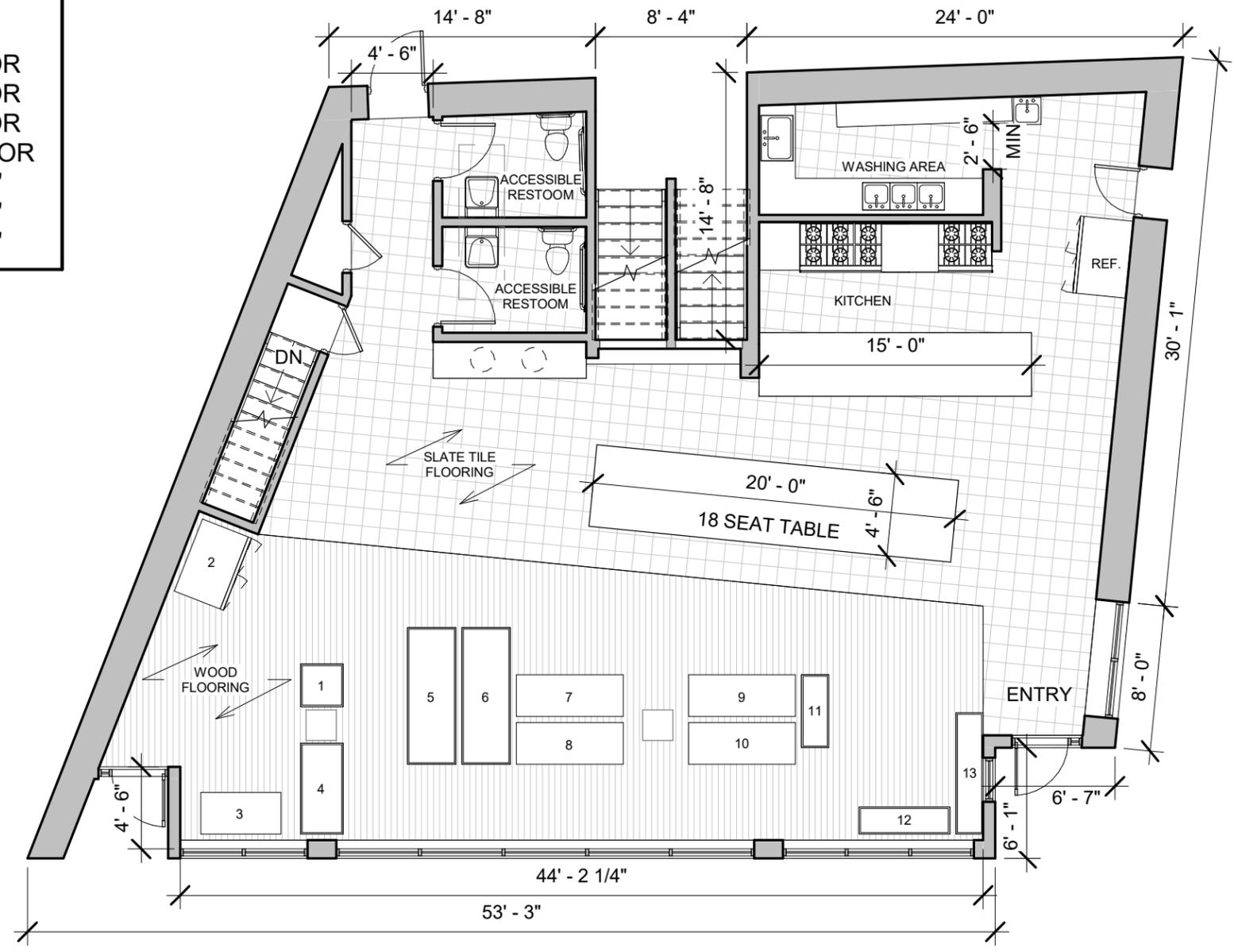
Tel. No. : 617-543-7009

E-Mail Address : sarah@trilosylaw.com

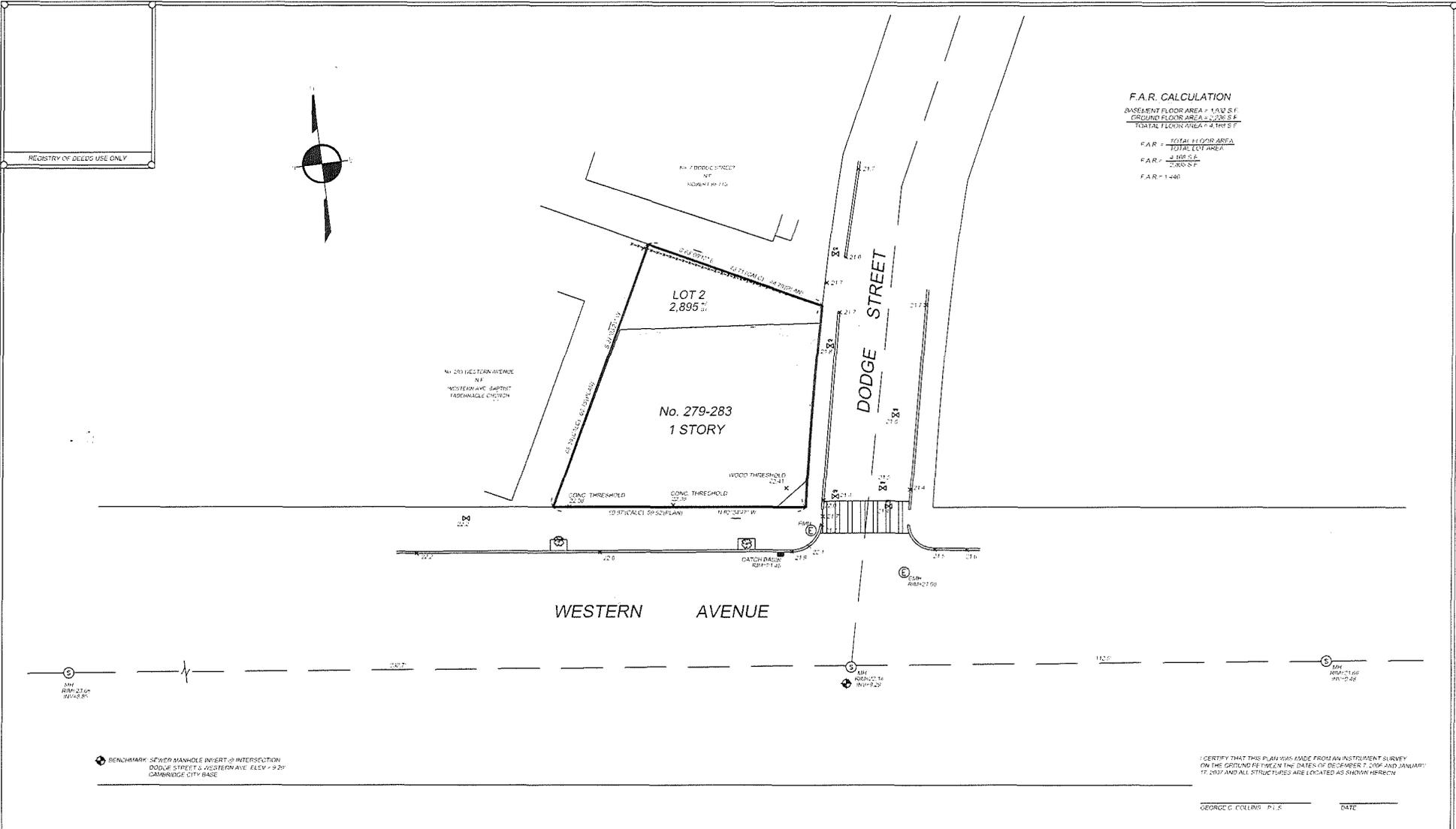
Date : 6/17/19

KITCHEN EQUIPMENT SCHEDULE

- 1. STAND MIXER CART
- 2. 2-DOOR REACH-IN REFRIGERATOR
- 3. 2-DOOR UNDERCOUNTER REFRIGERATOR
- 4. STAINLESS STEEL WORK TABLE 60"x28"
- 5. STAINLESS STEEL WORK TABLE
- 6. STAINLESS STEEL WORK TABLE
- 7. 3-DOOR UNDERCOUNTER REFRIGERATOR
- 8. 3-DOOR UNDERCOUNTER REFRIGERATOR
- 9. 3-DOOR UNDERCOUNTER REFRIGERATOR
- 10. 3-DOOR UNDERCOUNTER REFRIGERATOR
- 11. STAINLESS STEEL WORK TABLE 48"x18"
- 12. STAINLESS STEEL WORK TABLE 60"x18"
- 13. STAINLESS STEEL WORK TABLE 80"x18"



1 LEVEL 1
1/8" = 1'-0"



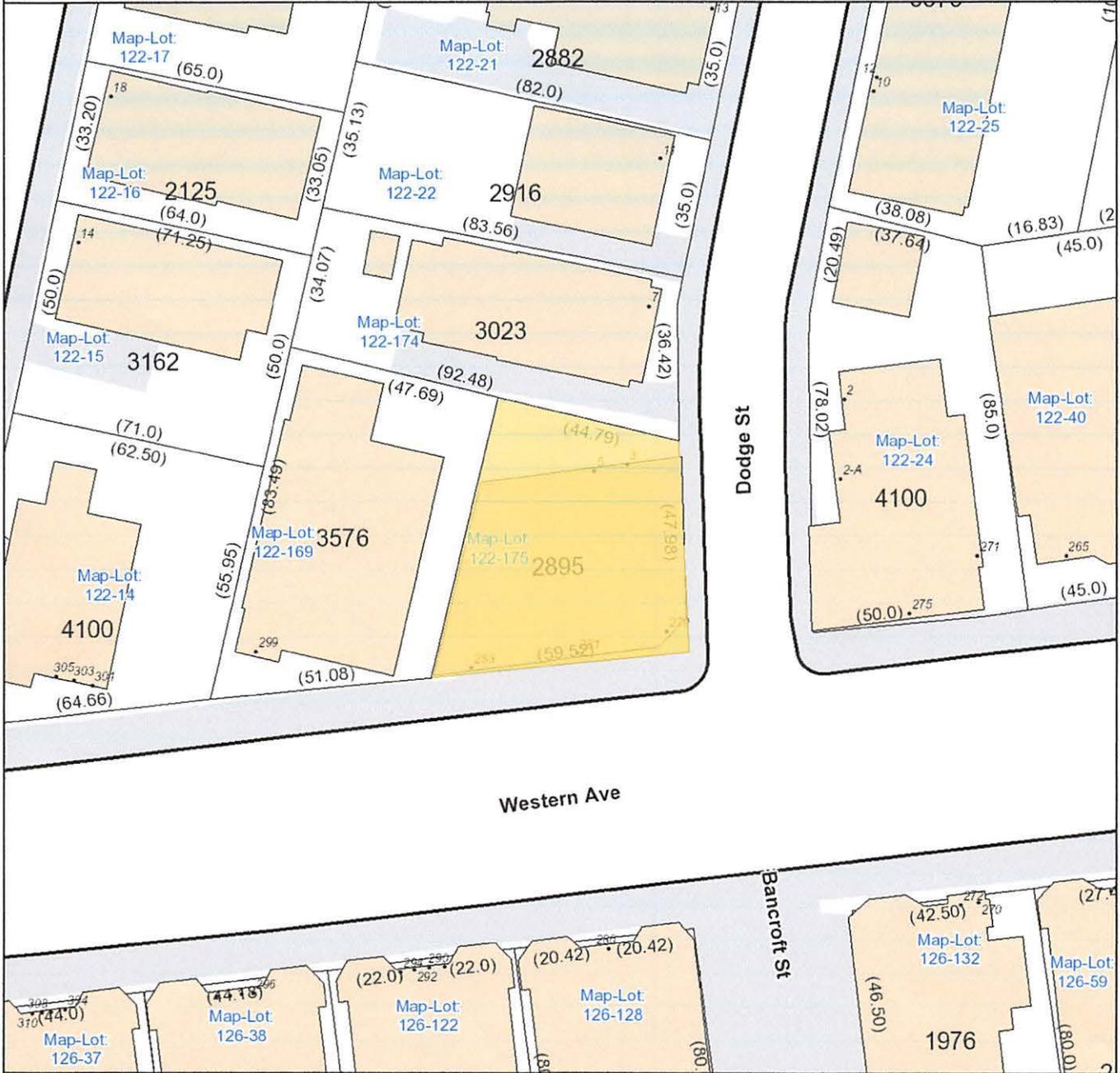
DATE: JULY 20, 2010	
REVISION	DATE
SCALE: 1 INCH = 10 FEET	

REFERENCES:
 DEED: BOOK 22388, PAGE 343
 PLAN: BOOK 5130, END

SITE PLAN
 LOCATED AT
 279-283 WESTERN AVENUE
 CAMBRIDGE, MA

PREPARED FOR:
 SEAN D. HOPE, ESQ.
 130 BISHOP ALLEN DRIVE
 CAMBRIDGE, MA 02139

BOSTON SURVEY, INC.
 UNIT C-1 SHIPWAYS PLACE
 CHARLESTOWN, MA 02129
 (617) 242-1313



City of Cambridge
Massachusetts

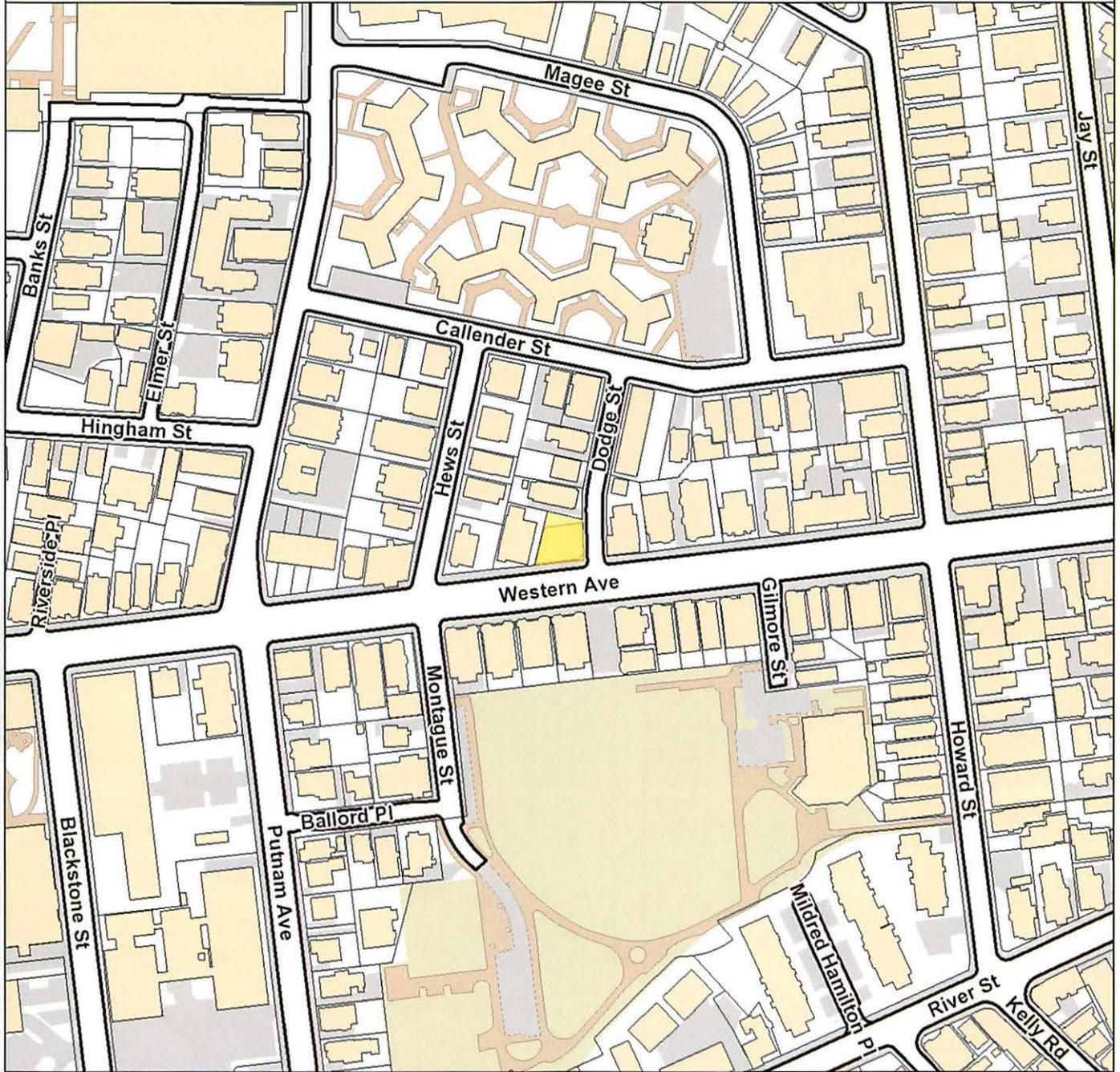
1" = 35 ft

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www.cambridgema.gov/gis

- Adresse
- Rail
- Building Footprints
- Parcels
- Paved Surfaces
 - Paved Roads
 - Bridges
 - Unpaved Roads
 - Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - Public Footpath





City of Cambridge
Massachusetts

1" = 181 ft

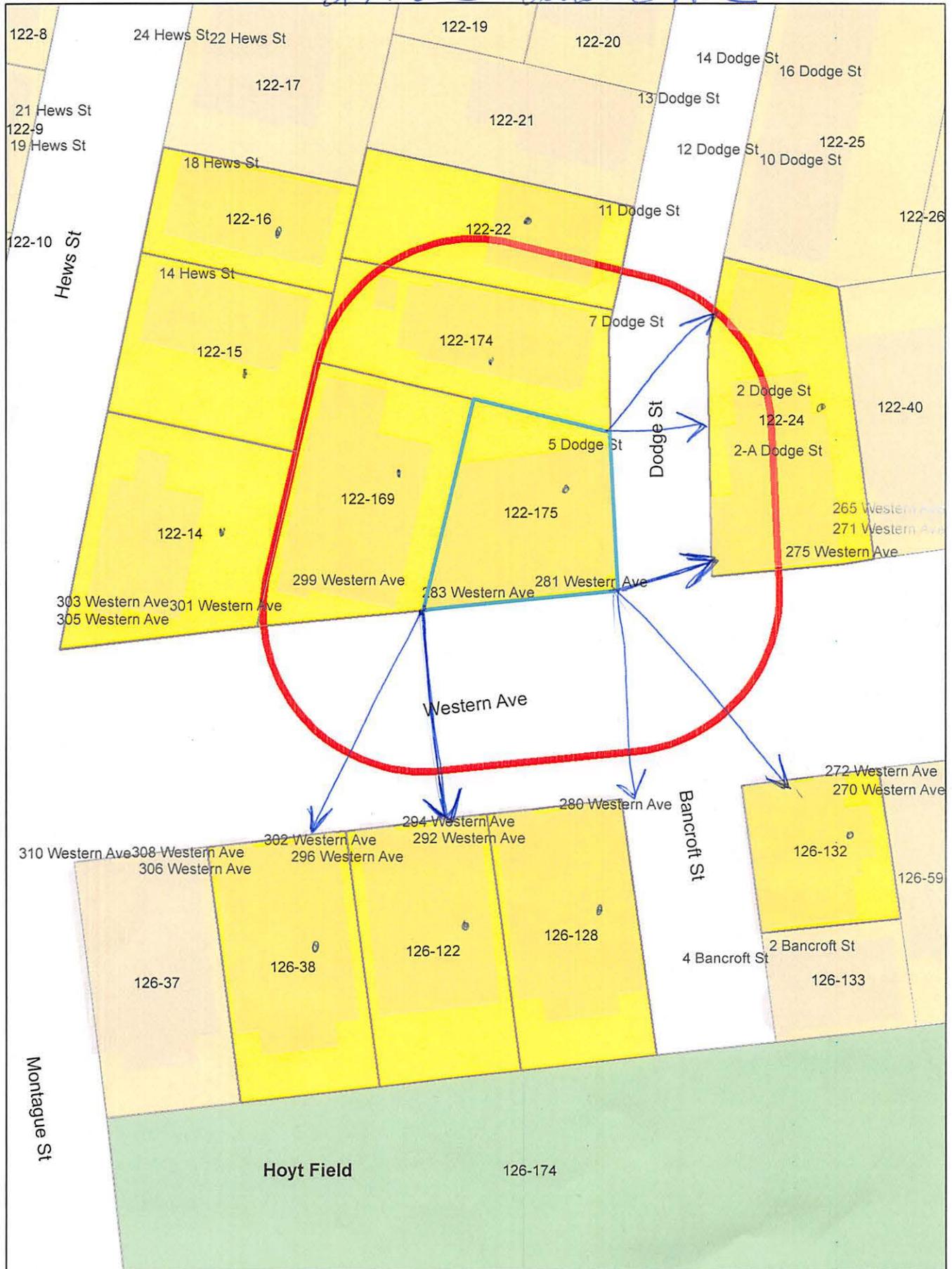
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 - ▣ Other Paved Surface
 - ▣ Public Footpath



279-283 Western Ave



279-283 Western Ave Petitioner

122-14
SIENIEWICZ, THOMAS & MARTHA SIENIEWICZ
84 MAGAZINE ST
CAMBRIDGE, MA 02139

122-15
FUNES, PABLO J. & SILVIA B. GERSZKOWICZ
14 HEWS ST
CAMBRIDGE, MA 02139

TRILOGY LAW LLC
C/O SARAH L. RHATIGAN, ESQ.
12 MARSHALL STREET
BOSTON, MA 02108

122-24
LIN JAN JUEI & CHU YING LIN
411 MAIN ST., #302
STONEHAM, MA 02180

122-169
WESTERN AVENUE BAPTIST
TABERNACLE CHURCH
299 WESTERN AVE.
CAMBRIDGE, MA 02139

122-174
NARINSKY, ALEXANDER
7 DODGE ST
CAMBRIDGE, MA 02139

122-175
SAFE JOURNEYS, LLC
34B VERNON ST
NORTHAMPTON, MA 01060

126-38
TUCK, JEROME M. & RICHARD L. TUCK,
TRS. THE 296 WESTERN AVENUE REALTY TRUST
110 WOODLAND ST.
NATICK, MA 01760

126-128
WEST ARMS COOPERATIVE CORPORATION
280 WESTERN AVE #1
CAMBRIDGE, MA 02139

126-132
NELOMS, ABRAM M.
270-272 WESTERN AVENUE
CAMBRIDGE, MA 02139

126-122
MLA CAPITAL PARTNERS, LLC
955 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

126-122
TOWVIM, ADAM
288-294 WESTERN AVE. -UNIT #290/1
CAMBRIDGE, MA 02139

126-122
USANMAZ, GOKHAN & EBRU GIRITLIGIL
288-294 WESTERN AVE., UNIT #290/2
CAMBRIDGE, MA 02139

126-122
292 WESTERN LLC
37 JUNIPER RD
WESTON, MA 02493

126-122
DUTTA, ARINDAM & ANNE REINHARDT
288-294 WESTERN AVE., UNIT #292/2
CAMBRIDGE, MA 02139

126-122
KEZIRIAN, MICHAEL T.
288-294 WESTERN AVE. - UNIT #294
CAMBRIDGE, MA 02139

122-22
LYBERIS, JOHN
11 DODGE ST. UNIT#1
CAMBRIDGE, MA 02139

122-22
LECHEVALIER, DAVID & MARJORIE LECHEVALIER
11 DODGE ST. UNIT#2
CAMBRIDGE, MA 02139

122-16
BERSHIRE INVESTMENT, LLC,
18 HEWS ST
CAMBRIDGE, MA 02139

Sarah Like Rhatigan, Esq.

Trilogy Law LLC

12 Marshall Street

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Email: Sarah@trilogylaw.com

279-283 Western Ave
Photos
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Sent from my iPhone













