



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

2017 APR 14 AM 10:35
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-013000-2017

GENERAL INFORMATION

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

Special Permit : ✓ Variance : ✓ Appeal :

PETITIONER : Salt & Olive Inc. - C/O Sean D. Hope, Esq.

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

LOCATION OF PROPERTY : 1158-1160 Massachusetts Ave Cambridge, MA 02138

TYPE OF OCCUPANCY : 4.35(e,r) ZONING DISTRICT : Residence C-2B Zone

REASON FOR PETITION :

Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner requests a use Variance to operate a 35 seat restaurant and existing food-retail business into two adjacent ground floor commercial space and Special permit to reduce the required parking.

SECTIONS OF ZONING ORDINANCE CITED :

Article 5.000 Section 5.31 (Table of Dimensional Requirements).

Article 6.000 Section 6.36 (Reduction in Required Parking).

Article 10.000 Section 10.30 (Variance).

Article 10.000 Section 10.40 (Special Permit).

Original Signature(s) :


(Petitioner(s) / Owner)

Sean D. Hope

(Print Name)

Address : 675 Massachusetts Avenue

Cambridge, MA 02139

Tel. No. : 617-492-0220

E-Mail Address : sean@hopelegal.com

Date : April 12, 2017

BZA APPLICATION FORM - OWNERSHIP INFORMATION

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

I/We Peter Givertzman
(OWNER)

Address: 68 Moulton St Cambridge MA

State that I/We own the property located at 1156 MASS AVE,
which is the subject of this zoning application.

The record title of this property is in the name of _____
1154-1166 MASS AVE LLC

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



ROBERT M. PRAGER
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 27, 2023

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

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

Commonwealth of Massachusetts, County of MIDDLESEX

The above-name Peter Givertzman personally appeared before me,
this 19 of September 2020 and made oath that the above statement is true.

My commission expires 9.27.23 (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:

A literal enforcement of the Ordinance would be a substantial hardship to the Petitioner because the ground floor of the property (on Massachusetts Avenue) contains mostly non-conforming retail oriented businesses all of which are prohibited by the Residence C-2B. Further the adjacent street is a commercial/retail corridor which would be incompatible with the residential allowed uses therefore necessitating a Variance from the Ordinance.

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

The hardship is owing to the preexisting nonconforming building Uses and setbacksthat predate zoning and aren't praticable for the allowed residential uses.

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

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

Desirable relief may be granted without substantial detriment to the public good because the proposed Use is replacing a non-conforming commercial use. Additionally the proposed food-retail and restaurant Use will allow for the expansion of a thriving small business that is compatible with the retail corridor.

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

Granting relief will not derogate from the intent and purpose of the Ordinance and will occupy a vacant storefront and acitviate the existing food-retail into a thriving restaurant.

- *** 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

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 1158-1160 Massachusetts Ave Cambridge, MA 02138 (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:
With the requested relief the requirement of the ordinance can be satisfied.
- 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:
Traffic generated or patterns of access would not cause congestion, hazard or substantial change in neighborhood character because a majority of the adjacent business also do not have parking and the clientele of both food Uses will be pedestrian and other visitors of Harvard Square.
- 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:
The continued operation of adjacent uses would not be adversely affected by the proposed use because the adjacent uses are commercial or retail in nature and will benefit from the additional foot traffic.
- 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:
No nuisance or hazard would be created to the detriment of the health, safety or welfare of the proposed use or the citizens of the City because the reduction in parking is consistent with the City's growth policies of promoting alternate transportation and active retail that is not auto-centric.
- 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:
The proposed food Uses are consistent with the integrity of the district on Mass Ave/Arrow street and the adjoining districts in Harvard Square/Central Square offering dining and specialty food options.

BZA APPLICATION FORM**DIMENSIONAL INFORMATION**

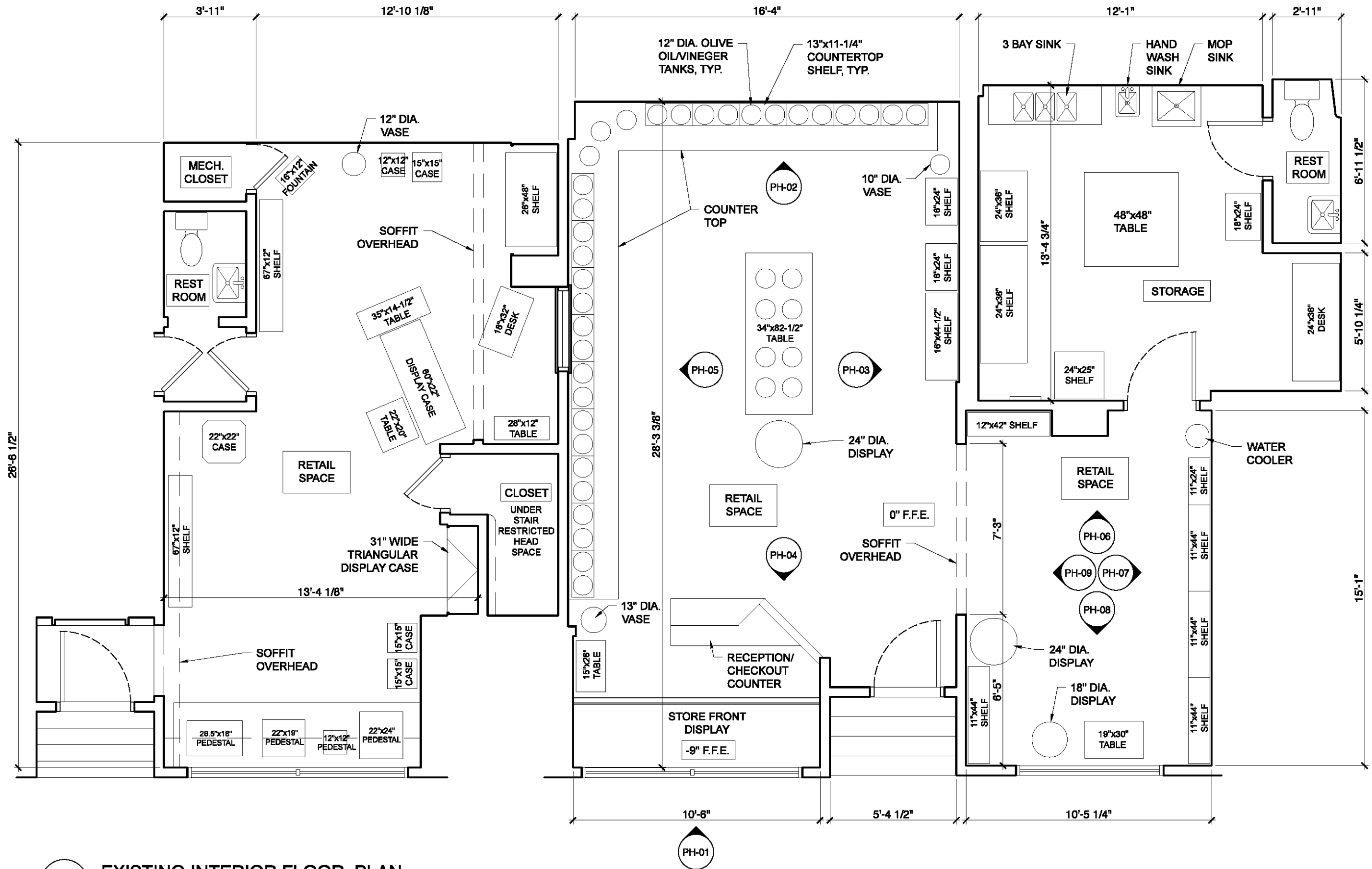
APPLICANT: Sean Hope, Esq. **PRESENT USE/OCCUPANCY:** Food Retail
LOCATION: 1158-1160 Massachusetts Ave Cambridge, MA 02138 **ZONE:** Residence C-2B Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Restaurant/Food Retail

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>		8474sf	8474sf	5,122sf	(max.)
<u>LOT AREA:</u>		2927sf	2927sf	n/a	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		.42	.42	1.75	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		n/a	n/a	600'	(min.)
<u>SIZE OF LOT:</u>	WIDTH	51'	51'	50'	(min.)
	DEPTH	81.75'	81.75'	n/a	
<u>SETBACKS IN FEET:</u>	FRONT	0	0	10'	(min.)
	REAR	0	0	20'	(min.)
	LEFT SIDE	0	0	h+1/5	(min.)
	RIGHT SIDE	0	0	h+1/5	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	33'+/-	33'+/-	45'	(max.)
	LENGTH	32'	32'	n/a	
	WIDTH	78'	78'	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		>30%	>30%	30%	(min.)
<u>NO. OF DWELLING UNITS:</u>		0	0	4.8	(max.)
<u>NO. OF PARKING SPACES:</u>		0	0	3	(min./max)
<u>NO. OF LOADING AREAS:</u>		0	0	0	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>		n/a	n/a	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.

Building contains only retail & office space. No external construction is proposed.

- 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'.



**SCHEMATIC
NOT FOR
CONSTRUCTION**

Salt & Olive
Cambridge, MA

Project #: 4035.00
Content: EXISTING INTERIOR
Issued: 09.21.2016
Revisions:

Sheet: **I-011**

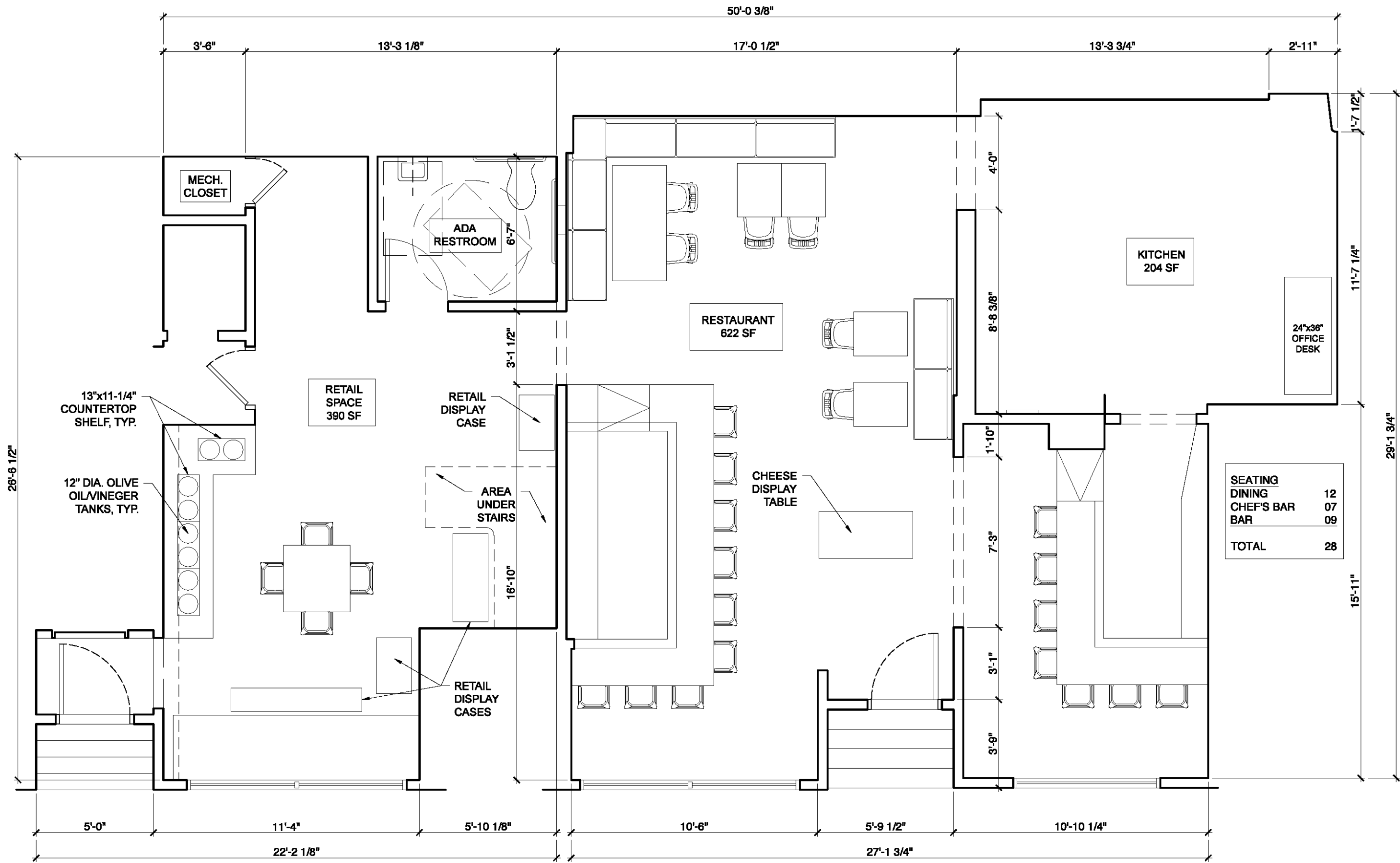
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1

EXISTING INTERIOR FLOOR PLAN

1/4" = 1'-0"

**SCHEMATIC
NOT FOR
CONSTRUCTION**



1 PROPOSED INTERIOR FLOOR PLAN
1/4" = 1'-0"

Salt & Olive
Cambridge, MA

Project #: 4035.00
Content: Proposed Floor Plan
Issued: 04.12.2017
Revisions:

Sheet: **I101**

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1 EXISTING EXTERIOR ELEVATION (NOT TO CHANGE)
NTS

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CONSTRUCTION



1 EXISTING INTERIOR ELEVATION PHOTOGRAPH
NTS

Salt & Olive
Cambridge, MA

Project# 4035.00
Content: INTERIOR PHOTOS
Issued: 09.21.2016
Revisions:

Sheet:

PH-02

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CONSTRUCTION

1 EXISTING INTERIOR ELEVATION PHOTOGRAPH
NTS

SCHEMATIC
NOT FOR
CONSTRUCTION



1 EXISTING INTERIOR ELEVATION PHOTOGRAPH
NTS



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CONSTRUCTION

1 EXISTING INTERIOR ELEVATION PHOTOGRAPH
NTS

Salt & Olive
Cambridge, MA

Project# 4035.00
Content: INTERIOR PHOTOS
Issued: 09.21.2016
Revisions:

Sheet:

PH-05



1 EXISTING INTERIOR ELEVATION PHOTOGRAPH
NTS

SCHEMATIC
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CONSTRUCTION

Salt & Olive
Cambridge, MA

Project# 4035.00
Content: INTERIOR PHOTOS
Issued: 09.21.2016
Revisions:

Sheet:

PH-06



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1 EXISTING INTERIOR ELEVATION PHOTOGRAPH
NTS



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CONSTRUCTION

1 EXISTING INTERIOR ELEVATION PHOTOGRAPH
NTS

Salt & Olive
Cambridge, MA

Project# 4035.00
Content: INTERIOR PHOTOS
Issued: 09.21.2016
Revisions:

Sheet:

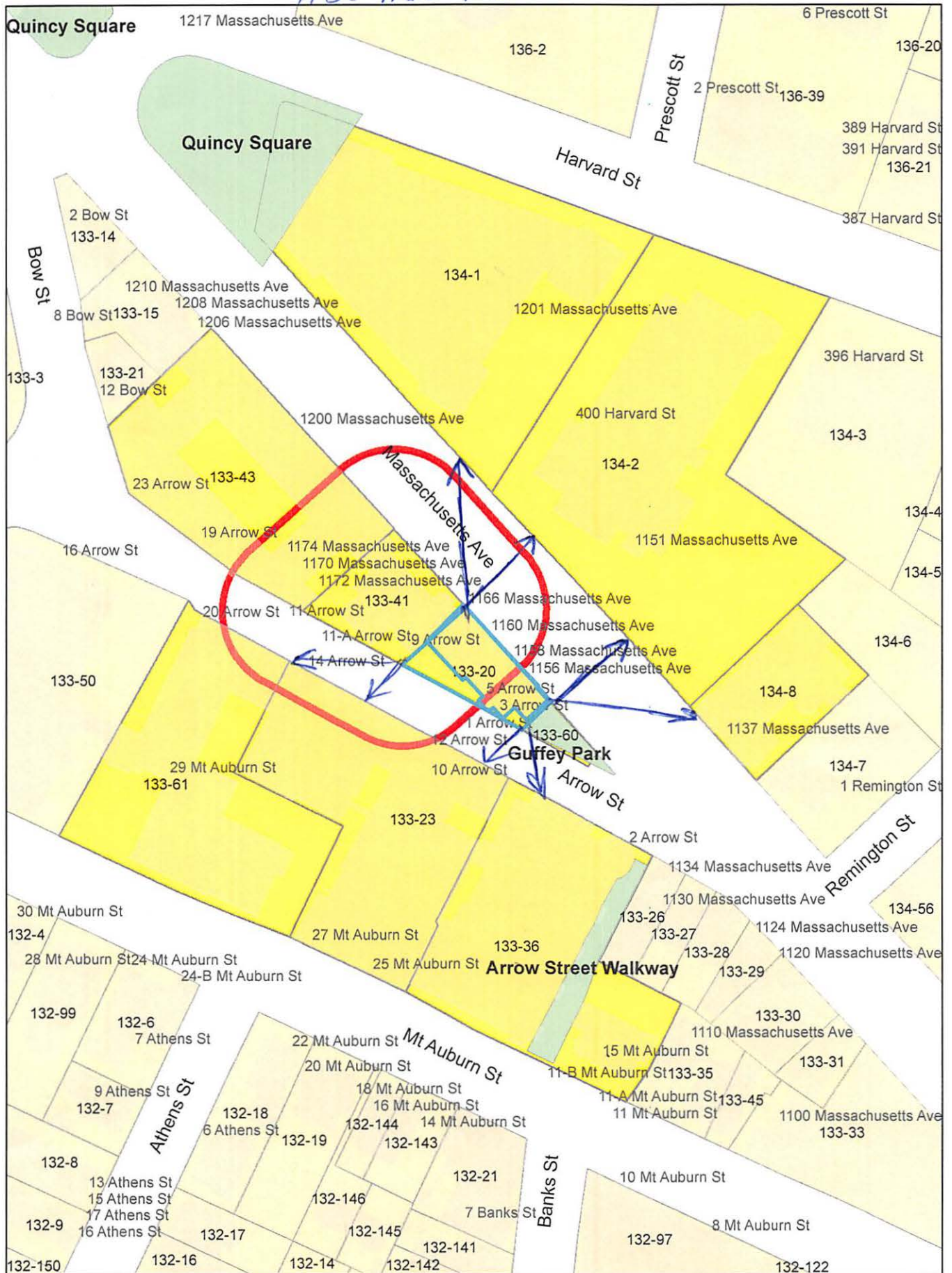
PH-08

SCHEMATIC
NOT FOR
CONSTRUCTION



1 EXISTING INTERIOR ELEVATION PHOTOGRAPH
NTS

1158-1160 Mass Ave



1158-1160 Mass Ave

Relatives

133-20
1154-1166 MASS AVE, LLC
C/O ORIENTAL FURNITURE
68 MOULTON ST 3RD FLR
CAMBRIDGE, MA 02138

133-23
DOWSE, GRANTON H., JR.,
IRENE A. M. DOWSE & LEONARD
H. DOWSE, TRS. OF BBC TR
14 ARROW ST. SUITE 21
CAMBRIDGE, MA 02138

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

133-41
AUGMENT INVESTMENTS, LLC
4 TROWBRIDGE PLACE, UNIT 2D
CAMBRIDGE, MA 02138

133-41
TOPGYAL, TSERING
1174 MASSACHUSETTS AVE., #74C
CAMBRIDGE, MA 02138

133-41
LOPEZ, CATHERINE ORTIZ
1168-1 MASS AVE
CAMBRIDGE, MA 02138

133-41
MERRILL, ROBERT D.
1168 MASS AVE. UNIT#68/2
CAMBRIDGE, MA 02139

133-41
YANG, LIN
1168 MASSACHUSETTS AVE., #68/3
CAMBRIDGE, MA 02138

133-41
STEINBERGH, ALEX M. GENERAL PARTNER THE 1168
MASSACHUSETTS AVENUE LIMITED PART.
C/O GEORGE & FIDA SARKIS
1170 MASS AVE., UNIT #2
CAMBRIDGE, MA 02139

133-41
GISABELLA, BARBARA
11 BOWDON ST
SOMERVILLE, MA 02143

133-41
LIU, WEI & WEI SUN
1170 MASSACHUSETTS AVE., #70/7
CAMBRIDGE, MA 02138

133-41
WOLFE-SIDBERRY, NANCY
6413 WATERFORD DR
BRENTWOOD, TN 37027

133-41
MUGAMBI, ROSEMARY
330 BROADWAY
CAMBRIDGE, MA 02139

133-41
SCADDEN, DAVID T. & KATHLEEN T. O'CONNELL
62 LEXINGTON STREET
WESTON, MA 02493

133-41
PANGANAMATA, JOYCE RAO
1172 MASSACHUSETTS AVE., #72/11
CAMBRIDGE, MA 02138

133-60
CITY OF CAMBRIDGE
C/O LOUIS DePASQUALE
CITY MANAGER

133-60
CAMBRIDGE CITY OF
795 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

133-60
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

134-2
OLD CAMBRIDGE BAPTIST CHURCH
400 HARVARD
CAMBRIDGE, MA 02138

134-8
LATHAM, RAMONA M.
8 ROCKY PASTURE RD
GLOUCESTER, MA 01930

134-8
WINTHROP, MORTON M.,
TR. VAUGIRARD TRUST
44 LOCKELAND AVE.
ARLINGTON, MA 02474

134-8
GUZMAN, JOHANN
777 N ASHLEY DR. UNIT 3104
TAMPA, FL 33602

134-8
ENTWISLE, JEREMY C. R. & MINAKO ENTWISLE
C/O PREMIER PROPERTY SOLUTIONS
311 SUMMER STREET
BOSTON, MA 02110

134-8
PEREZ, MAYNOR
1137 MASS AVE., UNIT #5
CAMBRIDGE, MA 02139

134-8
PETER, ANNE
45 CALDWELL RD
WALTHAM, MA 02453

133-61
ROMAN CATHOLIC ARCHBISHOP OF BOSTON
CORPORATION SOLE
29 MT AUBURN STREET
CAMBRIDGE, MA 02138

134-8
DIAZ, TINA KOLB, KOSTAS TERZIDIS, PAUL
CREELAN & ANNE PETER TRUSTEE
1730 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

134-1
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE INC.
HOLYOKE CENTER - ROOM #1000
1350 MASS AVE
CAMBRIDGE, MA 02138

134-8
DIAZ, TINA K.
1137 MASSACHUSETTS AVE. - UNIT #21
CAMBRIDGE, MA 02139

134-8
TAKASHIMA, ERI MIHO
1137 MASS AVE. UNIT#22
CAMBRIDGE, MA 02138

1158-1160 Mass Ave

134-8
LEE, EDMUND & ALICE LEE
1137 MASS AVE., UNIT #23
CAMBRIDGE, MA 02138

134-8
MORRIS, BARRY S.
46B COTTAGE RD
NEWBURY, MA 01951

134-8
DAVIS JAFFERY W.
C/O STOYANOVA, BORISLAVA &
LEONARD GUARE
93 STANTON AVE
AUBURNDALE, MA 02466

134-8
SONG, SEUNG HYE & JAE KYUNG
3 BELLEVUE RD
ARLINGTON, MA 02174

134-8
EMSBO-MATTINGLY, LISA &
STEPHEN EMSBO- C/O LEO HOLDINGS, LLC
19 SOUTH RINDGE AVE
LEXINGTON, MA 02420

134-8
FRANKINA, JAN F.,
TR. THE JAN FRANCES FRANKINA REV TRS.
1137 MASSACHUSETTS AVE., #31
CAMBRIDGE, MA 02138

134-8
CHAN, CARSON KA-SING
GARTENSTR. 91
10115
BERLIN, _ _

134-8
WANG, ANGELA X.,
TR. THE 1137 MASS AVE #33 REALTY TR
1137 MASSACHUSETTS AVE., #33
CAMBRIDGE, MA 02138

134-8
TAKASHIMA, ERI M.
1137 MASS AVE., #22
CAMBRIDGE, MA 02138

134-8
MURPHY, KEVIN
1137 MASS AVE #35
CAMBRIDGE, MA 02138

134-8
HYSON, ANNE M.
C/O OXFORD ST REALTY, INC
P.O BX 400354
CAMBRIDGE, MA 02138

134-8
VORVIS, ATHANASIOS
1137 MASS AVE. UNIT#37
CAMBRIDGE, MA 02138

134-8
WING, FRANK
1137 MASS AVE., UNIT #41
CAMBRIDGE, MA 02138

134-8
HARRIS, ZACH
1137 MASS AVE. UNIT#42
CAMBRIDGE, MA 02138

134-8
BOUDREAU, CATHERINE A.
140 CLARENDON ST #1209
BOSTON, MA 02116

134-8
CROSBY, GEORGE DE F.
5473 N. BAY ROAD
MIAMI BEACH, FL 33140

134-8
CUNNINGHAM, HELEN M.
240 E 30TH STREET
NEW YORK, NY 10016

134-8
YANG, DIAN
1137 MASSACHUSETTS AVE., #47
CAMBRIDGE, MA 02138

133-43
ARROW ASSOCIATES, L.L.C
C/O HAMILTON REALTY CO.
39 BRIGHTON AVE
ALLSTON, MA 02134

134-8
HARRIS, ZACHARY M. & CILLA R. HARRIS
1034 CIRCLE ON THE GREEN
COLUMBUS, OH 43235

134-8
TERZIDIS, CONSTANTINOS
1137 MASS AVE. UNIT#52
CAMBRIDGE, MA 02138

134-8
J. V. JOVI CRUCES
1137 MASS AVE., UNIT#53
CAMBRIDGE, MA 02139

134-8
TUTAK, JENNIFER L.
1137 MASSACHUSETTS AVE., #54
CAMBRIDGE, MA 02138

134-8
EINZIGER, MICHAEL A.
C/O PROVIDENT FINANCIAL MANAGEMENT
2850 OCEAN PARK BLVD. STE 300
ATTN: KELLY AMADOR
SANTA MONICA, CA 90405

134-8
VAN RICE, RICK
1137 MASSACHUSETTS AVE. UNIT 56
CAMBRIDGE, MA 02138

134-8
RUSTEM, UNVER
1137 MASS AVE., UNIT #57
CAMBRIDGE, MA 02138

133-36
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE SERVICES,
1350 MASS AVE
CAMBRIDGE, MA 02139

133-36
MT. AUBURN CONDOMINIUM LLC,
453 HARRIS RD.
BEDFORD HILL, NY 10507



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>

William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*

William G. Barry, Jr., Robert G. Crocker, Chandra Harrington, Jo M. Solet, *Members*

Joseph V. Ferrara, Kyle Sheffield, Susannah Barton Tobin, *Alternates*

Jurisdiction Advice

To the Owner of Property at 1158-1160 Massachusetts Ave.

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
 - No exterior alterations proposed. No CHC review of land use.**
 - ☐ Mid Cambridge Neighborhood Conservation District
 - ☐ Designated Landmark
 - ☐ Property is being studied for designation: _____
(City Code, Ch. 2.78., Article III, and various City Council Orders)
 - ☐ Preservation Restriction or Easement (as recorded)
 - ☐ Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). **See the back of this page for definition of demolition.**
 - ☐ No 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 April 26, 2017

Received by Uploaded to Energov

Date April 26, 2017

Relationship to project BZA 13000-2017

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

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

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

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

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

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

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

July 2003

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