



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

BZA Application Form

BZA Number: 226781

General Information

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

Special Permit: X Variance: Appeal:

PETITIONER: Mark Pesce, Owner C/O Beantown Donuts LLC

PETITIONER'S ADDRESS: 72 Junction Square Drive, Concord, MA 01742

LOCATION OF PROPERTY: 61 Church St, Cambridge, MA

TYPE OF OCCUPANCY: Dunkin' Donuts (Fast Order or Quick-Service Food) ZONING DISTRICT: Business A Zone - Harvard Square Overlay District

REASON FOR PETITION:

/Change of Ownership Only/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Change of Ownership - Operating a Dunkin' Donuts is not an allowed use in the Harvard Square Overlay District. Zoning relief is necessary to operate.

"A Special Permit issued for a Fast Order or Quick-Service Food Establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application documents or as those documents may be modified by the conditions of the Special Permit as granted"

SECTIONS OF ZONING ORDINANCE CITED:

Article: 11.000 Section: 11.30 (Fast Order Food Establishment).
Article: 10.000 Section: 10.40 (Special Permit)
Article: 4.000 Section: 4.35.0 (Fast Order or Quick-Service Food Establishment)

Original
Signature(s):

(Petitioner (s) / Owner)

MARK PESCE

(Print Name)

Address:
Tel. No.

72 Junction Square Dr. Concord, MA 01742
978-206-2469

2023 JUL 19 PM 3:16
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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 59 Church Street LLC
(OWNER)

Address: 116 Huntington Ave Suite 200 Boston MA

State that I/We own the property located at 59¹⁰³ Church St, Cambridge which is the subject of this zoning application.

The record title of this property is in the name of 59 Church Street LLC

*Pursuant to a deed of duly recorded in the date 2/19/11, Middlesex South County Registry of Deeds at Book 47404, Page 313; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____

59 Church Street, LLC

SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT
Robert A. Schlager
Vice President

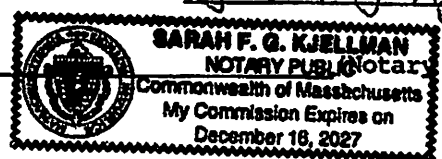
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of SUTTOLK

The above-name Robert A. Schlager personally appeared before me, this 10th of June, 2023, and made oath that the above statement is true.

Sarah F. G. Kjellman Notary

My commission expires _____ 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 SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 61 Church St., Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

The proposed continued use meets the requirements of 11.30 insofar as the operation will attract patrons primarily from walk-in trade, will not create traffic problems, and will fulfill a need in this area of Harvard Square.

B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

This is solely an ownership change. There has been a food use at this location for many years. Existing traffic patterns will not change as a result of this operation. Church Street is an active retail street with metered parking and a high volume of pedestrian activity.

C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

This is solely an ownership change. The adjacent uses are a mix of office and retail uses. The patrons and occupants will continue to contribute to the customer base for this use.

D) Nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

This is solely an ownership change. The continued use will comply with all health, safety, and building code requirements of a full service restaurant.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

This is solely an ownership change. The continued use is consistent with the provisions of Section 11.30, particularly paragraph (d) which emphasizes the priority of "will attract patrons primarily from walk in trade as opposed to drive in or automobile related trade."

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



Blueprint Strategies
A Division of TSG Consulting, LLC
279 East Central Street, #252
Franklin, MA 02038
508-969-1314
info@sweetgroupllc.com

May 15, 2023

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

**RE: Special Permit Application - 61 Church Street
Beantown Donuts LLC**

Dear Members of the Zoning Board of Appeals:

On behalf of my client Beantown Donuts LLC, please accept this application for a Special Permit. This application reflects a change of ownership with no other building or operational changes for the existing 61 Church Street Dunkin' Donuts location.

The Petitioner Mark Pesce, Owner/Manager of Beantown Donuts LLC a subsidiary of The Pesce Network actively runs over 40 Dunkin' locations in the MetroWest and Greater Boston area, as well as The Needham General Store. Mr. Pesce and his wife Megan Pesce run their businesses with a truly family-owned and hands-on mindset. Their passion for exceptional customer service, incredible employees and clean/sanitary stores is seen throughout their business locations. The enclosed Attachment B further details the Petitioner's extensive experience as an owner/operator.

The 61 Church Street location is managed by the Petitioner who currently operates several Dunkin' Donuts locations including; 1 Broadway, 808 Memorial Drive, 1001 Massachusetts Ave and 65 JFK Street locations. The Petitioner proposes to maintain the current operating hours and has been issued applicable permits by the Cambridge ISD-Health Division upon completion of a comprehensive plan review and change of ownership inspection.

It is respectfully submitted that the current site presents an appropriate use within the BA (Harvard Square) Zoning District and will continue to benefit, and serve the commercial and residential neighborhood. Considering these factors, we kindly request that the requested relief be granted.

Sincerely yours,
Blueprint Strategies

A handwritten signature in black ink that reads 'Bridget Sweet'.

Bridget L. Sweet, LP.D.
President & Principal Consultant
Consultant/Agent for Beantown Donuts LLC

cc: Mark Pesce, Owner/Manager
Beantown Donuts, LLC

E-Mail Address: brandi@acmdonuts.com

Date: _____

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Mark Pesce, Owner

Present Use/Occupancy: Dunkin' Donuts (Fast Order or Quick-Service Food)

Location: 61 Church St., Cambridge, MA

Zone: Business A Zone - Harvard Square Overlay District

Phone: 978-206-2469

Requested Use/Occupancy: Dunkin' Donuts (Fast Order or Quick-Service Food)

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		10464	10464	6269	(max.)
<u>LOT AREA:</u>		6269	6269	none	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		1.6	1.6	1.0	
<u>LOT AREA OF EACH DWELLING UNIT</u>		n/a	n/a	n/a	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	n/a	no change	n/a	
	<u>DEPTH</u>	n/a	no change	n/a	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	0	no change	0	
	<u>REAR</u>	0	no change	0	
	<u>LEFT SIDE</u>	0	no change	0	
	<u>RIGHT SIDE</u>	0	no change	0	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	35	no change	35	
	<u>WIDTH</u>	-	no change	-	
	<u>LENGTH</u>	-	no change	-	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		0	no change	0	
<u>NO. OF DWELLING UNITS:</u>		3	no change	n/a	
<u>NO. OF PARKING SPACES:</u>		no change	no change	n/a	
<u>NO. OF LOADING AREAS:</u>		0	0	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		n/a	n/a	n/a	

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.:

n/a

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.

DUNKIN'

61 CHURCH STREET
CAMBRIDGE, MASSACHUSETTS 02138
MIDDLESEX COUNTY

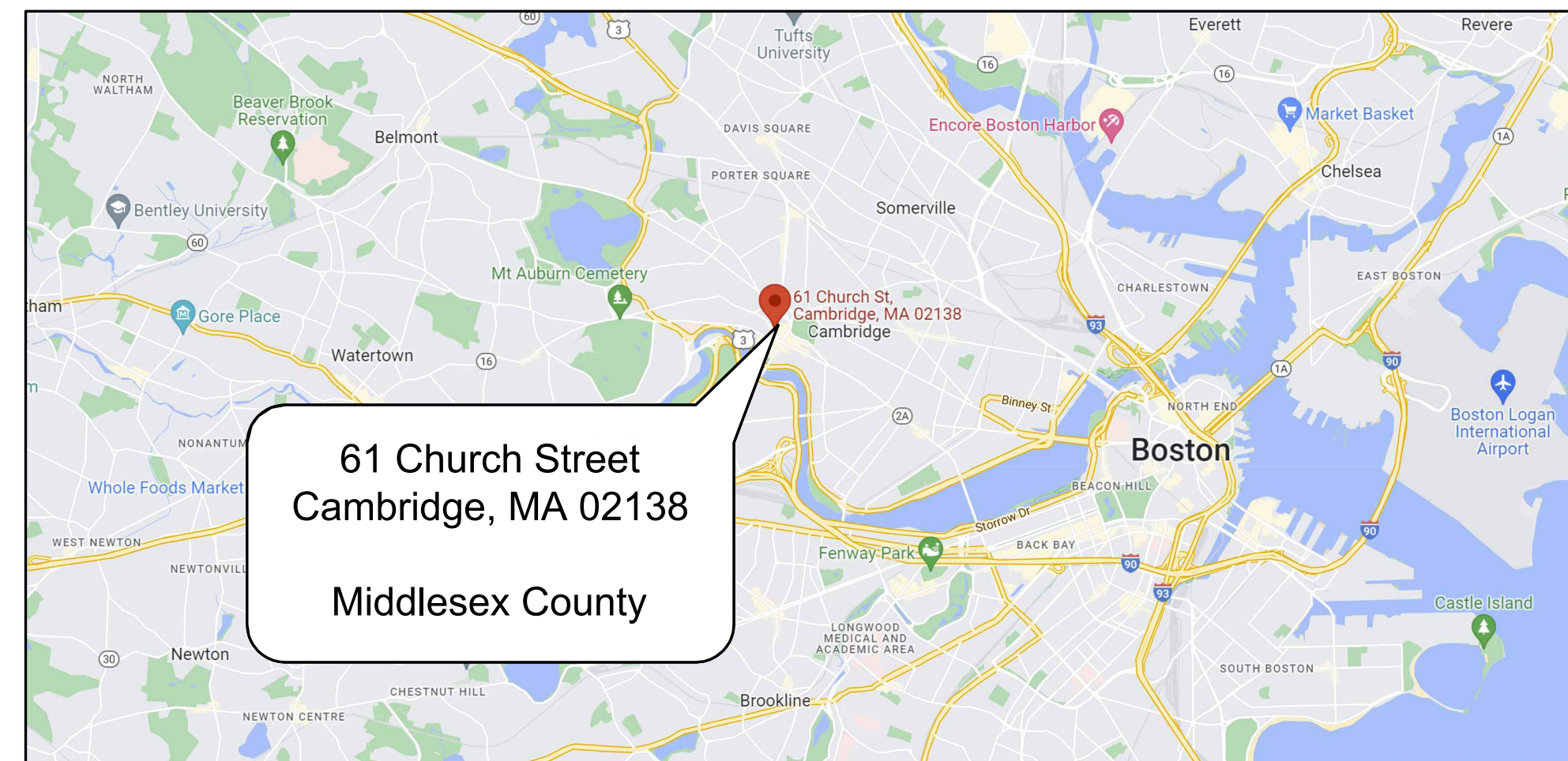
Project
Design by:



**AHARONIAN
& ASSOCIATES INC.**
ARCHITECTS

310 George Washington Highway
Suite 100
Smithfield, Rhode Island
02917
T 401-232-5010
F 401-232-5080
WWW.ARCH-ENG.COM

JUNE 03, 2022
FOR CONSTRUCTION



INDEX OF DRAWINGS

DWG NO	DESCRIPTION
A0.1	ADMINISTRATIVE REQUIREMENTS, SCHEDULE OF RESPON., EGRESS & OCCUPANCY DIAGRAMS
A1.1	DEMOLITION & FLOOR PLANS
A2.1	INTERIOR ELEVATIONS & DETAILS
A2.2	MASTER FINISH SCHEDULES
A2.3	MASTER FINISH SCHEDULES
A2.4	NATIONAL ACCOUNTS
K1.1	EQUIPMENT PLANS & SCHEDULE
P1.1	PLUMBING PLAN, SCHEDULE & DETAILS
E0.1	GENERAL ELECTRICAL NOTES
E1.1	POWER & POS COMMUNICATIONS PLANS & DETAILS

ABBREVIATION INDEX

#	AND	EXIST	EXISTING	NTS	NOT TO SCALE	SQ	SQUARE
@	AT	EXT	EXTERIOR	OA	OVERALL	SS	STAINLESS STEEL
A/C	AIR CONDITIONING	FCB	FIBER CEMENT BD	OC	ON CENTER	STD	STANDARD
AF	ABOVE FLOOR	FD	FLOOR DRAIN	OCH	ON CENTER	STL	STEEL
ALUM	ALUMINUM	FIN	FINISH		HORIZONTALLY	STRUCT	STRUCTURAL
ALT	ALTERNATE	FL	FLOOR	OCV	ON CENTER	SUSP	SUSPENDED
APPROX	APPROXIMATE	FO	FACE OF	OD	OUTSIDE DIAMETER	TBD	TO BE DETERMINED
BD	BOARD	FR	FIRE RETARDANT	OPNG	OPENING	TEL	TELEPHONE
BS	BELOW GRADE	FT	FOOT	OPT	OPTIONAL	THK	THICK
BLDG	BUILDING	FURN	FURNITURE	FL	PLATE	THRU	THROUGH
BM	BEAM	GA	GAUGE	FL	PLASTIC LAMINATE	TOP	TOP OF PLATE
BSMT	BASEMENT	GALV	GALVANIZED	PLUMB	PLYWOOD	TOS	TOP OF STEEL
BTWN	BETWEEN	GYP BD	GYP SUM BOARD	PLYMD	PLYWOOD	TOSL	TOP OF SLAB
BOT	BOTTOM	HDWD	HARDWOOD	FR	PAIR	TRT	TREATED
C/L	CENTER LINE	HDR	HEADER	PROP	PROPERTY	TYP	TYPICAL
CT	CERAMIC TILE	HM	HOLLOW METAL	PSF	PER SQUARE FOOT	UNO	UNLESS NOTED OTHERWISE
CLG	CEILING	HORIZ	HORIZONTAL	PSI	PER SQUARE INCH	VB	VINYL BASE
CLO	CLOSET	HGT	HEIGHT	PT	PRESSURE TREATED	VCT	VINYL COMPOSITION TILE
CM	CONSTRUCTION MGR	ID	INSIDE DIAMETER	PTD	PAINTED	VERT	VERTICAL
CMU	CONC MASONRY UNIT	INSUL	INSULATION	PVC	POLY VINYL CHLORIDE	VIF	VERIFY IN FIELD
COL	COLUMN	INT	INTERIOR	QTY	QUANTITY	VAC	VINYL WALL COVERING
CONC	CONCRETE	JT	JOINT	RAD	RADIUS	W/	WITH
CONT	CONTINUOUS	KIT	KITCHEN	REF	REFRIGERATOR	WC	WATER CLOSET
CONST	CONSTRUCTION	LAM	LAMINATE	REIN	REINFORCING	WD	WOOD
DEPT	DEPARTMENT	LAV	LAVATORY	REV	REVISION	W/O	WITHOUT
DTL	DETAIL	LT	LIGHT	REQD	REQUIRED	WP	WATERPROOFING
DIA/Ø	DIAMETER	MAS	MASONRY	RES	RESILIENT	WT	WEIGHT
DIM	DIMENSION	MAX	MAXIMUM	RM	ROOM	WAF	WELDED WIRE FABRIC
DISP	DISPENSER	MECH	MECHANICAL	RO	ROUGH OPENING		
DN	DOWN	MTL	METAL	SCHED	SCHEDULE		
DR	DOOR	MANUF	MANUFACTURER	SEC	SECTION		
DS	DOWNSPOUT	MIN	MINIMUM	SF	SQUARE FOOT		
DWG	DRAWING	MISC	MISCELLANEOUS	SHT	SHEET		
EA	EACH	MO	MASONRY OPENING	SIM	SIMILAR		
EL	ELEVATION	MTD	MOUNTED	SPEC	SPECIFICATION		
ELEC	ELECTRICAL	NIC	NOT IN CONTRACT				
EQ	EQUAL	NO	NUMBER				
EQUIP	EQUIPMENT	NOM	NOMINAL				
ETR	EXIST TO REMAIN						

DUNKIN' BRANDS REVIEW FOR DESIGN CONFORMANCE ONLY

APPROVAL FOR THESE PLANS BY DUNKIN' DONUTS DOES NOT IMPLY THAT DUNKIN' BRANDS HAS REVIEWED THEM FOR CONFORMITY TO APPLICABLE CODES OR REGULATIONS.

- APPROVED
- APPROVED AS NOTED:
Submit Record Copy for Archives
- DISAPPROVED AS NOTED:
Revise and Resubmit
- INCOMPLETE INFORMATION:
Add requested information and resubmit

DUNKIN' BRANDS Construction Manager DATE

PC

350103

FRANCHISEE

DAVID CARVALHO
RIVERSIDE MANAGEMENT GROUP LLC
414 MAIN STREET
WATERTOWN, MA 02472
OFFICE: (617) 972-6100
EMAIL: dave@rmg-llc.com

CONSTRUCTION MANAGER

MEAGEN HENDRICKS
CELL: (401) 254-7698
EMAIL: Mhendricks@inspirebrands.com

DUNKIN' BRANDS DATA

IMAGE TYPE:
NEXTGEN IMAGE: WARM PALETTE

STORE DIMENSIONS:

SERVICE AREA: 270 NET SF ±
SALES AREA: 232 NET SF ±
BACK ROOM: 634 NET SF ±
OFFICE: 36 NET SF ±
RESTROOM: 40 NET SF ±
WALK-IN BOX: 120 NET SF ±

TOTAL: 1337 NET SF ±

RESTROOMS:

OF RESTROOMS: 1
PUBLIC ACCESS: N
HANDICAP ACCESSIBLE: Y

SEATING:

APPLICABLE: N

DRIVE-THRU:

APPLICABLE: N

PER 248 CMR: BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS, SECTION 10.10 PLUMBING FIXTURES, (1) EMPLOYEE TOILET FACILITIES FOR (NON-INDUSTRIAL) ESTABLISHMENTS, NUMBER 4, WHERE A FACILITY CAN ACCOMMODATE AT ANY ONE TIME IS 20 INDIVIDUALS, AND THE TOTAL GROSS SPACE IS LESS THAN 2,000 SQUARE FEET, ONE TOILET ROOM MAY BE LOCATED WITHIN THE ESTABLISHMENT.

PER 2015 IBC, 2402.3 EXCEPTION 2: STRUCTURES AND TENANT SPACES INTENDED FOR QUICK TRANSACTIONS, INCLUDING TAKEOUT, PICKUP AND DROP-OFF, HAVING A PUBLIC ACCESS AREA LESS THAN OR EQUAL TO 300 SQUARE FEET, DO NOT NEED A PUBLIC RESTROOM.

PLEASE REFER TO CODE SECTIONS DESCRIBED ABOVE FOR ENTIRE DESCRIPTION OF CODES.

PROJECT DATA

CODES, RULES, REGULATIONS

FEDERAL, STATE AND MUNICIPAL LAWS

CAMBRIDGE, MASSACHUSETTS RULES AND/OR REGULATIONS

INTERNATIONAL EXISTING BUILDING CODE 2015 W/ MASSACHUSETTS STATE BUILDING CODE 180 CMR, 9TH EDITION AMENDMENTS.

ALTERATION LEVEL: 1

MASSACHUSETTS STATE PLUMBING AND GAS CODE; 248 CMR

MASSACHUSETTS STATE ELECTRIC CODE 521 CMR

INTERNATIONAL FIRE CODE 2015 W/ MASSACHUSETTS FIRE PREVENTION CODE 527 CMR

ARCHITECTURAL ACCESS REGULATIONS; 521 CMR

ANY PREVAILING RULES, REGULATIONS PERTAINING TO ADEQUATE PROTECTION AND/OR GUARDING OF ANY MOVING PARTS OR OTHERWISE HAZARDOUS LOCATIONS.

ALL CONTRACTORS AND SUBCONTRACTORS SHALL COMPLY WITH REQUIREMENTS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 OR REVISIONS THERETO, WHICH ARE APPLICABLE DURING THE TERM OF THIS CONTRACT AND HOLD THE OWNER AND/OR HIS/HER AGENTS HARMLESS FROM ANY CLAIM OR LOSS THAT MAY RESULT FROM VIOLATIONS OF OR CLAIMS UNDER THIS ACT.

BUILDING CODE DESIGN CRITERIA

DD USE GROUP:
(EXISTING) BUSINESS (B)
PROPOSED: NO CHANGE

DD CONSTRUCTION TYPE:
(EXISTING) ASSUMED TYPE 2B

DD AREA:
EXISTING TO REMAIN: 1,467± GROSS SF
(702± GROSS SF GROUND FLOOR + 765± GROSS SF BASEMENT)

DD OCCUPANT LOAD:
(SEE A0.1 FOR OCCUPANCY DIAGRAM)

STANDING AREA (PUBLIC)
54± / 5 N = 12 OCCUPANTS

KITCHEN AREA (NON PUBLIC)
240± / 200 G = 2 OCCUPANTS

UTILITY/STORAGE (NON PUBLIC)
130± GROUND FLOOR +
70± BASEMENT =
200± / 300 G = 3 OCCUPANTS

OFFICE (NON PUBLIC)
40± / 100 G = 1 OCCUPANT

TOTAL DD OCCUPANT LOAD = 18

LENGTH OF EXIT ACCESS TRAVEL:
200' MAXIMUM W/O SPRINKLER SYSTEM (GROUND FLOOR)
250' MAXIMUM W/ SPRINKLER SYSTEM (BASEMENT)

SPRINKLER SYSTEM:
EXISTING TO REMAIN

FIRE ALARM SYSTEM:
EXISTING TO REMAIN

DD HEATING/COOLING:
EXISTING TO REMAIN

DD ELECTRICAL SYSTEM:
EXISTING TO REMAIN

GRAPHIC SYMBOLS

	INTERIOR ELEVATION NUMBER/SHEET		KEYED PLAN NOTES
	SECTION OR DETAIL KEY NUMBER/SHEET		ROOM NAME ROOM NUMBER
	DETAIL KEY		FINISH NUMBER
	DOOR TYPE		EQUIPMENT TAG
	ETR CONSTRUCTION		PARTITION TYPE
	EXIST CONSTRUCTION TO BE REMOVED		AREAS NOT IN SCOPE
	NEW PARTITION		SLAB DEMO/INFILL

ADA STATEMENT

I HEREBY CERTIFY THAT THE PLANS AND DRAWINGS FOR THIS PROJECT WERE DRAWN IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL LAWS, INCLUDING, BUT NOT LIMITED TO, THE AMERICANS WITH DISABILITIES ACT (THE "ADA"), THE ADA ACCESSIBILITY GUIDELINES AND ANY STATE OR LOCAL ACCESSIBILITY CODES, REGULATIONS, OR STANDARDS

ARCHITECT'S SIGNATURE HERE

DATE



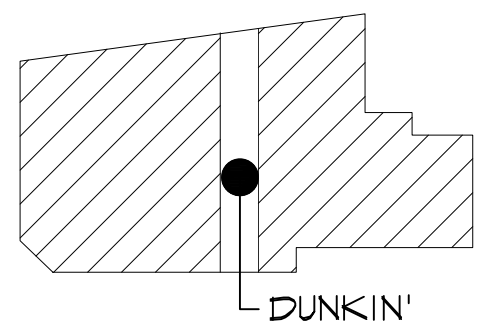
AHARONIAN & ASSOCIATES INC. ARCHITECTS

310 George Washington Highway Suite 100 Smithfield, Rhode Island 02917

T 401-232-5010 F 401-232-5080 WWW.ARCH-ENG.COM

DISCLAIMER

OWNERSHIP AND USE OF DOCUMENTS, DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT...



KEYPLAN

REVISIONS

Table with 3 columns: NUMBER, REMARKS, DATE

FOR CONSTRUCTION

PROJECT TITLE

DUNKIN' logo

PC# 350183 IMAGE: NEXTGEN WARM PALETTE

61 CHURCH STREET CAMBRIDGE, MA 02138 Middlesex County

DRAWING TITLE

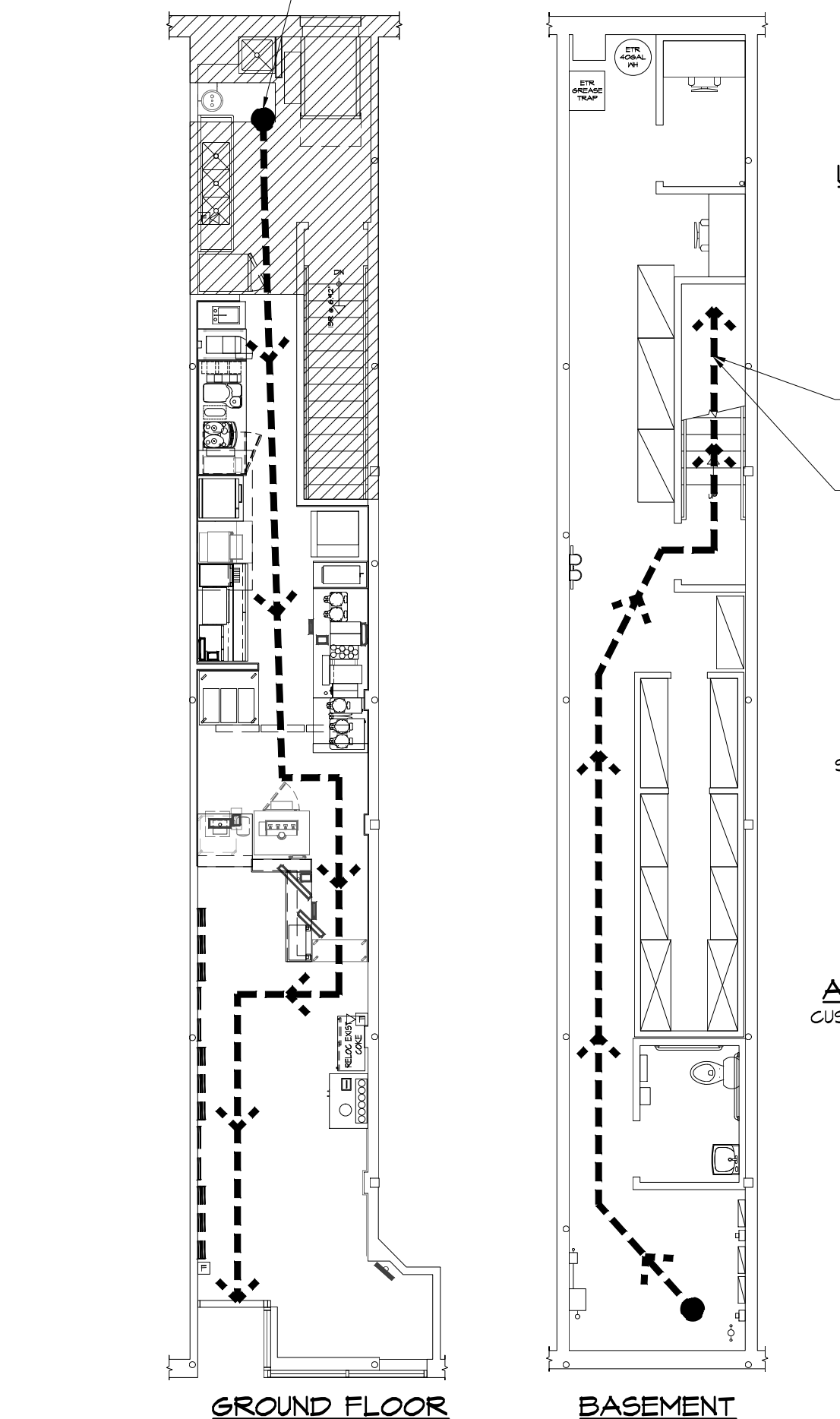
ADMINISTRATIVE REQUIREMENTS, SCHEDULE OF RESPONSIBILITY, EGRESS & OCCUPANCY DIAGRAMS

Table with 2 columns: DATE, PROJ NO

DRAWING NUMBER

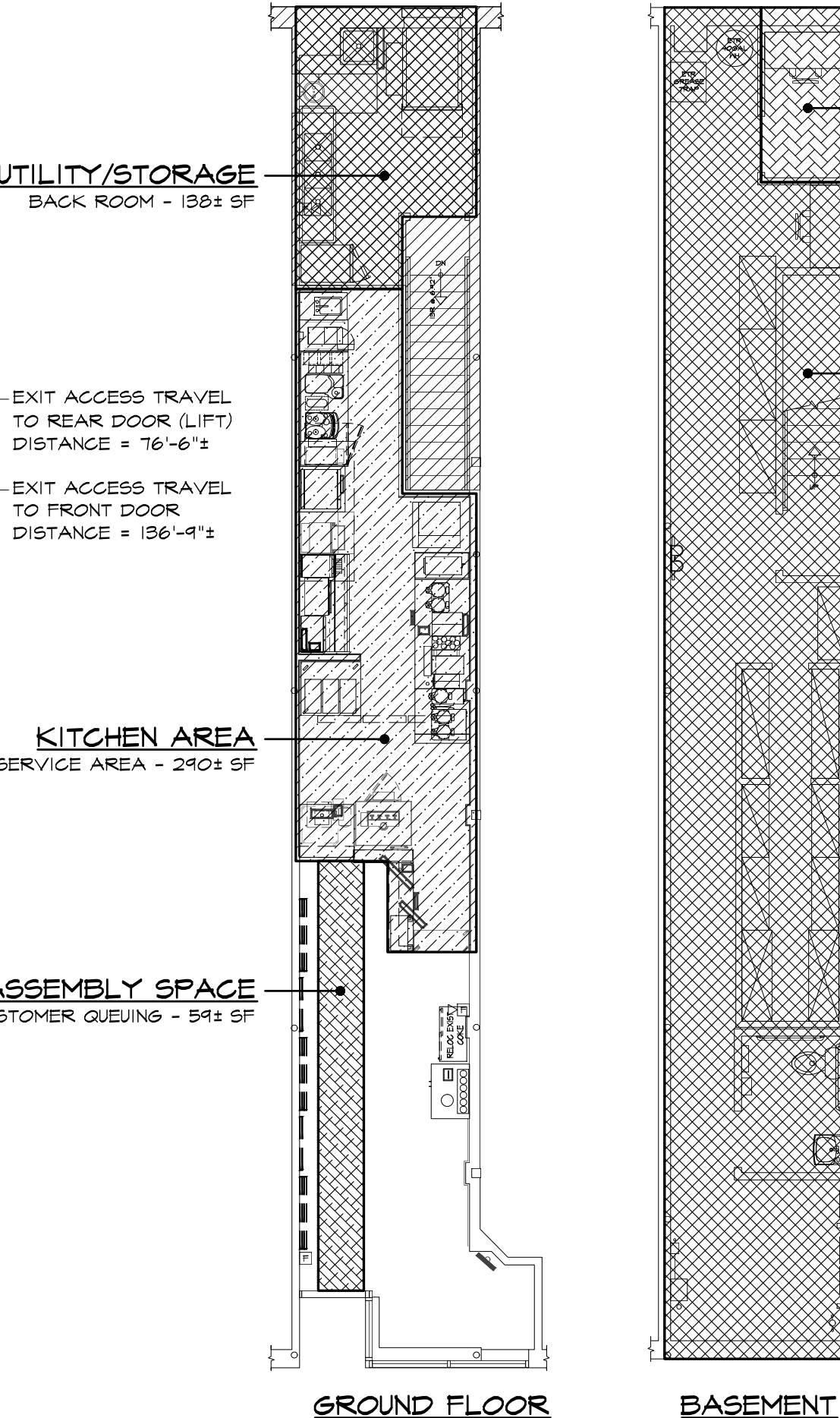
A0.1

GROUND FLOOR, MAX DISTANCE FOR 1 EXIT w/o SPRINKLER SYSTEM = 100 FT



2 EGRESS DIAGRAMS SCALE: 1/8" = 1'-0"

BASEMENT, MAX DISTANCE FOR 2 EXITS w/ SPRINKLER SYSTEM = 250 FT



1 OCCUPANCY DIAGRAMS SCALE: 1/8" = 1'-0"

UTILITY/STORAGE BACK ROOM - 136± SF

EXIT ACCESS TRAVEL TO REAR DOOR (LIFT) DISTANCE = 76'-6"±

EXIT ACCESS TRAVEL TO FRONT DOOR DISTANCE = 136'-4"±

KITCHEN AREA SERVICE AREA - 290± SF

ASSEMBLY SPACE CUSTOMER QUEUING - 54± SF

OFFICE 48± SF

UTILITY/STORAGE BACK ROOM - 118± SF

SCHEDULE OF RESPONSIBILITY

ALL WORK SHALL BE PROVIDED (SUPPLIED & INSTALLED) BY THE DUNKIN' DONUTS GC UNLESS OTHERWISE NOTED IN THIS SCHEDULE OR ELSEWHERE IN THE DRAWINGS.

Table with 5 columns: DIVISION ITEM, SUPPLIED BY, INSTALLED BY, M-E-P ROUGH-INS, FINAL M-E-P CONNECTIONS

** CONFIRM DMB WIRING CONNECTION RESPONSIBILITIES w/ OWNER - SEE THE ELECTRICAL DRAWINGS

01005 - ADMINISTRATIVE REQUIREMENTS

- 01005-1: REFERENCE
01005-2: SECTION INCLUDES
01005-3: CODES, RULES, REGULATIONS
01005-4: CONTRACTOR USE OF PREMISES
01005-5: TEMPORARY FACILITIES
01005-6: COORDINATION
01005-7: NOT USED
01005-8: EXISTING UTILITIES
01005-9: CONTRACTOR QUALITY ASSURANCE/CONTROL OF INSTALLATION

01005-10: DELIVERY, HANDLING AND STORAGE OF MATERIALS

- 01005-10: DELIVERY, HANDLING AND STORAGE OF MATERIALS
01005-11: PROTECTION OF INSTALLED WORK
01005-12: NOT USED
01005-13: NOT USED
01005-14: NOT USED
01005-15: SUBSTITUTIONS
01005-16: PROJECT CLOSEOUT

GENERAL NOTES

- 1) THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND INSPECTIONS NECESSARY TO INSURE ISSUANCE OF AN OCCUPANCY CERTIFICATE UPON COMPLETION OF THE WORK.
- 2) THE CONTRACTOR SHALL MAINTAIN ALL INSURANCE REQ'D BY THE OWNER AND/OR GOVERNMENTAL AUTHORITIES AND SHALL PROVIDE PROOF OF SUCH INSURANCE AS REQ'D.
- 3) ALL WORK SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, CITY OF CAMBRIDGE, MASSACHUSETTS REQUIREMENTS AND AS PUT FORTH IN THESE CONSTRUCTION DOCUMENTS. WHERE CONFLICTS OCCUR, THE MOST STRINGENT REQUIREMENTS SHALL BE MET.
- 4) THE CONTRACTOR SHALL BE RESPONSIBLE FOR BRACING ALL WORK DURING CONSTRUCTION.
- 5) THE DRAWINGS MAY NOT BE TO SCALE. SEE PLANS AND DETAILS FOR DIMENSIONS.
- 6) ALL EXTERIOR DIMENSIONS SHOWN ARE TO THE FACE OF FRAMING. ALL INTERIOR DIMENSIONS SHOWN ARE TO THE FACE OF SUBSTRATE.
- 7) THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS BEFORE COMMENCING CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING.
- 8) THE CONTRACTOR SHALL ANCHOR WALL MOUNTED EQUIPMENT AND ACCESSORIES TO EXISTING WALLS AS REQ'D FOR PROPER SUPPORT. PROVIDE BLOCKING AS REQ'D.
- 4) LEVEL OF GYP BD FINISH PER MATERIAL:
UNDER WALL COVERING: 4
UNDER PAINT: 5
- 10) NOTHING IN THE SPECIFICATIONS OR DRAWINGS SHALL BE CONSTRUED TO ALLOW WORK NOT IN ACCORDANCE WITH THE CODES' REQUIREMENTS. WHEN REQUIREMENTS SHOWN OR SPECIFIED ARE LESS THAN THOSE DICTATED IN THE CODE, THE CONTRACTOR SHALL FURNISH AND/OR INSTALL THE LARGER SIZE OR HIGHER STANDARD WITHOUT EXTRA COST TO THE OWNER.
- 11) "PROVIDE" SHALL MEAN TO "SUPPLY & INSTALL".
- 12) ALL MATERIALS USED IN THE CONSTRUCTION OF THIS PROJECT SHALL BE CLASSIFIED AS NONCOMBUSTIBLE PER THE STATE BUILDING CODE WHETHER SO INDICATED ON THE DWGS OR NOT.

FIRE RATED CONSTRUCTION NOTES:

- 1) SEAL ALL PENETRATIONS THROUGH ANY FIRE RATED CONSTRUCTION W/ FIRE CAULKING. TYPICAL FOR FIRE RATED PARTITIONS & FLOOR/CEILING CONSTRUCTION.

EXTERIOR NOTES

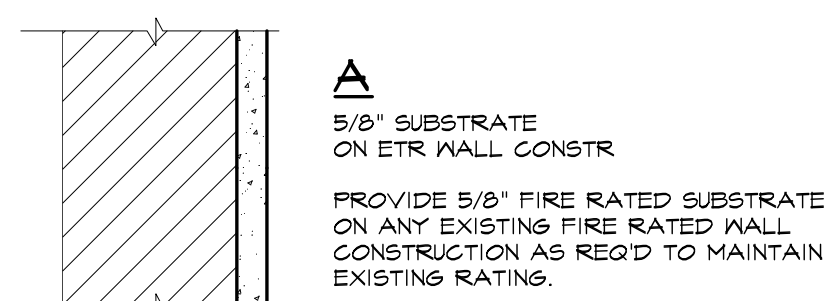
- 1) EXISTING BUILDING SIGN & AWNING WORK TO BE UNDER SEPARATE PERMIT WITH SIGN VENDOR & IS NOT PART OF THESE DOCUMENTS.

KEYED PLAN NOTES

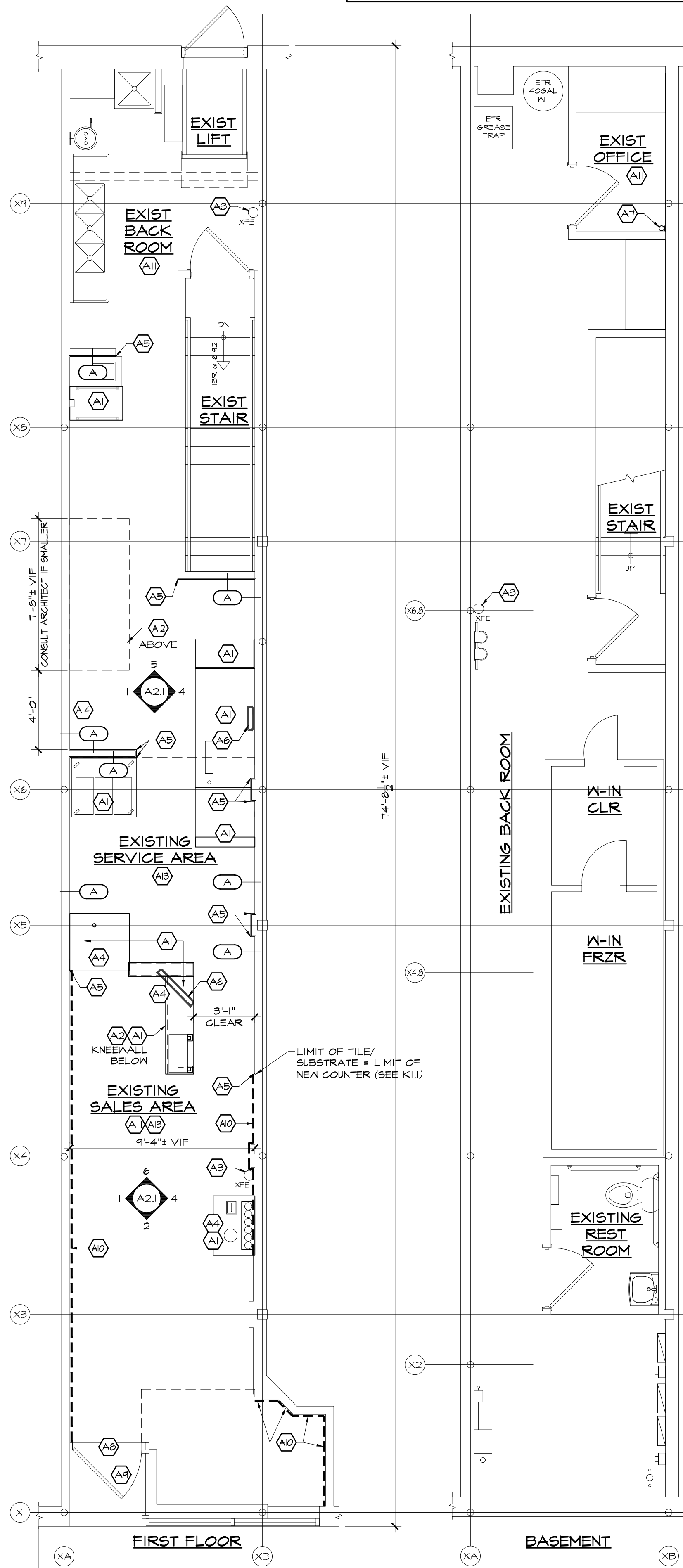
- A1) MILLWORK & EQUIPMENT EXIST OR PROVIDED BY OTHERS. SEE K1.1.
- A2) MILLWORK SUPPLIER SHALL PROVIDE ACCESS FOR UTILITIES & CLEANING AT ALL FRONT LINE MILLWORK.
- A3) VERIFY LOCATIONS & FUNCTION OF EXISTING FIRE EXTINGUISHERS IN FIELD. IF NONE EXIST OR ARE INOPERABLE, PROVIDE TYPE ABC FIRE EXTINGUISHER MOUNTED AT 4'-0" AT FROM TOP BY GC. COORDINATE ALL FINAL LOCATIONS & QUANTITY WITH LOCAL FIRE DEPT.
- A4) HANDICAP ACCESSIBLE COUNTERS SHALL BE MAX 34" AF.
- A5) PROVIDE CLEAR ANODIZED ALUM EDGE TRIM (SCHLUTER "JOLLY") FOR FULL HEIGHT OF WALL @ EXTERNAL TILE CORNERS & ALL LOCATIONS WHERE TILE ENDS. SEE 9/A2.1.
- A6) PROVIDE BLOCKING IN WALL/CEILING AT VDU MOUNTING LOCATIONS - SEE ELEC DWGS - TYP.
- A7) "PLAN TUBE" MOUNTED ON WALL. COORD FINAL LOCATION IN FIELD W/ FRANCHISEE. SEE 9/A2.1.
- A8) VERIFY EXIST THRESHOLD IS ADA COMPLIANT. PROVIDE ADA COMPLIANT ALUMINUM THRESHOLD WITH DOOR BOTTOM SWEEP IF REQ'D.
- A9) PROVIDE NEXTGEN DOOR PULL - SEE NATIONAL ACCOUNTS FOR INFORMATION.
- A10) EXTENT OF CHAIR RAIL INDICATED BY - - - - - SEE 7/A2.1.
- A11) PATCH WALL SUBSTRATE & FINISHES (IF APPLICABLE) TO MATCH & ALIGN W/ EXISTING ADJACENT IN ALL AREAS OF DEMOLITION AS REQ'D.
- A12) RELOCATE EXHAUST HOOD AS SHOWN TO COVER TOASTER & CONVECTION OVENS. CONNECT/EXTEND TO EXISTING DUCTWORK ABOVE CEILING.
- A13) REPAIR / REPLACE ANY DAMAGED FLOOR AND/OR CEILING FINISHES TO MATCH EXISTING. CLEAN ALL EXISTING FINISHES VISIBLE TO THE PUBLIC TO LIKE-NEW CONDITION.
- A14) MAINTAIN EXISTING BLOCKING AT ETR VDU LOCATION.

PARTITION TYPES

- NOTES:**
- 1) WALL SUBSTRATES ARE AS FOLLOWS:
EXIST SERVICE AREA, & EXIST BACK ROOM:
5/8" DUROCK CEMENT BOARD
EXIST SALES AREAS:
5/8" GYP BOARD - SEE GEN. NOTE #4
 - 2) ALL WOOD IN CONTACT W/ CONCRETE SHALL BE PRESERVATIVE PRESSURE TREATED.
 - 3) CONTRACTOR'S OPTION. GC MAY USE 3-5/8"x20GA METAL STUDS IN LIEU OF 2x4 WOOD STUDS.



NOTE:
UNO - LIMIT OF NEW WALL TILE & SUBSTRATE = LIMIT OF DEMOLISHED (EXISTING) WALL TILE & SUBSTRATE



2 FLOOR PLANS
SCALE: 1/4" = 1'-0"

GENERAL DEMOLITION NOTES

- PROTECTION**
- 1) ALL RULES AND REGULATIONS GOVERNING THE RESPECTIVE UTILITIES SHALL BE OBSERVED IN EXECUTING ALL WORK UNDER THIS SECTION. ALL WORK SHALL BE EXECUTED IN SUCH A MANNER AS TO PREVENT ANY DAMAGE TO THE EXISTING BUILDING, SERVICE UTILITY LINES AND STRUCTURES.
 - 2) THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR DAMAGES TO THE EXISTING BUILDING AS WELL AS ADJOINING PRIVATE SPACES AND PROPERTY CAUSED BY HIS SUBCONTRACTOR'S EQUIPMENT AND PERSONNEL.
 - 3) PERFORM THE WORK IN SUCH A MANNER AS TO CAUSE NO INTERFERENCE WITH ACCESS BY THIS SUBCONTRACTOR OR OTHER CONTRACTORS TO ALL PORTIONS OF THE BUILDING AS NECESSARY FOR THE NORMAL CONDUCT OF THEIR WORK.
 - 4) THE CONTRACTOR SHALL NOT COMMENCE WORK UNTIL ITEMS SCHEDULED TO REMAIN HAVE BEEN ADEQUATELY PROTECTED. TAKE ALL POSSIBLE PRECAUTIONS TO AVOID DAMAGING THOSE ITEMS WHICH HAVE BEEN SPECIFIED BY THE OWNER TO BE SALVAGED AND/OR STOCKPILED.
 - 5) WALK-IN BOXES TO REMAIN FULLY OPERATIONAL THROUGHOUT DURATION OF PROJECT.
- PREPARATION**
- 1) NOTIFY ALL CORPORATIONS, COMPANIES, INDIVIDUALS OR LOCAL AUTHORITIES OWNING OR HAVING JURISDICTION OVER UTILITIES RUNNING TO, THROUGH OR ACROSS AREAS TO BE DISTURBED BY DEMOLITION OPERATIONS.
 - 2) HAVE ALL UTILITY SERVICES NOT OTHERWISE DESIGNATED TO BE DISCONNECTED BY THE CONTRACTOR, DISCONNECTED AT SERVICE MAINS BY THE GOVERNING UTILITY INVOLVED, UNLESS OTHERWISE SHOWN ON THE DRAWINGS OR DIRECTED BY THE ARCHITECT.
- DEMOLITION**
- 1) DEMOLISH DESIGNATED EXISTING FEATURES ABOVE AND BELOW FLOOR LEVELS, WITHIN THE CONTRACT LIMIT LINES, AS NOTED TO PREPARE THE BUILDING FOR ALL OTHER WORK AS SPECIFIED OR AS SHOWN ON THE DRAWINGS AND AS ORDERED BY THE ARCHITECT.
 - 2) COMPLY WITH ALL STATE OF MASSACHUSETTS DEPARTMENT OF HEALTH STANDARDS DURING DEMOLITION OPERATIONS.
 - 3) REMOVE AND SALVAGE MATERIAL REQ'D FOR LATER REUSE AS SHOWN ON THE DRAWINGS AND AS DIRECTED BY THE ARCHITECT.
 - 4) REMOVE AND DISPOSE OF ALL UNSUITABLE MATERIAL OFF SITE. THE OWNER SHALL HAVE RIGHT OF FIRST REFUSAL FOR ALL MATERIALS. REMOVE ANY STOCKPILED MATERIAL DEEMED SURPLUS BY THE ARCHITECT AT NO ADDITIONAL COST TO THE OWNER.
 - 5) REFER TO KEYED DEMOLITION NOTES AND THE DEMOLITION FLOOR PLAN FOR FURTHER CLARIFICATION OF ITEMS SCHEDULED FOR DEMOLITION.
- DISPOSAL AND CLEAN UP**
- 1) PROMPTLY REMOVE ANY DEMOLITION DEBRIS OR SIMILAR MATERIAL, KEEPING THE AREA CLEAN AT ALL TIMES.
 - 2) DEMOLISHED MATERIAL
- A) ALL DEMOLISHED MATERIAL DECLARED UNSUITABLE BY THE ARCHITECT SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE LEGALLY DISPOSED OF OFF THE PREMISES, UNLESS OTHERWISE INDICATED OR SPECIFIED.
 - B) KEEP ALL EXITS, PUBLIC WAYS AND EGRESS PASSAGEWAYS CLEAR OF ALL DEBRIS AT ALL TIMES.
 - 3) PREMISES: LEAVE THE PREMISES IN A SAFE, CLEAN AND RELATIVELY ORDERLY CONDITION UPON COMPLETION OF WORK.

LEGEND
ALL ITEMS SHOWN DASHED - - - ARE TO BE REMOVED

FLOOR DEMO NOTES

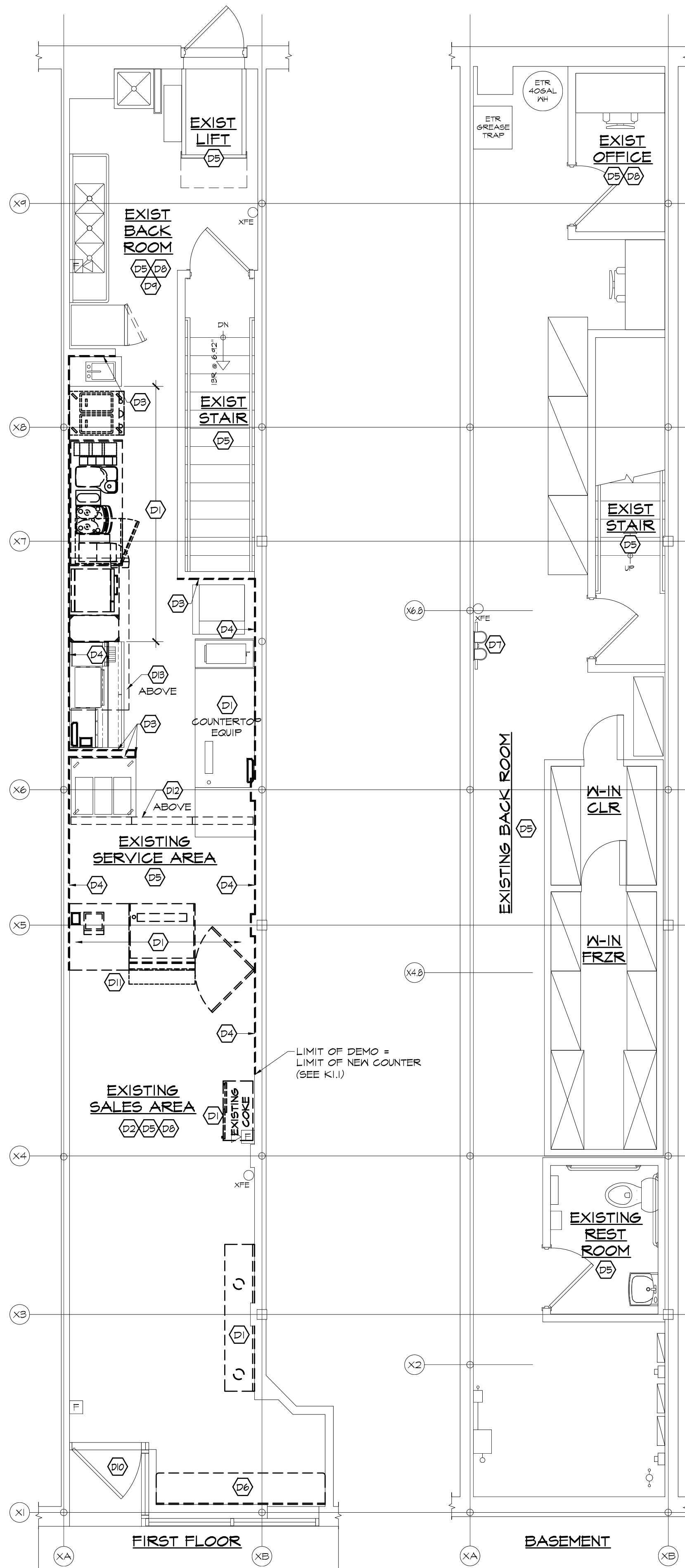
- D1) REMOVE MILLWORK, COUNTERTOPS, EQUIPMENT & ALL RELATED ACCESSORIES AS SHOWN. SOME EQUIPMENT MAY BE SALVAGED & REUSED IN NEW LAYOUT AT FRANCHISEE'S DISCRETION. CUT & CAP ELECTRICAL, WASTE AND/OR WATER LINES AS REQ'D TO RECEIVE NEW WORK.
- D2) REMOVE ALL WALL FINISHES, WALL PAPER, CHAIR RAIL & WALL MOUNTED EQUIPMENT. SALVAGE WALL MOUNTED EQUIPMENT FOR REINSTALLATION IN NEW LAYOUT. WOOD WINDOW SILLS TO REMAIN. REMOVE ANY DAMAGED WOOD SILLS / TRIM AS REQ'D.
- D3) REMOVE TILE WALL FINISH TILE WALL BASE & SUBSTRATE BACK TO ETR STUDS. SALVAGE ANY WALL MOUNTED EQUIPMENT FOR REINSTALLATION IN NEW LAYOUT.
- D4) REMOVE TILE WALL FINISH TILE WALL BASE & OUTER MOST LAYER OF SUBSTRATE @ TENANT DEMISING PARTITIONS. GC TO COORDINATE W/ EXISTING PARTITION CONSTRUCTION IN FIELD AS REQ'D.
- D5) FLOOR TILE & CEILING FINISHES TO REMAIN IN ALL AREAS (UNO).
- D6) REMOVE STANDING COUNTER.
- D7) CONSULT FRANCHISEE ON REMOVAL OF WATER FILTRATION SYSTEM. VERIFY REQUIREMENTS FROM WATER TEST RESULTS VS EXISTING SYSTEM. COORD W/ PLUMB DWGS.
- D8) CUT EXISTING WALLS AS REQ'D FOR ANY NEW PLUMB / ELEC. SEE PLUMB / ELEC DWGS.
- D9) CORE DRILL / PROVIDE FLOOR PENETRATIONS AS REQ'D FOR NEW PLUMBING WORK - VERIFY EXISTING DRAIN LOCATIONS IN FIELD PRIOR TO START OF WORK. SEE P1.1.
- D10) REMOVE "D" DOOR PULL.
- D11) ALL ELEC & WATER STUB UPS / CONDUITS TO REMAIN FOR REUSE. SEE P1.2, E1.1 & E1.2.
- D12) REMOVE DIGITAL MENU BOARDS, BRACKETS & ALL RELATED ACCESSORIES. MAINTAIN EXISTING SOFFIT & ELEC AS REQ'D.
- D13) REMOVE EXHAUST HOOD & ALL RELATED ACCESSORIES & SALVAGE FOR RELOCATION. DUCTWORK & EXHAUST FAN TO REMAIN FOR REUSE.

DIMENSION NOTE:

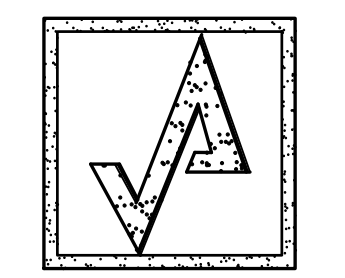
GC SHALL FIELD VERIFY ALL COLUMN GRID DIMENSIONS PRIOR TO START OF CONSTRUCTION & CONSULT W/ ARCHITECT IF DIFFERENT THAN SHOWN.

SPRINKLER SYSTEM NOTES

EXISTING TO REMAIN. VERIFY & MAINTAIN PROPER FUNCTION OF SYSTEM DURING CONSTRUCTION AND AT FINAL COMPLETION.



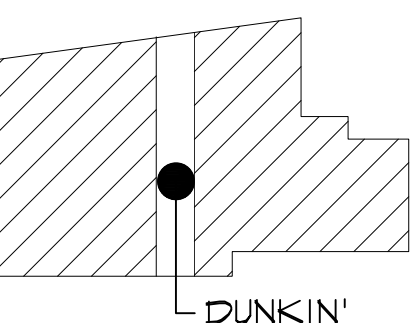
1 DEMOLITION FLOOR PLANS
SCALE: 1/4" = 1'-0"



AHARONIAN & ASSOCIATES INC.
ARCHITECTS
310 George Washington Highway
Suite 100
Smithfield, Rhode Island
0 2 9 1 7
T 401-232-5010
F 401-232-5080
WWW.ARCH-ENG.COM

DISCLAIMER

OWNERSHIP AND USE OF DOCUMENTS, DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECTS OR PURPOSES OR BY ANY OTHER PARTIES THAN THOSE PROPERLY AUTHORIZED BY CONTRACT WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF THE ARCHITECT.



KEYPLAN

REVISIONS		
NUMBER	REMARKS	DATE

FOR CONSTRUCTION

PROJECT TITLE
DUNKIN'
PC# 350183
IMAGE: NEXTGEN WARM PALETTE

61 CHURCH STREET
CAMBRIDGE, MA 02138
Middlesex County

DEMOLITION & FLOOR PLANS

DATE JUNE 03, 2022	PROJ NO 22099
DRAWN BY JB	CHECKED BY ECM

DRAWING NUMBER
A1.1



Dunkin' Donuts
61 Church Street
Cambridge, MA







Blueprint Strategies
A Division of TSG Consulting, LLC
279 East Central Street, #252
Franklin, MA 02038
508-969-1314
info@sweetgroupllc.com

May 15, 2023

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

**RE: Special Permit Application - 61 Church Street
Beantown Donuts LLC**

Dear Members of the Zoning Board of Appeals:

On behalf of my client Beantown Donuts LLC, please accept this application for a Special Permit. This application reflects a change of ownership with no other building or operational changes for the existing 61 Church Street Dunkin' Donuts location.

The Petitioner Mark Pesce, Owner/Manager of Beantown Donuts LLC a subsidiary of The Pesce Network actively runs over 40 Dunkin' locations in the MetroWest and Greater Boston area, as well as The Needham General Store. Mr. Pesce and his wife Megan Pesce run their businesses with a truly family-owned and hands-on mindset. Their passion for exceptional customer service, incredible employees and clean/sanitary stores is seen throughout their business locations. The enclosed Attachment B further details the Petitioner's extensive experience as an owner/operator.

The 61 Church Street location is managed by the Petitioner who currently operates several Dunkin' Donuts locations including; 1 Broadway, 808 Memorial Drive, 1001 Massachusetts Ave and 65 JFK Street locations. The Petitioner proposes to maintain the current operating hours and has been issued applicable permits by the Cambridge ISD-Health Division upon completion of a comprehensive plan review and change of ownership inspection.

It is respectfully submitted that the current site presents an appropriate use within the BA (Harvard Square) Zoning District and will continue to benefit, and serve the commercial and residential neighborhood. Considering these factors, we kindly request that the requested relief be granted.

Sincerely yours,
Blueprint Strategies

A handwritten signature in black ink that reads 'Bridget L. Sweet'.

Bridget L. Sweet, LP.D.
President & Principal Consultant
Consultant/Agent for Beantown Donuts LLC

cc: Mark Pesce, Owner/Manager
Beantown Donuts, LLC

Mark Pesce

299 Simon Willard Road

Concord, MA 01742

Attachment B

To Whom This May Concern:

My family opened its first Dunkin' in January of 1988, in the city of West Medford. As a high school and college student I worked daily in the business in all facets. From waiting on customers, and cutting donuts, making muffins and baked goods to help manage the location. My family built 4 other locations in Winchester and Woburn over the next 10 years.

In 1995, I moved to Orlando, Florida to be the Director of Operations of five Dunkin locations. I oversaw the operations of the 5 locations, the commissary kitchen that supplied 30 cafeterias to Disney, and was the bookkeeper for all billing.

In 1997, I was hired at Dunkin' corporate as a Business Consultant. I oversaw the relationship with hundreds of Dunkin's and Franchisee's. I supported their business through sales building tactics, people systems and business planning. Also supported new store openings and development.

In 2003, I joined 2 partners and open my first franchise in Concord, MA. Over the next 16 years my 2 partners and I developed 60 Dunkin' locations, 25 stores in Pennsylvania, 25 in Maine and 10 in Massachusetts. We also developed our real estate portfolio and purchased many of the locations.

In 2019, I purchased the 10 Massachusetts locations from my partners, and they purchased my ownership in Maine and Pennsylvania. By January of 2023 we will have over 40 locations. Today my wife Megan and I oversee our own company of Dunkin' Franchises and Commercial Real Estate portfolio. We take great pride in the operations of our restaurants and believe very deeply in the connection and partnerships with every community we do business. We partner with schools, local sports, business partnerships and many other local organizations. We have two boys Andrew 18 and Jack 15. Both work part time at the stores and play hockey and lacrosse in their high schools.

Further I sit on the New England Advertising committee and member of the Profitability Committee for Dunkin'. We are an incredibly hard-working family and passionate about Dunkin and our communities. Please email me at markpesce@gmail.com for any further information.

Sincerely,



Mark Pesce

MM&C

Marcovich, Mansour & Capobianco, LLC

CERTIFIED PUBLIC ACCOUNTANTS

February 3, 2023

To whom it may concern:

I am writing regarding my client and friend Mark Pesce of Concord, Massachusetts. I have been acquainted with Mark and his wife Megan for over four years. I currently serve as their accountant, both personally and for their businesses.

I have had the pleasure of seeing Mark grow his business organization to a network of almost 40 Dunkin' franchises, as well as an independently owned and operated general store and various real estate holdings. Mark is well known and respected in the Dunkin' franchise community, having worked in the business for over 30 years. In 2010, he and his former partners were named Dunkin' Donuts Operators of the Year at the Dunkin' Brands Franchisee & Enterprise Awards ceremony.

What sets Mark apart from the other Dunkin' franchisees that I am acquainted with (my firm represents over 700 Dunkin' units, owned by 45 individual franchise groups) is his passion for the business and his hands on approach to the operation of his network. Mark frequents his stores regularly and in a recent tour that I took with him to 7 of his store locations, I was amazed as to how he personally knew the name of each employee behind the counter. Mark's stores were all clean and well-run, and it is evident that his employees obviously share in his passion for the business, and respect his leadership.

The majority of Mark and Megan's franchise locations are walk-in locations, and do not have drive-thrus. This means that cleanliness and customer service demand even more attention, as there is greater face to face contact with the customer. Non-drive thru Dunkin' franchise locations, which represent the majority of Mark's locations, were particularly challenged during the height of the COVID 19 pandemic throughout most of 2000 and 2001, and Mark creatively found ways to keep his doors open, and his workers and customers healthy and safe.

Mark is unique in that he is not only an accomplished and successful, hands on operator, but also is an entrepreneur. He is knowledgeable at all times about the finances as it relates to his organization, and he also plays the lead role in his network when it comes to development, remodels, and acquisitions. In the time that Mark and I have been acquainted, he has successfully completed 5 network acquisitions, an amazing feat, particularly during these challenging times.

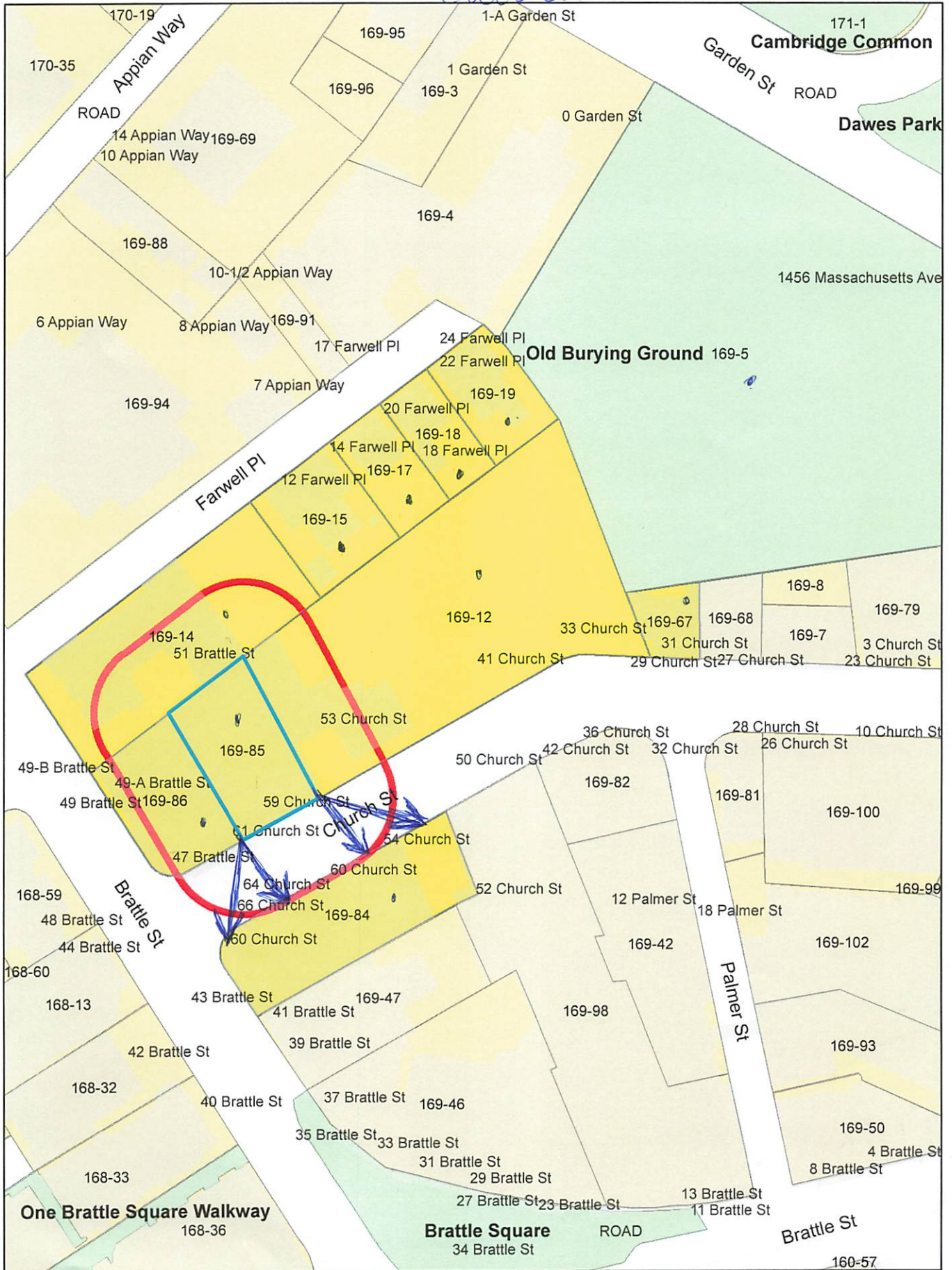
The Pesce's are extremely charitable, and they support the local communities and organizations in which their shops are located, from little league teams and the local food pantries, to larger charities such as the Jimmy Fund. In his spare time, Mark is an avid sports memorabilia collector, a passion which both he and I share.

I am proud to have Mark and Megan Pesce as clients, business associates, and friends.



Joseph A. Mansour, Jr.
Managing Partner

61 Church St.



61 Church St.

Petitioners

169-15
BARTHOLET, ELIZABETH
10 FARWELL PL
CAMBRIDGE, MA 02138-3729

169-18
RIEDER, C. & GARY CHAFETZ
18-20 FARWELL PL
CAMBRIDGE, MA 02138

BEANTOWN DONUTS LLC
C/O MARK PESCE
72 JUNCTION SQUARE DRIVE
CONCORD, MA 01742

169-17
MAGINN, ROBERT A., JR. LING CHAI, JENZABAR
101 HUNTINGTON AVE, SUITE 2205
BOSTON, MA 02199

169-19
EPISCOPAL SOCIETY IN CAMBRIDGE
TREAS. OFFICE
0 GARDEN ST.
CAMBRIDGE, MA 02138

BRIDGET SWEET
279 EAST CENTRAL STREET – SUITE 252
FRANKLIN, MA 02038

169-14
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE, INC.
HOLYOKE CENTER, ROOM 1000
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138-3895

169-19
MOURA, JOSE M.F. & MARIA M. VELOSO
24 FARWELL PL UNIT 3
CAMBRIDGE, MA 02138

169-67
JANET A. CAHALY,
TRS. OF JAC CAMBRIDGE NOMINEE TRUST
P.O BOX 590-104
NEWTON CENTER, MA 02459

169-84
DIGIOVANNI, JOHN P.
TRUSTEE OF 45 BRATTLE STREET REALTY TRUST.
P.O. BOX 380212
CAMBRIDGE, MA 02238

169-86
GEORGE WYNER REALTY BRATTLE STREET LLC.
C/O MYER DANA & SONS, INC
1340 CENTRE STREET #101
NEWTON, MA 02459

169-15
KELLY, RYAN P.B.,
TRUSTEE THE 12 FARWELL PLACE REALTY TR
12 FARWELL PL., #2
CAMBRIDGE, MA 02138

169-85
59 CHURCH STREET, LLC
C/O BULFINCH
116 HUNTINGTON AVE #600
BOSTON, MA 02116

169-19
MOURA, JOSE M F & MARIA MANUELA VELOSO
6645 WOODWELL ST
PITTSBURGH, PA 15217

169-5
CAMBRIDGE CITY OF PWD
147 HAMPSHIRE ST
CAMBRIDGE, MA 02139

169-5
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

169-5
CITY OF CAMBRIDGE
C/O YI-AN HUANG
CITY MANAGER

169-12
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE INC.
HOLYOKE CENTER, ROOM 1017
1350 MASS AVE
CAMBRIDGE, MA 02138-3895

ASSIGNMENT AND ASSUMPTION OF LEASE
(Re: 61 Church Street, Cambridge, MA 02138)

This ASSIGNMENT AND ASSUMPTION OF (the “Assignment”), made as of this 3rd day of February 2023 (the “Effective Date”), by and between CHURCH STREET ENTERPRISES, LLC, a Massachusetts limited liability company (“Assignor”), and BEANTOWN DONUTS, LLC, a Massachusetts limited liability company (“Assignee”).

RECITALS

WHEREAS, Assignor, as tenant and 59 Church Street Enterprises, LLC, (the “Landlord”) entered in that certain Lease Agreement dated August 12, 2011, (the “Lease”), pursuant to which Assignor leases commercial space located at 61 Church Street, Cambridge, MA 02138 (as such space is more particularly defined in the Lease, the “Premises”) from 59 Church Street, LLC, as landlord (“Landlord”); and

WHEREAS, Assignee intends to purchase the assets used in connection with the operation of Assignor’s Dunkin’ Donuts franchised restaurant located at the Premises (the “Transaction”);

WHEREAS, in order to consummate the closing of the Transaction, Assignor desires to assign, and Assignee desires to assume, all right, title and interest as tenant in, to, and under the Lease, in accordance with the terms and conditions set forth herein; and

WHEREAS, Landlord has agreed to consent to such assignment, in accordance with the terms and conditions of a Landlord, Tenant and Assignee Agreement dated as of the Effective Date.

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Definitions.** Unless otherwise expressly defined herein, all capitalized terms used herein shall have the respective meanings ascribed to such term in the Lease.
2. **Recitals.** The foregoing recitals are hereby incorporated within this Assignment by this reference as if fully set forth herein.
3. **Assignment and Assumption.** Effective as of the Effective Date, Assignor hereby assigns and transfers to Assignee all of Assignor’s right, title and interest in and to and under the Lease including any security deposits and prepaid rent made by Assignor under the Lease. Assignee assumes the performance of and agrees to be bound by all the obligations of Assignor as

tenant under the Lease arising on and after the Effective Date, including, without limitation, the obligation to pay monthly rent and other amounts provided for in the Lease, but specifically excluding any liabilities relating to any breach of the Lease prior to the Effective Date or in connection with the assignment of the Lease.

4. Indemnity. Assignee shall indemnify, defend and hold harmless Assignor, against and in respect of any and all damages resulting from, relating to, or arising out its obligations as tenant under the Lease from and after the Effective Date. Assignor shall indemnify, defend and hold harmless Assignee, against and in respect of any and all damages resulting from, relating to, or arising out its obligations as tenant under the Lease prior to the Effective Date.

5. Representations and Warranties of Assignor. Assignor hereby represents and warrants to Assignee and its successors and assigns that:

- a. A true, correct and complete list of all documents comprising the Lease is attached hereto as Exhibit A. The Lease has not been further amended or modified, changed, altered, or supplemented. The Lease, including all exhibits thereto, is the only Lease or agreement between Assignor and Landlord affecting or relating to the Premises. Assignor has a valid, existing, and continuing leasehold interest in the Premises.
- b. As of the Effective Date, Assignor has not assigned or encumbered its interest in the Lease or sublet all or any portion of the Premises, nor are there any outstanding unpaid liens or security interests in any Assignor personal property, fixtures or equipment located in the Premises.
- c. No default, or any event or condition which with the passing of time or giving notice, or both, would constitute a default on the part of Assignor, or to Assignor's knowledge, on the part of Landlord, exists under the Lease.
- d. No claim against Landlord (to Assignor's knowledge) or Assignor or dispute between Assignor and Landlord exists under the Lease.
- e. To Assignor's knowledge, no casualty or condemnation has occurred with respect to the Premises or the parking areas or other common areas in which Assignor has rights under the Lease. Assignor has received no notices of any violations of law with respect to the Premises.
- f. The term of the Lease expires on February 28, 2027, with the option to extend for one (1) additional five (5) year term.
- g. The Landlord is not holding a security deposit in connection with the Lease. Assignor has paid one full month of Minimum Guaranteed Rental in the amount of

\$2,500.00 to be applied to the last installment of Minimum Guaranteed Rental due under the lease.

- h. The amount of base rent presently due under the Lease is \$3,025.00 on the 1st day of each month. Base rent has been paid through the period ending January 31, 2023. Current additional monthly payments (which may be an estimated amount subject to annual reconciliation if so provided for in the Lease) for such costs and expenses are: REAL ESTATE TAXES: \$613.50; OTHER: CAM \$731.31.
- i. No rents have been prepaid, all rent concessions and abatements have expired, and there are no existing or future payments, reimbursements or contributions of any kind owed to Assignor by Landlord in connection with the Lease. Assignor is not entitled to any free rent, rent credit, partial rent, rebates, rent abatements or rent concessions of any kind and all conditions of the Lease, all work required to be performed and all contributions or allowances to be paid by Landlord have been satisfied or completed.

6. Successors. This Assignment shall be binding upon and inure to the benefit of the parties hereto, their successors in interest and assigns.

7. Governing Laws. This Assignment shall be governed by and interpreted in accordance with the laws of the Commonwealth of Massachusetts.

8. Counterparts. This Assignment may be executed in counterparts and, taken together; such counterparts shall constitute one and the same instrument, valid and binding on the parties. Signature via facsimile or similar electronic reproduction shall be deemed an original for the purposes of this Assignment.


9. Notices. From and after the Effective Date, notices to Tenant under the Lease shall be addressed to Assignee at Beantown Donuts, LLC, 72 Junction Square, Concord, MA 01742 with a copy to Matthew Guanci, Robinson & Cole LLP, 280 Trumbull Street, Hartford, CT 06103. The landlord's notice address is 59 Church Street, LLC c/o The Bulfinch Companies, Inc, 116 Huntington Avenue, Suite 600, Boston, MA 02116, with a copy to Legal Department, The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA 02116.

[remainder of this page is intentionally blank; signatures appear on the following pages]

IN WITNESS WHEREOF, Assignor has signed this Assignment as of the day and year first above written.

ASSIGNOR:

CHURCH STREET ENTERPRISES, LLC
a Massachusetts limited liability company

By:  _____
Name: Duarte M. Carvalho
Title: Manager

IN WITNESS WHEREOF, Assignee has signed this Assignment as of the day and year first above written.

ASSIGNEE:

BEANTOWN DONUTS, LLC,
a Massachusetts limited liability company

By: DocuSigned by:
Mark Pesce
Name: Mark A. Pesce
Title: Manager

EXHIBIT A

List of Lease Documents

Lease dated August 12, 2011

Option to Assume Lease dated August 12, 2011

Guaranty dated August 12, 2011

Notice of Lease dated October 17, 2011

Estoppel Certificate dated May 11, 2016

Notice of Rent Deferral dated May 15, 2020

Notice of Lease Renewal dated May 13, 2021

Pacheco, Maria

From: Mary Pforzheimer <Mpforzheimer@pgcalc.com>
Sent: Thursday, September 7, 2023 8:36 AM
To: Pacheco, Maria
Subject: In support of 61 Church St. Dunkin-type business

Dear Ms Pacheco,

I write to endorse the application for 61 Church St. to remain a Dunkin-type business serving fast food. My husband owns a Harvard Sq business so we are frequently out and about in the Square -as are our 30 or so employees - and the Church St location is a great option for a fast, decently-priced breakfast, cup of coffee, or lunch.

Thank you for taking input and for your consideration.

Sincerely,
Mary Pforzheimer
(co-owner of PGCalc, 129 Mt Auburn St.)

741 Concord Ave.
Belmont MA

Pacheco, Maria

From: Nancy Cioto <serenitynow243@gmail.com>
Sent: Thursday, September 7, 2023 8:55 AM
To: Pacheco, Maria
Subject: In support of 61 Church St, Cambridge - Dunkin- type business

To whom it may concern,

I saw the notice. I am in favor of the change of ownership, however, I do not want to lose Dunkin at this location.

Thank, you

Sent from my iPhone

Pacheco, Maria

From: Jackie M. Robertson <jrobertson@pgcalc.com>
Sent: Thursday, September 7, 2023 9:28 AM
To: Pacheco, Maria
Subject: Dunkin Donuts - Church Street

Good morning.

I want to let you know that I am a big fan of the Dunkin on 61 Church Street. They do a great job, and we would hate to lose them.

A lot of us hard workers in Harvard Square prefer Dunkin Donuts over other establishments and have enjoyed it being close by.

Thank you,

Jaclyn Robertson
Client Services Assistant
PG Calc

Your partner in planned giving success

129 Mt. Auburn St
Cambridge, MA 02138
Phone : 888-474-2252 x1400
Fax : 617-497-4974
Email : jrobertson@pgcalc.com
Web: <http://www.pgcalc.com>

Pacheco, Maria

From: Brian Armstrong <barmstrong@pgcalc.com>
Sent: Thursday, September 7, 2023 9:28 AM
To: Pacheco, Maria
Subject: In support of 61 Church St. Dunkin-type business

To whom it may concern,

I am in favor of keeping the Dunkin Coffee Shop open. I utilize the store frequently as a local employee in Cambridge. This store is always busy and it's serves a variety of constituencies from construction workers, university students and employees as well as everyday coffee drinkers like me.

Thank you for your consideration.

Brian

Brian Armstrong
Client Services Advisor
PG Calc
Your Partner in Planned Giving Success
129 Mt. Auburn Street
Cambridge, MA 02138
Phone: 888-474-2252
Email: barmstrong@pgcalc.com
Web: www.pgcalc.com

Pacheco, Maria

From: Andrea Yelle <ayelle@pgcalc.com>
Sent: Thursday, September 7, 2023 9:33 AM
To: Pacheco, Maria
Subject: Please keep the Dunkin Donuts on Church Street in Harvard Square

Hello,

I work in Harvard Square and many of us in the office go to Dunkins on a regular basis. It takes up very little room but provides a big service.

Thank you for listening.

Andrea

Andrea Yelle
Relationship Manager
PG Calc Incorporated
Your partner in planned giving success
129 Mt. Auburn Street
Cambridge, MA 02138
Phone: 888-497-4990, x 1411
Fax: 617-497-4991
ayelle@pgcalc.com
www.pgcalc.com

Pacheco, Maria

From: Jonathan Steele <jsteele@pgcalc.com>
Sent: Thursday, September 7, 2023 10:50 AM
To: Pacheco, Maria
Subject: Church Street Dunkin Donuts

Good morning,

I saw there is a zoning review for the Dunkin Donuts on Church Street, since the store is changing ownership. As someone who works in Harvard Square and frequents that location often, I am in favor of the change in ownership and keeping the Dunkin Donuts on Church Street.

Thanks for your consideration.

Best,
Jonathan

Jonathan Steele (he/him)
Director of Marketing
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www.pgcalc.com



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:

Richard Vincent

(Print)

Date:

8/29/23

Address:

61 Church St.

Case No.

BZA-226781

Hearing Date:

9/14/23

Thank you,
Bza Members