



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

~~2024 MAR -4 PM 2:43~~

(Am)

## BZA Application Form

BZA Number: 263317

### General Information

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

Special Permit: \_\_\_\_\_ Variance:   X   Appeal: \_\_\_\_\_

**PETITIONER:** President and Fellows of Harvard College C/O Diane Gray, Harvard University Planning and Design

**PETITIONER'S ADDRESS:** 1350 Massachusetts Avenue, Cambridge, MA 02138

**LOCATION OF PROPERTY:** 26 Robinson St, Cambridge, MA

**TYPE OF OCCUPANCY:** Institutional/Daycare (CZO 4.33.b.2, 4.56.c.1)      **ZONING DISTRICT:** Residence C-1 Zone

**REASON FOR PETITION:**

/New Structure/

### **DESCRIPTION OF PETITIONER'S PROPOSAL:**

Petitioner proposes to construct a 90 square foot storage canopy shelter for children's strollers requiring relief for FAR, minimum distance to another building on lot, and nonconformity.

### **SECTIONS OF ZONING ORDINANCE CITED:**

Article: 5.000	Section: 5.31 (Table of Dimensional Requirements).
Article: 5.000	Section: 5.13 (General Regulations).
Article: 8.000	Section: 8.22.3 (Non-conforming Structure).
Article: 4.000	Section: 4.33.b.2 (Use Regulations).
Article: 4.000	Section: 4.56.c.1 (Institutional Use Regulations).
Article: 10.000	Section: 10.30 (Variance).

Original  
Signature(s):

Diane Gray  
(Petitioner (s) / Owner)

Diane Gray  
(Print Name)

Address:  
Tel. No.

Harvard University Planning and Design  
617-496-3606  
1350 Massachusetts Ave. 5th floor  
Cambridge MA 02140

2024 MAR 28 PM 3:10  
OFFICE OF THE CITY CLERK  
CITY OF CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM - OWNERSHIP INFORMATION

(To be completed by OWNER, signed before a notary, and returned to Secretary of Board of Appeal.)

I/We President and Fellows of Harvard College  
(OWNER)

Address: c/o Justin Stratman, Harvard University Housing and Real Estate  
1350 Massachusetts Avenue, Suite 819, Cambridge, MA 02138

State that I/We own the property located at 26 Robinson Street which is the subject of this zoning application.


The record title of this property is in the name of President and Fellows of Harvard College

\*Pursuant to a deed of duly recorded in the date December 2, 1827, Middlesex South

County Registry of Deeds at Book, 277, Page 276; or Middlesex

Registry District of Land Court, Certificate No. \_\_\_\_\_ Book \_\_\_\_\_

\_\_\_\_\_ Page \_\_\_\_\_

  
\_\_\_\_\_  
Signature by Land Owner or Authorized  
Trustee, Officer or Agent\*

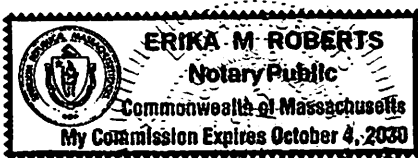
Commonwealth of Massachusetts, County of Middlesex

The above-name Justin Stratman personally appeared before me, this

25 of March, 20 24, and made oath that the above statement is true.

My Commission Expires 10/4/2030 (Notary Seal). Erika Roberts Notary

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



Ownership Form  
ATTACHMENT B  
(BZA - PG.3)



My Commission Expires: 1988-12-31  
1988-12-31

## **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:**

Botanic Gardens Children's Center (BGCC) was constructed in 1999 and since that time has been providing nurturing professional childcare to children ages 3 months to 5 years. Renovated in Summer

2023, the center currently serves 59 children in five classrooms. Operating on Harvard's campus, BGCC is one of seven childcare centers that serve the Harvard University community as well as the City of Cambridge and surrounding towns. Their mission is to provide the very best quality care and education for young children and their families.

BGCC utilizes four large strollers that each hold six children to visit local parks and play spaces as part of the center's learning and play curriculum. Currently there is no dedicated storage space for children's strollers. Strollers are stored in the below-grade adjacent garage, which limits their use. Retrieving the strollers from the garage requires an available staff member which is difficult given the staffing demands and strict MA licensing requirements for constant supervision of the children. The proposed new stroller storage would dramatically improve this issue. With a dedicated storage space just outside of the BGCC main entry, children and staff would be able to go out together in a secured space to access the strollers, thus requiring no extra time or staffing. This small storage shed would significantly improve the BGCC functionality and the children's ability to experience and enjoy outdoor activities.

The proposed stroller storage canopy is a detached structure that includes 90 square feet protected on three sides with a roof. It has been carefully designed to harmonize with the architecture of the BGCC building, site, and neighborhood. Zoning relief is required due the proposed FAR increase of 0.001% which is beyond the FAR limitations in this Residence C-1 zone, distance to another building on the lot, and alteration and enlargement of a nonconformity. BGCC is on a large institutional lot that also accommodates other Harvard University facilities including the Botanic Gardens Apartments (1949), an affiliated housing complex, and the Kittredge Hall institutional building. Zoning relief is also required for between building setbacks and nonconformity. The canopy will be close to the existing children's center building, less than 1" away from the building and less than the required minimum 10 feet between building setback. It will be adjacent to the building to allow staff to store the strollers conveniently and also to preserve the existing accessible parking space in front of the building.

The proposed project honors the intent of the condition in the 1997 zoning variance decision, which states that the BGCC front yard should be landscaped to the full extent possible. In fact, the current project calls for maintaining the existing trees and increasing the number of plantings. The landscape plan proposes 11 new arborvitae and several American yews along both the canopy and around a new seating area, as well as vincas for ground cover along the granite curbing along the seating area and driveway. Arborvitae trees have been selected for their height and because they are native, evergreen, provide year-round greenery and shield the storage and seating area. The landscape is maintained on a regular schedule by Harvard and its landscape vendor.

The site will be improved in several other ways. The existing accessible parking space in front of the BGCC will be enhanced by adding striping for both the spot and the unloading zone. A new brick-paved seating area will be installed on the right side of fenced area to improve the drop-off/pick-up experience.

A literal enforcement of the provisions of the CZO would not permit any additional FAR (CZO 5.31.1) and would require the storage stroller storage to be sited at least 10' from the BGCC building (CZO 5.13), which would preclude the Botanic Gardens Children's Center from installing adequate stroller storage to effectively provide outdoor activities for children. This limitation would prevent BGCC from adequately serving the children at the center and advancing its mission. Such enforcement would create a significant hardship to the childcare operations that creates a hardship on both the staff and the children.

**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 Botanic Gardens Children's Center is located on a multi-building institutional with buildings fronting on Robinson Street, Fernald Drive and Garden Street. Due to the physical characteristics of the multi-building institutional lot, the existing FAR exceeds the allowed FAR in the Residence C-1 zone. The need for greater flexibility in the FAR permitted for nonresidential uses in the Residence C-1 zoning district is unique to the function of a multi-building educational institutional lot and is not typical of other uses in the Residence C-1 zoning district. The stroller canopy cannot be located 10' away from the building without removing the required accessible parking space at the front of the building.

The center is located on the site of the Botanic Gardens Apartments. Designed by Des Granges and Steffian, the apartments were constructed in 1949 as faculty housing and continue to house students, faculty and staff of Harvard University. The complex occupies the grounds of the former Botanic Gardens (1807-1949) that were abandoned during the war and never re-established. The courtyard at the center of the buildings contains several important specimen trees that date back to the original Gardens. In 1997, the children's center building was constructed in a way to preserve open space on the lot and some of the specimen trees that are integral to the original design of the Botanic Gardens complex, designed with minimal encroachment on the existing green space. The design of the storage canopy is intended to minimize impacts to open space and will not impact the specimen trees in the courtyard at the center of the buildings. The open space and some of the specimen trees that are an integral part of the original design of the Botanic Gardens will not be affected.

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

**1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The requested variance is needed to safely store the children's strollers near the front entrance of the children's center and keep them weather protected. Therefore, the granting of the variance will not be detrimental to the public good. On the contrary, the granting of the variance will in fact be a benefit to the public good, as it creates a safe, weather-protected space for the children's strollers, allowing staff to access the strollers for the children in all types of weather. The requested variance supports an investment in early childhood care to the benefit of the health, safety and well-being of the children who attend the BGCC. Open space for both passive recreation and structured play space will be preserved for children at the center and for the residents of Botanic Gardens. With the addition of 90 square feet, the impact on building massing on the lot will be minimal.

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

The petitioner proposes to construct the storage canopy between the building and the accessible parking space to preserve open space on the lot. The location, adjacent to the center's building and the parking space, minimizes any adverse impact on the adjacent residential building. The requested variance will facilitate the safe and convenient storage of strollers, which will enable staff to take children on walks using the strollers, which is consistent with center's mission of providing the very best quality care and education for young children. Unlike most buildings in the Residence C-1 zoning district, this is a long-established childcare center that has specific operational and facility needs that are unique from most of the district. As a children's center, it requires weather-protected stroller storage in a convenient location to meet the children's center mission. Thus, granting the requested variance will not nullify or substantially derogate from the intent or purpose of the Ordinance.

Tel. No. 617-496-3606  
 E-Mail Address: diane\_gray@harvard.edu

Date: \_\_\_\_\_

**BZA Application Form**

**DIMENSIONAL INFORMATION**

**Applicant:** President and Fellows of Harvard College

**Present Use/Occupancy:** Institutional/Daycare (CZO 4.33.b.2, 4.56.c.1)

**Location:** 26 Robinson St., Cambridge, MA

**Zone:** Residence C-1 Zone

**Phone:** 617-496-3606

**Requested Use/Occupancy:** Institutional/Daycare (CZO 4.33.b.2, 4.56.c.1)

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>
<u>TOTAL GROSS FLOOR AREA:</u>		78,405	78,495	59,875 (max.)
<u>LOT AREA:</u>		79,834	No change	5,000 (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u>		.982	.983	.75
<u>LOT AREA OF EACH DWELLING UNIT</u>		N/A	N/A	N/A
<u>SIZE OF LOT:</u>	WIDTH	512.77	No change	50
	DEPTH	111.75	No change	N/A
<u>SETBACKS IN FEET:</u>	FRONT	N/A	Robinson St (39.85), Garden (246) Fernald (25)	37.5 or 10 minimum
	REAR	N/A	N/A	N/A
	LEFT SIDE	N/A	N/A	N/A
	RIGHT SIDE	N/A	N/A	N/A
<u>SIZE OF BUILDING:</u>	HEIGHT	N/A	7	35
	WIDTH	N/A	8.25	N/A
	LENGTH	N/A	9.6	N/A
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		N/A	N/A	N/A
<u>NO. OF DWELLING UNITS:</u>		31	No Change	53
<u>NO. OF PARKING SPACES:</u>		60	No change	N/A
<u>NO. OF LOADING AREAS:</u>		N/A	N/A	N/A
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		N/A	1 inch	10

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.:

The following buildings are located on the same lot: 1 story childcare center building of concrete/brick, 3 story multifamily building of concrete/brick; 2-3 story administrative building of concrete/brick.

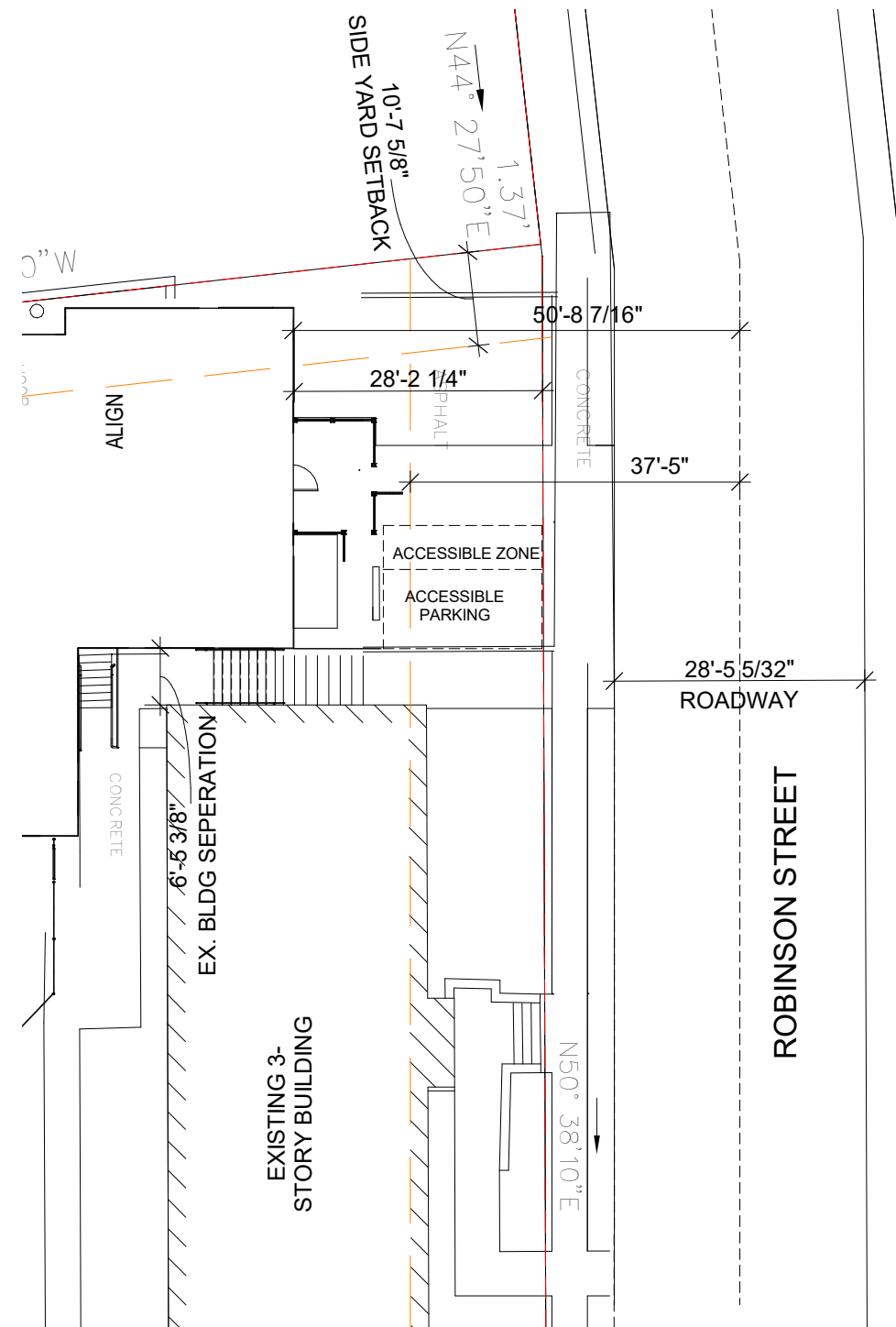


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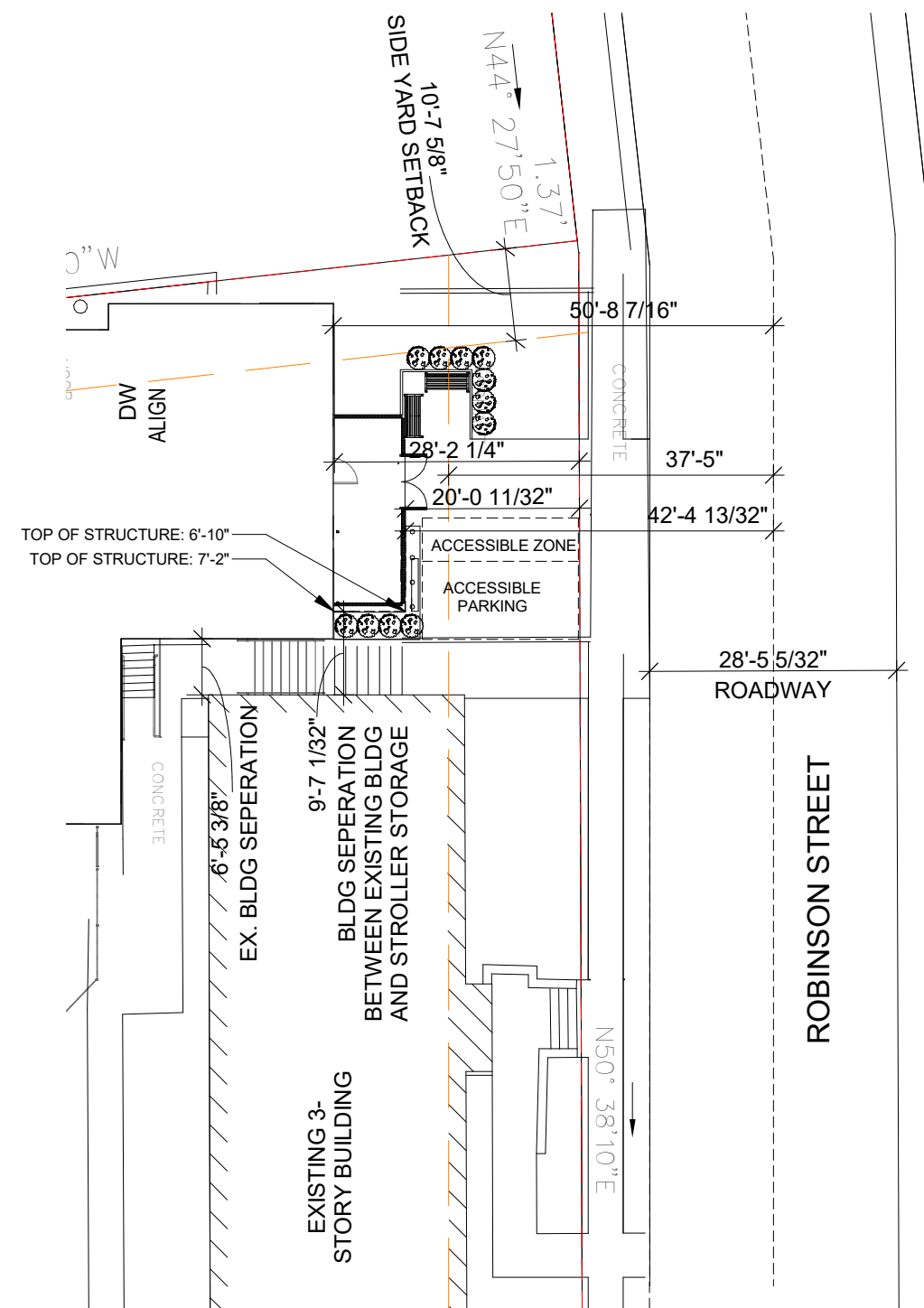
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REQUESTED VARIANCES:

1. A VARIANCE IS REQUESTED TO PERMIT THE ADDITION OF 90 GSF FOR A SLIGHT INCREASE IN FAR (CZO 5.30 TABLE 5-1) WHICH LIMITS FAR TO .75 IN THE RES C-1 ZONING DISTRICT
2. A VARIANCE IS REQUESTED FOR BETWEEN BUILDING SETBACKS AS THE CANOPY IS WITHIN 10 FEET OF THE CHILDREN'S CENTER BUILDING
3. A VARIANCE FOR NONCONFORMITY AS THE LOT IS NONCONFORMING FOR FAR



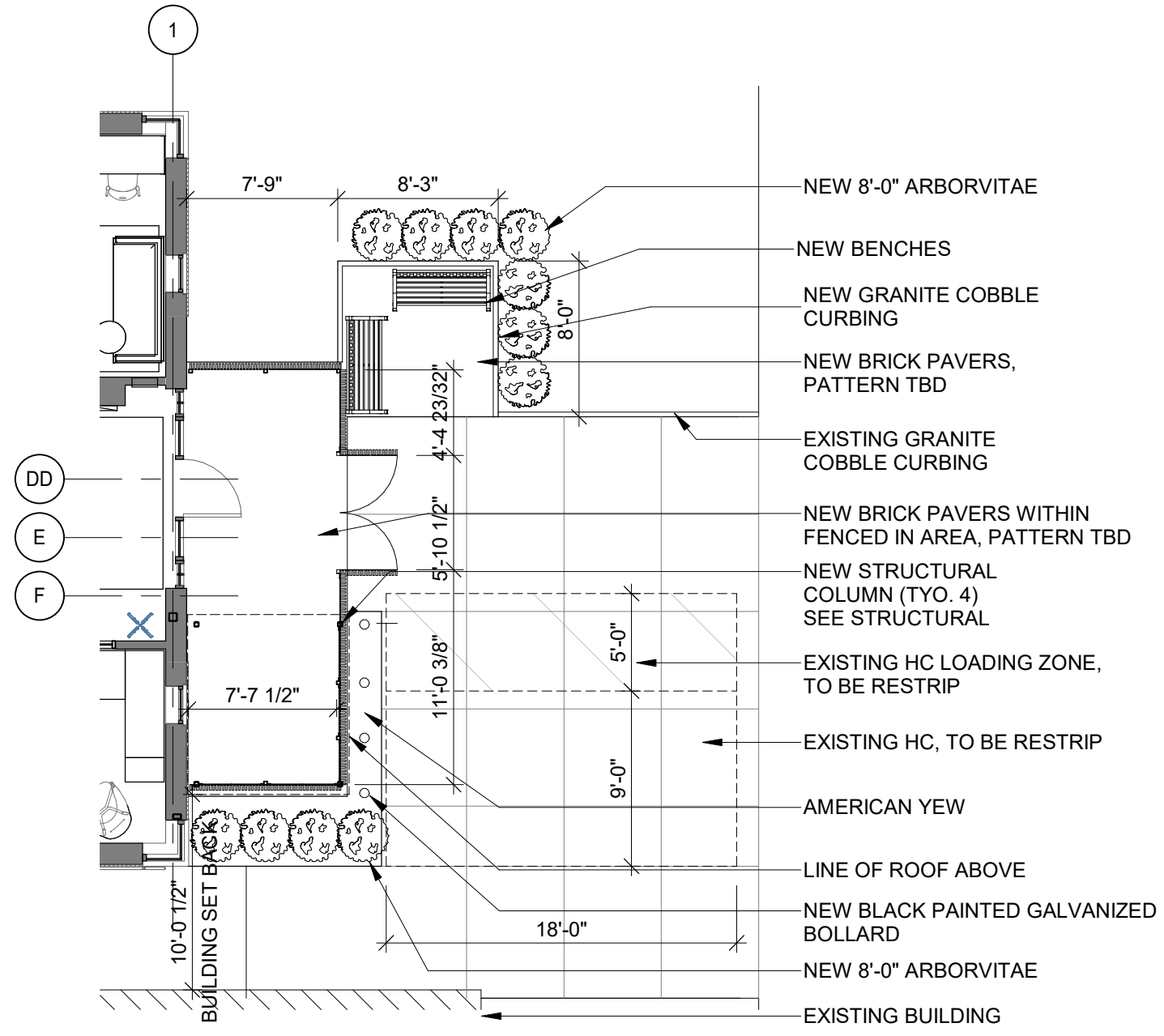
EXISTING CONDITIONS



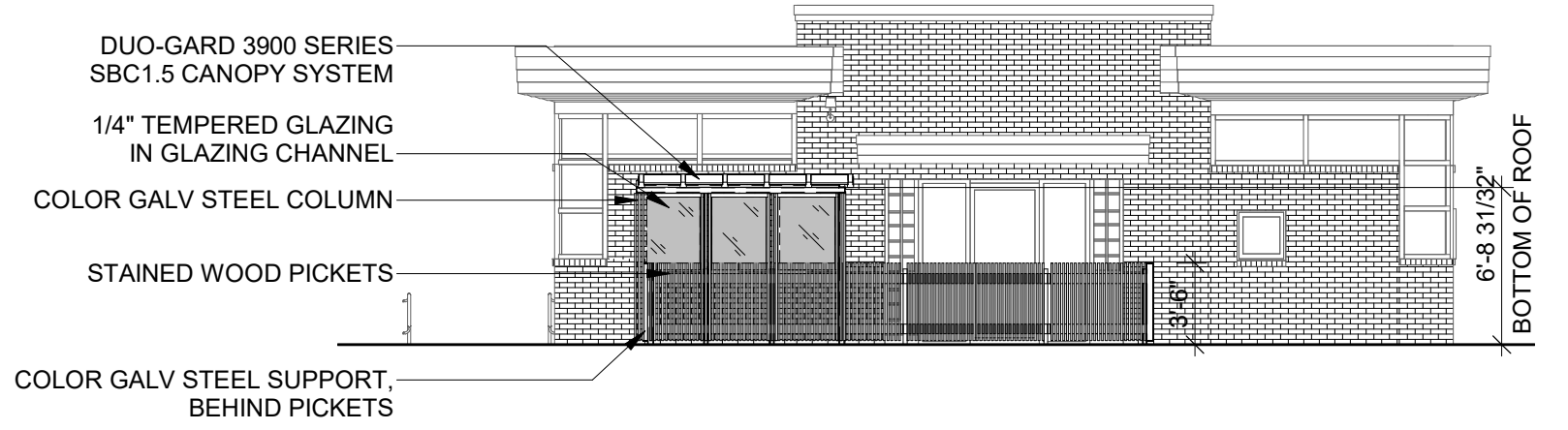
PROPOSED CONDITIONS



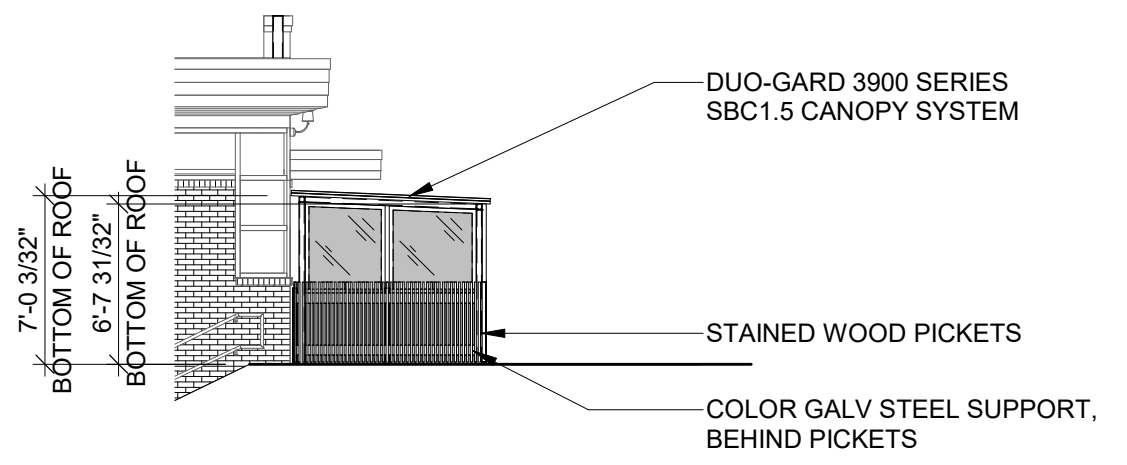




1 PLAN  
1/8" = 1'-0"



2 FRONT ELEVATION  
1/8" = 1'-0"

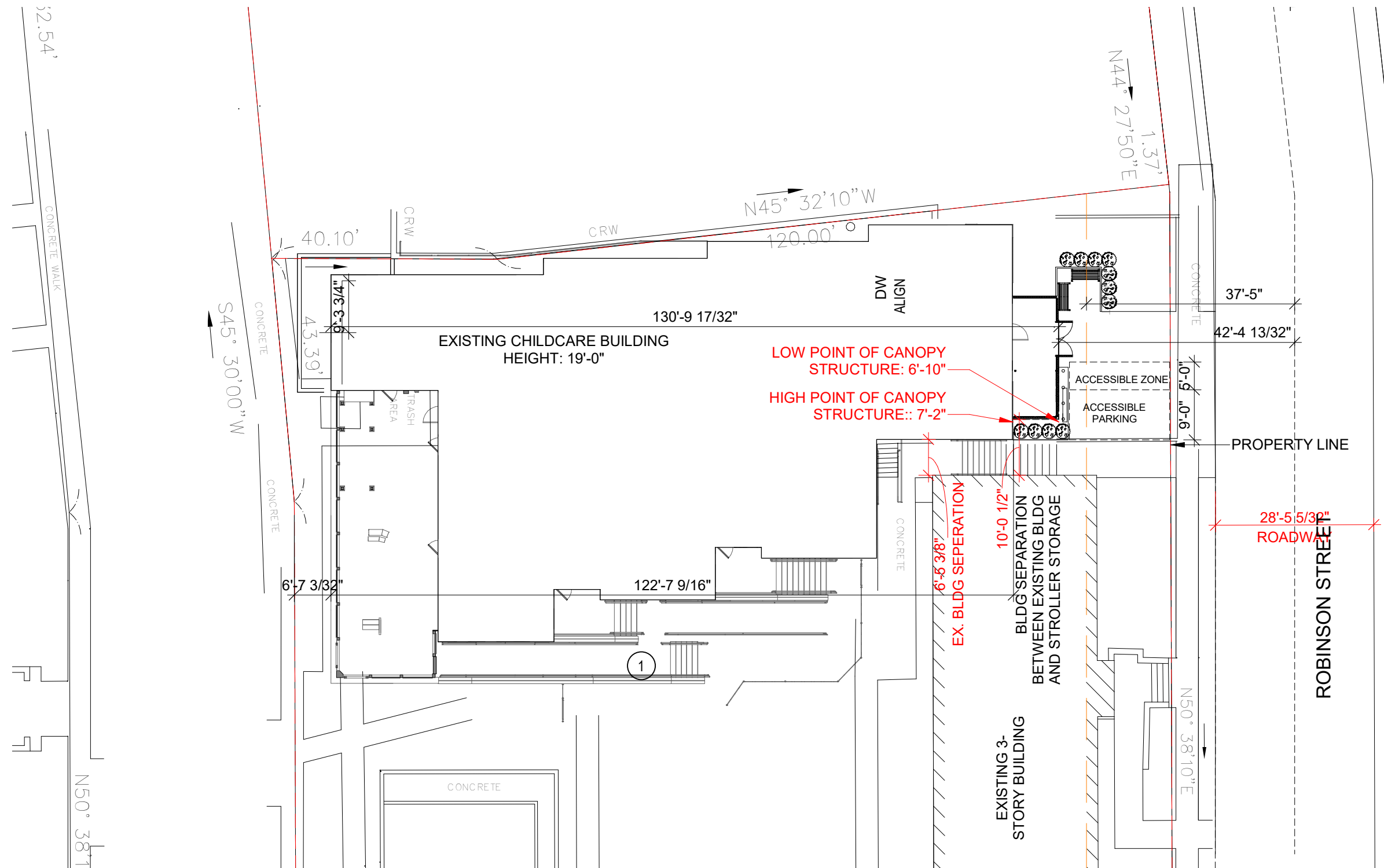


3 SIDE ELEVATION  
1/8" = 1'-0"



ZONING ANALYSIS:

Regulation	Requirement	Existing	Proposed	Compliance
FAR	0.75	0.982	0.983	no
Min. Lot Size	5,000 sf	79,834 sf	79,834 sf	yes
Min. Lot Width	50ft	287 ft	287 ft	yes
Front Set Back - Robinson St	37.5ft $[(H+L)/4]$	N/A	38.85ft	yes
Front Set Back - Garden St	37.5ft $[(H+L)/4]$	N/A	246ft	yes
Front Set Back - Fernald Dr	37.5ft $[(H+L)/4]$	N/A	125ft	yes
Between Building Setback	13'-8" $[(H1+h2)/6]$ or not less than 10ft	N/A	1in	no
Max Building Height	35 ft	N/A	7.16ft	yes



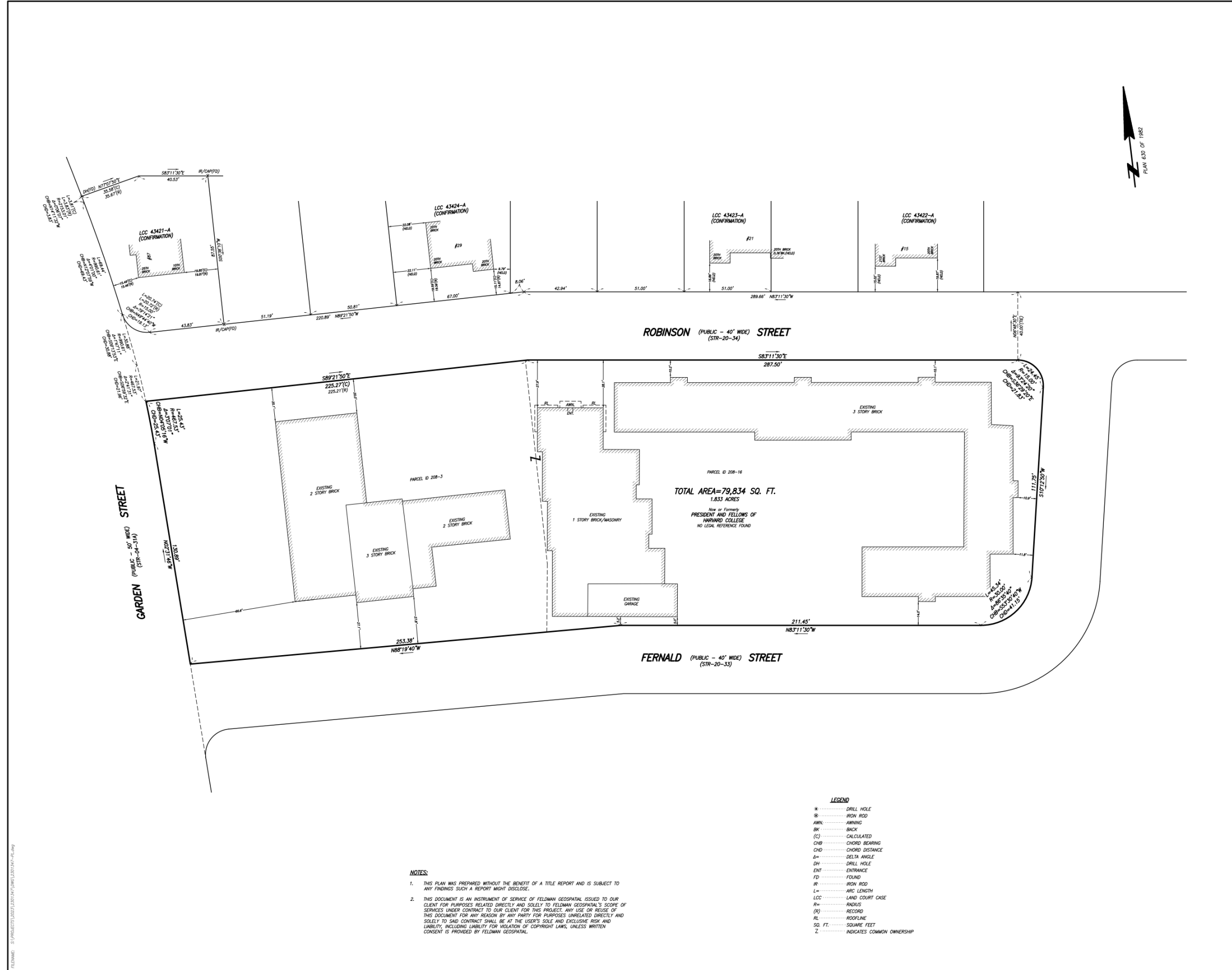
SETBACK DIAGRAM

1" = 20'-0"

BOSTON HEADQUARTERS  
152 HAMPDEN STREET  
BOSTON, MA 02119

WORCESTER OFFICE  
27 MECHANIC STREET  
WORCESTER, MA 01608

(617)357-9740  
www.feldmangeo.com



I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST PLANS AND DEEDS OF RECORD.

JOSEPH R. ZAMBRITO, PLS DATE 1/18/2024  
0447 52783  
JZAMBRITO@FELDMANGEO.COM



DRAWING NAME:

**PLAN OF LAND**  
**26 ROBINSON STREET**  
**CAMBRIDGE, MASS.**

DATE: JANUARY 10, 2024

REVISIONS:

NO.	DESCRIPTION	DATE

FILENAME: 2301347-PL.dwg

RESEARCH: MJB FIELD CHECK: AM

PROJ MGR: MJB APPROVED:

CALC: MJB CAD: MJB

FIELD CHK: CRD FILE: 2301347

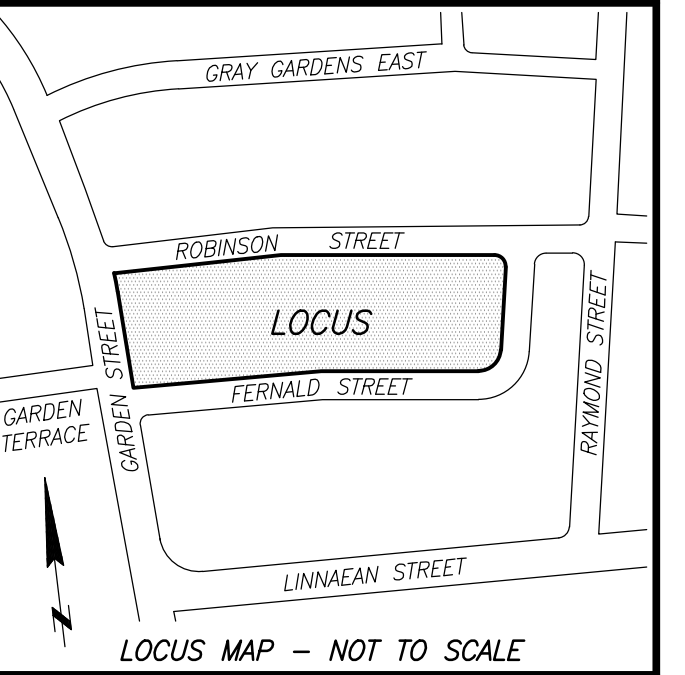
SCALE: 1"=20'

SHEET NO. 1 OF 1

**NOTES:**

- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY FINDINGS SUCH A REPORT MIGHT DISCLOSE.
- THIS DOCUMENT IS AN INSTRUMENT OF SERVICE OF FELDMAN GEOSPATIAL ISSUED TO OUR CLIENT FOR PURPOSES RELATED DIRECTLY AND SOLELY TO FELDMAN GEOSPATIAL'S SCOPE OF SERVICES UNDER CONTRACT TO OUR CLIENT FOR THIS PROJECT. ANY USE OR REUSE OF THIS DOCUMENT FOR ANY REASON BY ANY PARTY FOR PURPOSES UNRELATED DIRECTLY AND SOLELY TO SAID CONTRACT SHALL BE AT THE USER'S SOLE AND EXCLUSIVE RISK AND LIABILITY, INCLUDING LIABILITY FOR VIOLATION OF COPYRIGHT LAWS, UNLESS WRITTEN CONSENT IS PROVIDED BY FELDMAN GEOSPATIAL.

- LEGEND**
- ⊙ ..... DRILL HOLE
  - ⊗ ..... IRON ROD
  - AWN ..... AWNING
  - BR ..... BRICK
  - (C) ..... CALCULATED
  - CHB ..... CHORD BEARING
  - CHD ..... CHORD DISTANCE
  - CA ..... CHORD ANGLE
  - DH ..... DRILL HOLE
  - ENT ..... ENTRANCE
  - FD ..... FOUND
  - IR ..... IRON ROD
  - L= ..... ARC LENGTH
  - LOC ..... LAND COURT CASE
  - R= ..... RADIUS
  - (R) ..... RECORD
  - RL ..... ROOFLINE
  - SQ. FT. ..... SQUARE FEET
  - Z ..... INDICATES COMMON OWNERSHIP



I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST PLANS AND DEEDS OF RECORD.

*[Signature]*  
JOSEPH R. ZAMBUTO, PLS DATE 1/18/2024  
(MA# 52783)  
JZAMBUTO@FELDMANGEO.COM



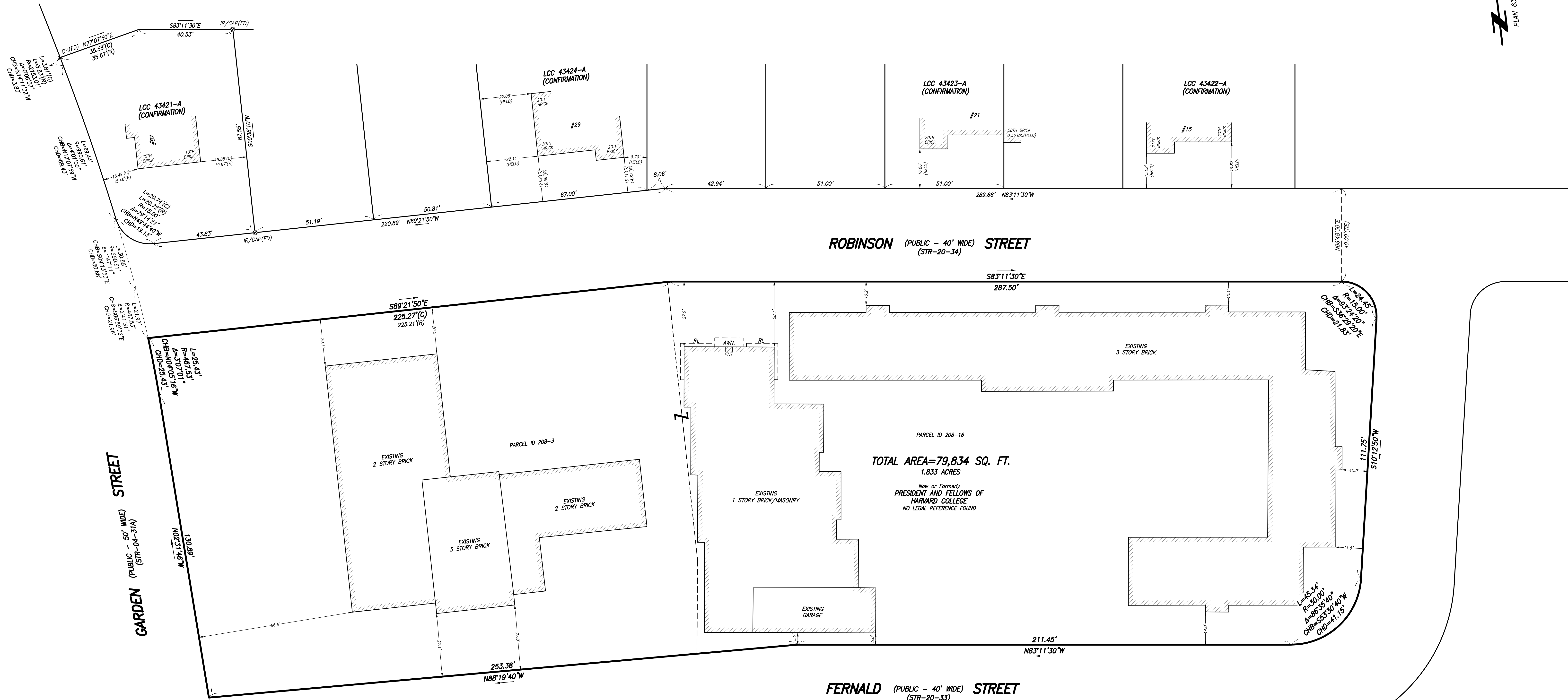
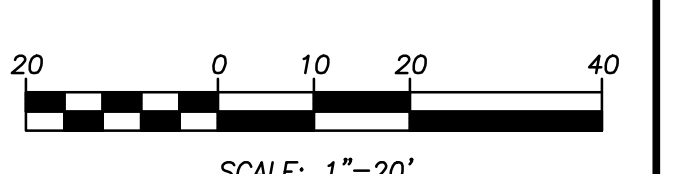
DRAWING NAME:

**PLAN OF LAND**  
**26 ROBINSON STREET**  
**CAMBRIDGE, MASS.**

DATE: JANUARY 10, 2024

REVISIONS:	

FILENAME:	2301347-PL.dwg	
RESEARCH:	MJB	FIELD CHIEF: AM
PROJ MGR:	MJB	APPROVED:
CALC:	MJB	CADD: MJB
FIELD CHR:		CRD FILE: 2301347



**ROBINSON (PUBLIC - 40' WIDE) STREET**  
(STR-20-34)

**FERNALD (PUBLIC - 40' WIDE) STREET**  
(STR-20-33)

**GARDEN (PUBLIC - 50' WIDE) STREET**  
(STR-04-31A)

PARCEL ID 208-16  
**TOTAL AREA=79,834 SQ. FT.**  
1.833 ACRES  
Now or Formerly  
**PRESIDENT AND FELLOWS OF HARVARD COLLEGE**  
NO LEGAL REFERENCE FOUND

**LEGEND**

- DRILL HOLE
- ⊙ IRON ROD
- AWN: AWNING
- BK: BACK
- (C): CALCULATED
- CHB: CHORD BEARING
- CHD: CHORD DISTANCE
- Δ: DELTA ANGLE
- DH: DRILL HOLE
- ENT: ENTRANCE
- FD: FOUND
- IR: IRON ROD
- L: ARC LENGTH
- LCC: LAND COURT CASE
- R: RADIUS
- (R): RECORD
- RL: ROOFLINE
- SD, FT.: SQUARE FEET
- Z: INDICATES COMMON OWNERSHIP

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F:\Projects\2301347-PL.dwg (01/10/2024 10:00:00 AM) 2301347-PL.dwg

HARVARD  
UNIVERSITY PLANNING AND DESIGN



Mr. Peter McLaughlin  
Commissioner  
City of Cambridge Inspectional Services Department  
831 Massachusetts Avenue  
Cambridge, MA, 02139

March 25, 2024

Re: Zoning Variance Application –Botanic Gardens Children’s Center, 26 Robinson Street

Dear Mr. McLaughlin:

Please find enclosed a variance application to permit the construction of a free-standing storage canopy shelter to provide a weather protected storage area for strollers at the front entrance of the Botanic Gardens Children’s Center at 26 Robinson Street.

Harvard is seeking the following three variances for this project:

- (1) to permit the addition of 90 GSF for a slight increase in FAR (CZO 5.30 Table 5-1) which limits FAR to 0.75 in the Res C-1 zoning district;
- (2) to allow the canopy to be sited closer to the Children’s Center building than the requirement for between building setbacks (CZO 5.13); and
- (3) to allow for the alteration or enlargement of a lot that is nonconforming for FAR (CZO 8.22.3).

Please call me at 617-496-3606 if you have any questions regarding this application. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Diane Gray".

Diane Gray  
Senior Campus Planner

Cc: Emily Glavey, Tanya Iatridis, Harvard University  
Steve Gilbert, Baker Design Group



**BLOCK 208**



FY 2024



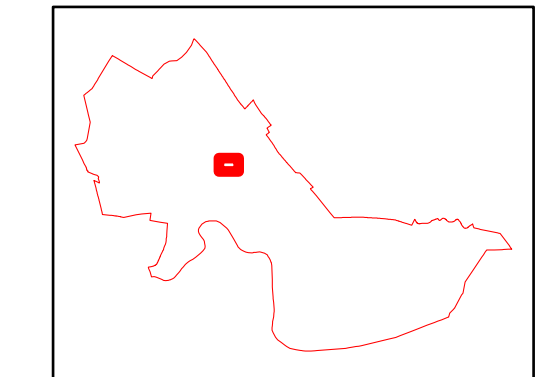
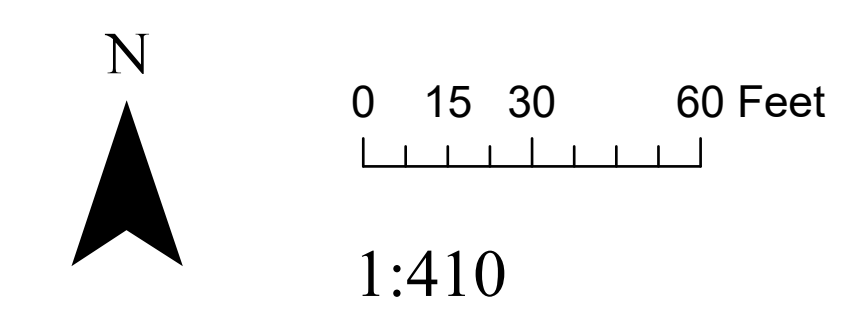
**City of Cambridge  
Assessing Department**

795 Massachusetts Ave.  
Cambridge, MA 02139

- Buildings
- Lot Line
- Sub-Parcel Line
- Block Line
- City Boundary
- Water
- Easement
- Railway

10 Lot Number      100 Parcel size in Sq. Ft.  
 208 Block Number      44.0LC Land Court Dimension  
 10 Cam Street Number      65.0 Survey Dimensions  
 (125.0) Deed Dimension

DISCLAIMER:  
 All Real Property shown on this map was compiled from existing Assessor's Tax Maps dated 1920 to 2023 and maintained by the City Assessor's Office and the Department of Public Works. Subsequent information has been completed using the City of Cambridge Geographic Information System (GIS). Parcels have not been created from survey, and map is suitable for assessing purposes only.  
 The City of Cambridge assumes no legal responsibility for information shown on this map.



Parcel Block Map  
208



26 Robinson St. Petitioner

208-7  
BECKERT, SVEN & LISA MCGIRR  
29 ROBINSON ST  
CAMBRIDGE, MA 02138-1415

208-11  
MEE-BURNS, VIRGINIA  
17 ROBINSON ST.  
CAMBRIDGE, MA 02138-1403

PRESIDENT & FELLOWS OF HARVARD  
COLLEGE  
C/O DIANE GRAY, HARVARD PLANNING  
1350 MASS AVENUE – 5<sup>TH</sup> FLOOR  
CAMBRIDGE, MA 02138

208-8  
EL-ROUAYHEB, KHALED &  
MANJA KLEMENCIC  
27 ROBINSON ST  
CAMBRIDGE, MA 02138

208-3-10-15-16  
PRESIDENT & FELLOWS OF HARVARD COLLEGE  
C/O HARVARD REAL ESTATE, INC.  
HOLYOKE CENTER, ROOM 1000  
1350 MASSACHUSETTS AVE  
CAMBRIDGE, MA 02138-3895

208-6  
WU, TAI TSUN  
35 ROBINSON ST  
CAMBRIDGE, MA 02138-1403

208-9  
IVANOVIC, NIKOLA  
23 ROBINSON STREET  
CAMBRIDGE, MA 02138

208-12  
FRANK, DEREK & NINA K. FAROUK  
15 ROBINSON ST  
CAMBRIDGE, MA 02138-3895

208-13  
IVANOVIC, NIKOLA  
7 ROBINSON ST  
CAMBRIDGE, MA 02139

208-14  
WOMACK JR., JOHN  
TRUSTEE OT THE JOHN WOMACK , JR TRT  
36 RAYMOND ST  
CAMBRIDGE, MA 02140