

BZA APPLICATION FORM  
GENERAL INFORMATION

BZA-017024-2018

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

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

PETITIONER: Paul McCarthy, Angelika O'Connor

PETITIONER'S ADDRESS: 343 & 343 1/2 Broadway Camb Ma 02139

LOCATION OF PROPERTY: 343 & 343 1/2 Broadway Camb Ma 02139

TYPE OF OCCUPANCY: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_

REASON FOR PETITION:

- Additions
- Change in Use/Occupancy
- Conversion to Addi'l Dwelling Unit's
- Dormer
- Other: \_\_\_\_\_
- New Structure
- Parking
- Sign
- Subdivision

DESCRIPTION OF PETITIONER'S PROPOSAL:

The duplex lot 131 & lot 132, currently existing as non-conforming lots need to be reestablished as full lots according to their Jan 4 1947 grandfathered Subdivision of Land. Existing parking for these lots also needs approval

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section 5.15  
Article 5 Section 5.31  
Article \_\_\_\_\_ Section \_\_\_\_\_

Applicants for a Variance must complete Pages 1-5  
Applicants for a Special Permit must complete Pages 1-4 and 6  
Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s): Paul McCarthy Angelika O'Connor  
(Petitioner(s)/Owner)  
Paul McCarthy Angelika O'Connor  
(Print Name)

Address: 343 & 343 1/2 Broadway  
Cambridge Ma 02139

Tel. No.: 617-877-4139, 617-331-2340

E-Mail Address: PJM1954@comcast.net  
ckiangelo@comcast.net

Date: 7-10-18

PETITION STATEMENT  
FOR 343 & 343 21/2 BROADWAY (LOT 131&LOT 132)

This petition is about the Merger Doctrine and the hardship that it presents to the present owners and petitioners. The parcel in question contains a duplex structure presently known as and numbered 343 & 343 ½ Broadway. When these two structures were initially built in 1872 they were considered as two separate “houses”. Each side of the duplex mirrors the other with no egress or ingress to the other within the confines of the “houses” themselves.

In January of 1947 the two lots were legally subdivided. Subsequently, in January of 1986 the two lots were acquired by the same person, and for whatever reason were combined into one deed. In May of 1993 and July of 1983 the then owner, Thomas Franklin, deeded out the two respective lots in separate deeds to the present petitioners. What was lost in these two conveyances was that the two parcels had merged by virtue of the Merger Doctrine.

What this petition requests, and what equity demands, is that the two lots in question be restored to the status established in the 1947 subdivision along with the grandfathered driveway easement and the existing parking schematic that was established accordingly.  
End

**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 Paul McCarthy, Angelika O'Connor  
(OWNER)

Address: 343 Broadway, 343 1/2 Broadway

State that I/We own the property located at 343 & 343 1/2 Broadway, which is the subject of this zoning application.

The record title of this property is in the name of Paul McCarthy, Angelika O'Connor

\*Pursuant to a deed of duly recorded in the date 6-28-14 11-09-01, Middlesex South County Registry of Deeds at Book BK 70035 544, Page 534; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

Paul McCarthy, Angelika O'Connor  
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

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

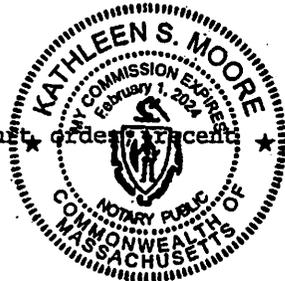
Commonwealth of Massachusetts, County of Middlesex

The above-name Paul McCarthy personally appeared before me, this 10 of July, 2018 and made oath that the above statement is true.

[Signature] Notary

My commission expires 2/1/2024 (Notary Seal).

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



**QUITCLAIM DEED**

Angelika O'Connor, being married to James L. O'Connor, and Paul McCarthy, being married to Paula McCarthy (a/k/a Paula Jane McCarthy), all of Cambridge, MA, for consideration paid of \$1.00, hereby grants to Paul McCarthy, individually, of 343 Broadway, Cambridge, MA 02139 with *QUITCLAIM COVENANTS*,

A certain parcel of land with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, now numbered 343 Broadway, bounded and described as follows:

- SOUTHERLY by Broadway, 32 feet;
- WESTERLY by Lot B, as shown on said plan, 90 feet;
- NORTHERLY by land of 63 Inman LLC, 32 feet; and
- EASTERLY by Inman Street, 90 feet.

Being shown as Lot A on a Plan dated January 4, 1947, recorded with the Middlesex South District Registry of Deeds in Book 7091, Page 341, and containing 2,880 square feet of land, more or less, according to said plan.

The premises are conveyed subject to an easement for the owner(s) of 343 1/2 to pass and repass over that portion of the premises, as shown on Easement Plan with Parking, dated \_\_\_\_\_ by registered architect, Alexian Praugh, Cambridge, Mass., and recorded herewith.

Property Address: 343 Broadway, Cambridge, MA 02139

For title see deeds dated May 28, 1993 and recorded with said Deeds in Book 23253, Page 123, deed dated June 28, 2017 and recorded with said Deeds in Book 70035, Page 241, and deed dated November 8, 2001 and recorded with said Deeds in Book 34160, Page 534.

Grantor hereby terminates and relinquishes any rights of homestead in the premises hereby conveyed and warrants that no individual or entity is entitled to a right of homestead in the premises hereby conveyed as of the date hereof.

[Remainder of page intentionally left blank]

WITNESS our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Angelika O'Connor

\_\_\_\_\_  
James L. O'Connor

\_\_\_\_\_  
Paul McCarthy

\_\_\_\_\_  
Paula McCarthy, a/k/a Paula Jane McCarthy,  
by Paul Brian McCarthy, attorney-in-fact,  
under durable power of attorney dated  
March 25, 2016, recorded with said Deeds,  
Book 70035, Page 235

COMMONWEALTH OF MASSACHUSETTS, \_\_\_\_\_ (county)

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Angelika O'Connor, and proved to me through satisfactory evidence of identification, which was \_\_\_\_ personal knowledge/\_\_\_\_ driver's license/\_\_\_\_ passport, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, and swore to its truth and accuracy to the best of her knowledge.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS, \_\_\_\_\_ (county)

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared James L. O'Connor, and proved to me through satisfactory evidence of identification, which was \_\_\_\_ personal knowledge/\_\_\_\_ driver's license/\_\_\_\_ passport, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and swore to its truth and accuracy to the best of his knowledge.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS, \_\_\_\_\_ (county)

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Paul McCarthy and Paula McCarthy, a/k/a Paula Jane McCarthy, by Paul Brian McCarthy, attorney-in-fact, , and proved to me through satisfactory evidence of identification, which was \_\_\_\_ personal knowledge/\_\_\_\_ driver's license/\_\_\_\_ passport, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and swore to its truth and accuracy to the best of his knowledge.

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Notary Public  
My Commission Expires:

## QUITCLAIM DEED

Angelika O'Connor, being married to James L. O'Connor, and Paul McCarthy, being married to Paula McCarthy (a/k/a Paula Jane McCarthy), all of Cambridge, MA,

for consideration paid of \$1.00, hereby grants to

Angelika O'Connor, individually, of 343 1/2 Broadway, Cambridge, MA 02139

with *QUITCLAIM COVENANTS*,

A certain parcel of land with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, now numbered 343 1/2 Broadway, bounded and described as follows:

SOUTHERLY by Broadway, 28 feet;

WESTERLY by land now or formerly of Antonio & Elise Simone, 90 feet;

NORTHERLY by land now or formerly of Flora B. Crosby, 28 feet; and

EASTERLY by Lot A, as shown on said Plan, 90 feet.

Being shown as Lot B on a Plan dated January 4, 1947, recorded with the Middlesex South District Registry of Deeds in Book 7091, Page 341, and containing 2,520 square feet of land, according to said plan.

The premises are conveyed with the benefit of an easement for the owner(s) of 343 1/2 (Lot B) to pass and repass over Lot A, as shown on Easement Plan with Parking, dated \_\_\_\_\_ by registered architect, Alexian Praugh, Cambridge, Mass., and recorded herewith.

Property Address: 343 1/2 Broadway, Cambridge, MA 02139

For title see deeds dated May 28, 1993 and recorded with said Deeds in Book 23253, Page 123, deed dated June 28, 2017 and recorded with said Deeds in Book 70035, Page 241, and deed dated November 8, 2001 and recorded with said Deeds in Book 34160, Page 534.

Grantor hereby terminates and relinquishes any rights of homestead in the premises hereby conveyed and warrants that no individual or entity is entitled to a right of homestead in the premises hereby conveyed as of the date hereof.

[Remainder of page intentionally left blank]

WITNESS our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Angelika O'Connor

\_\_\_\_\_  
James L. O'Connor

\_\_\_\_\_  
Paul McCarthy

\_\_\_\_\_  
Paula McCarthy, a/k/a Paula Jane McCarthy,  
by Paul Brian McCarthy, attorney-in-fact,  
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\_\_\_\_\_  
Notary Public  
My Commission Expires:

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:

*It is a burden to the petitioners to not have the duplex legally subdivided as it should have been at the point of sale because it has presented a circumstance of zoning non-compliance and defective titles, which does not allow for any kind of personal decision making with regard to the properties, be it a change of uses, sale, or other considerations such as in making a will...*

- 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:

*DNA due to the 'special circumstance' of this petition, which makes no changes to structure or topography.*

- C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

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

*Granting this petition will not have any effect on the direct abutters CHIN YUAN LIN & Sabina BERESA and Klaus DeBaraa, owners of 345 Broadway and 63 Tamar respectively. It will put into zoning compliance what should have been done at the point of sale in 1993. It will set the record straight.*

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

*Because it will take into account that everybody's rights have been considered, without encroaching upon the rights of my immediate neighbors this petition will enforce the directive*

- \* If You have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Paul McCarthy, Angelika O'Connor PRESENT USE/OCCUPANCY: Residential  
 LOCATION: 343 & 343 1/2 Broadway ZONE: 0-1  
 PHONE: 6173512340 REQUESTED USE/OCCUPANCY: Residential

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u>
TOTAL GROSS FLOOR AREA:	1202.5	1205.4	3950 (max.)
LOT AREA:	2990	2520	5000 (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup>	.43	.45	.75 (max.)
LOT AREA FOR EACH DWELLING UNIT:	2930.5	2650.5	1200 (min.)
SIZE OF LOT:			
WIDTH	31.45	29.45	(min.)
DEPTH	90	90	
Setbacks in Feet:			
FRONT	15.9	15.8	(min.)
REAR	18	18	(min.)
LEFT SIDE	0 Party Wall	0 Party Wall	(min.)
RIGHT SIDE	10 to 15.9	8 to 14.2	(min.)
SIZE OF BLDG.:			
HEIGHT	App 35'	App 35'	(max.)
LENGTH			
WIDTH			
RATIO OF USABLE OPEN SPACE TO LOT AREA: <sup>3</sup>	.276	.28	.15 (min.)
NO. OF DWELLING UNITS:			(max.)
NO. OF PARKING SPACES:	2	2	(min./max)
NO. OF LOADING AREAS:	NA	NA	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	NA	NA	(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.

Residences in Question are attached Duplexes  
(with addresses 343 & 343 1/2)

Each side is an approximate mirror of the other  
with the same SF areas. One lot is 2' wider than the  
other. No other occupancies are on LOT.

- 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'.

BZA APPLICATION FORM

BZA-017024-2018

GENERAL INFORMATION

2018 OCT -2 AM 11:31

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

Special Permit: \_\_\_\_\_ Variance:  Appeal:  OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

PETITIONER: Paul McCarthy, Angelika O'Connor

PETITIONER'S ADDRESS: 343 & 343 1/2 Broadway Camb Ma 02139

LOCATION OF PROPERTY: 343 & 343 1/2 Broadway Camb Ma 02139

TYPE OF OCCUPANCY: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_

REASON FOR PETITION:

- |   |   |
|---|---|
| <input type="checkbox"/> Additions                            | <input type="checkbox"/> New Structure          |
| <input type="checkbox"/> Change in Use/Occupancy              | <input type="checkbox"/> Parking                |
| <input type="checkbox"/> Conversion to Addi'l Dwelling Unit's | <input type="checkbox"/> Sign                   |
| <input type="checkbox"/> Dormer                               | <input checked="" type="checkbox"/> Subdivision |
| <input type="checkbox"/> Other: _____                         |   |

DESCRIPTION OF PETITIONER'S PROPOSAL:

The duplex lot 131 & lot 132, currently existing as non-conforming lots need to be reestablished as full lots according to their Jan 4 1947 grandfathered Subdivision of Land. Existing parking for these lots also needs approval

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section 5.15

Article 5 Section 5.31

Article \_\_\_\_\_ Section \_\_\_\_\_

Applicants for a Variance must complete Pages 1-5  
Applicants for a Special Permit must complete Pages 1-4 and 6  
Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s): Paul McCarthy Angelika O'Connor  
(Petitioner(s)/Owner)

Paul McCarthy Angelika O'Connor  
(Print Name)

Address: 343 Broadway & 343 1/2 Broadway  
Cambridge MA 02139

Tel. No.: 617-877-4139, 617-351-2340

E-Mail Address: ~~PM~~ PSM1954@comcast.net

Date: 7-10-18

okiangel@comcast.net

**PETITION STATEMENT  
FOR 343 & 343 21/2 BROADWAY (LOT 131&LOT 132)**

This petition is about the Merger Doctrine and the hardship that it presents to the present owners and petitioners. The parcel in question contains a duplex structure presently known as and numbered 343 & 343 ½ Broadway. When these two structures were initially built in 1872 they were considered as two separate "houses". Each side of the duplex mirrors the other with no egress or ingress to the other within the confines of the "houses" themselves.

In January of 1947 the two lots were legally subdivided. Subsequently, in January of 1986 the two lots were acquired by the same person, and for whatever reason were combined into one deed. In May of 1993 and July of 1983 the then owner, Thomas Franklin, deeded out the two respective lots in separate deeds to the present petitioners. What was lost in these two conveyances was that the two parcels had merged by virtue of the Merger Doctrine.

What this petition requests, and what equity demands, is that the two lots in question be restored to the status established in the 1947 subdivision along with the grandfathered driveway easement and the existing parking schematic that was established accordingly.  
End

FOR 343 & 343 1/2 BROADWAY (NOT 1313101 1301)  
PETITION STATEMENT

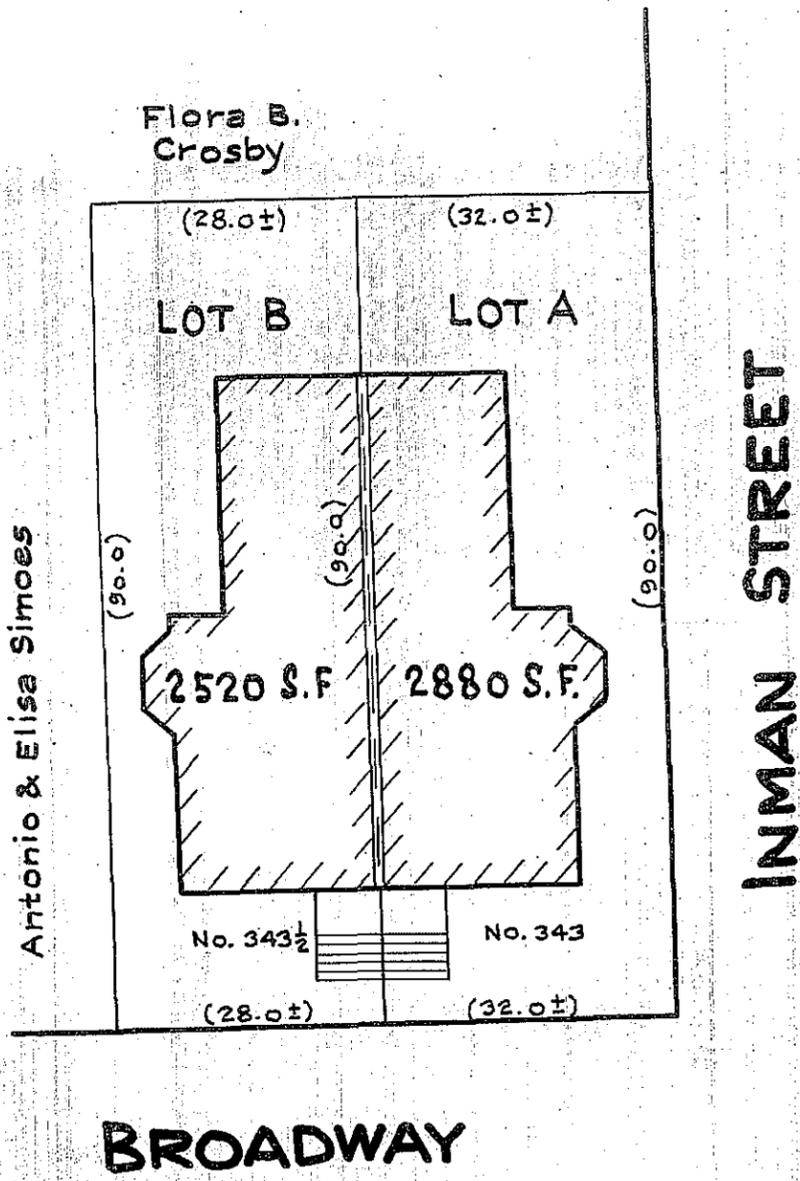
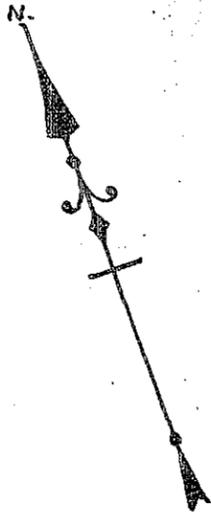
This petition is about the merger between the two lots and the hardship that it presents to the present owners and petitioners. The parcel in question contains a duplex structure presently known as and numbered 343 & 343 1/2 Broadway. When these two structures were initially built in 1872 they were considered as two separate houses, each side of the duplex mirror the other with no egress or ingress to the other within the confines of the "houses" themselves.

In January of 1947 the two lots were legally subdivided. Subsequently, in January of 1980 the two lots were acquired by the same person and for whatever reason were combined into one deed. In May of 1983 and July of 1983 the then owner, Thomas Franklin, deeded out the two respective lots in separate deeds to the present petitioners. What was lost in these two conveyances was that the two parcels had merged by virtue of the merger doctrine.

What this petition requests, and what equity demands, is that the two lots in question be restored to the status established in the 1947 subdivision along with the grandfathered driveway easement and the existing parking schematic that was established accordingly.

subdivision of Land  
in  
**CAMBRIDGE**  
Scale 1" = 20'      January 4, 1947  
Edward Smith Engineer  
67 Pemberton St. Cambridge

(Original on file.)



Middlesex Registry of Deeds, S...  
CAMBRIDGE, MASS.  
Plan Number..... 111  
Rec'd Jan... 24... 1947 at 10:48 AM  
with... Deed  
Benjamin F. Stultz et al  
Douglas D. Ernst et al  
Recorded, Book... 709 Page 24

Attest *Albert D. ...*

Site Location:  
343, 343.5 Broadway  
Cambridge MA 02139

Client(s):

Contact:

Date:

July 27, 2018

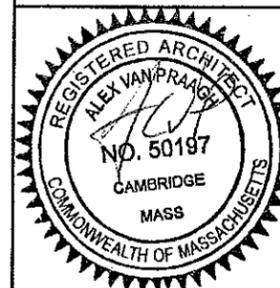
Scale:

As Noted

LEGEND:

343, 343-1/2 Broadway

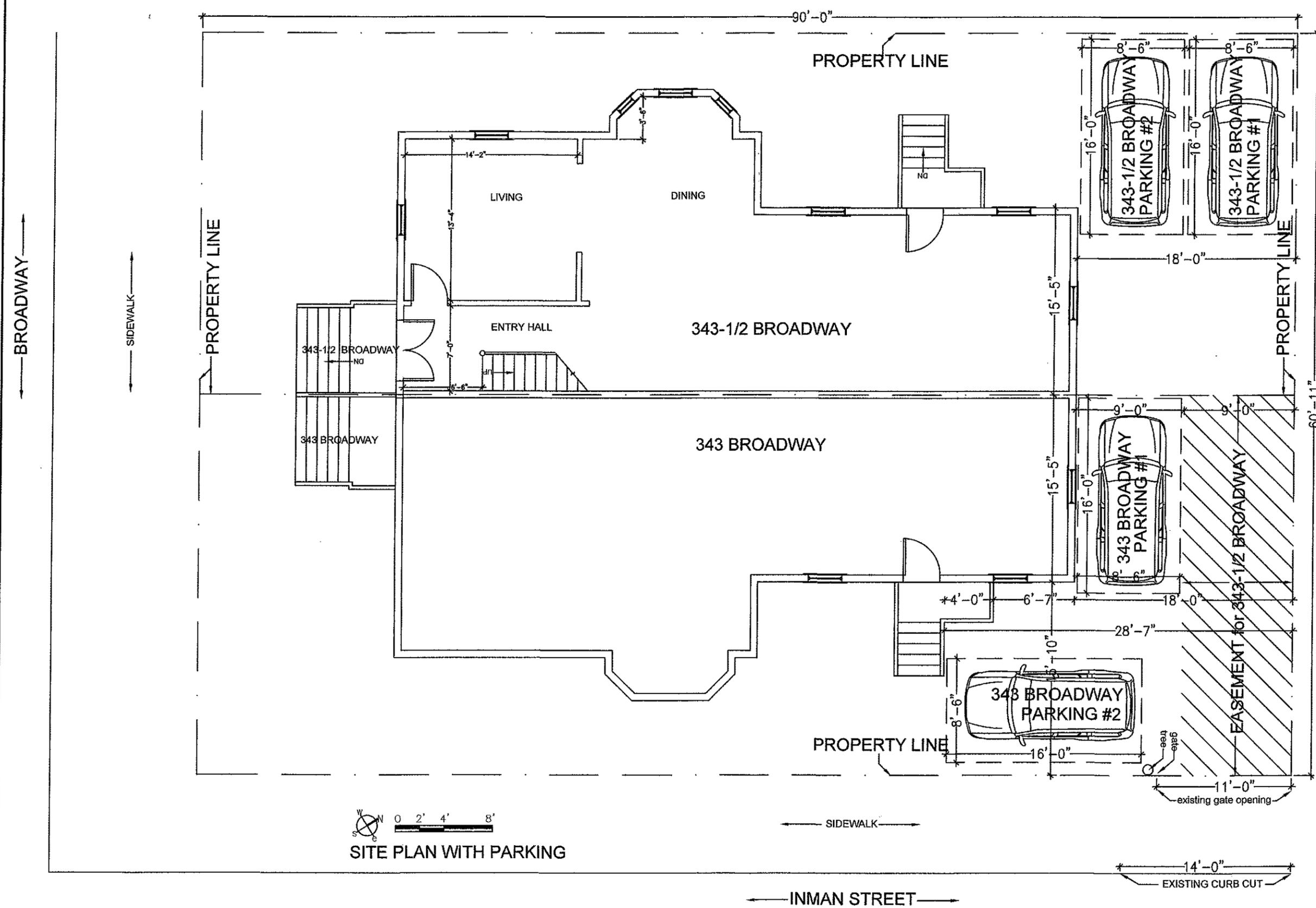
Notes:



ACVP Design

MA Registered Architect # 50197  
phone 617.959.1158  
alexvanpraagh@yahoo.com

Page Number:



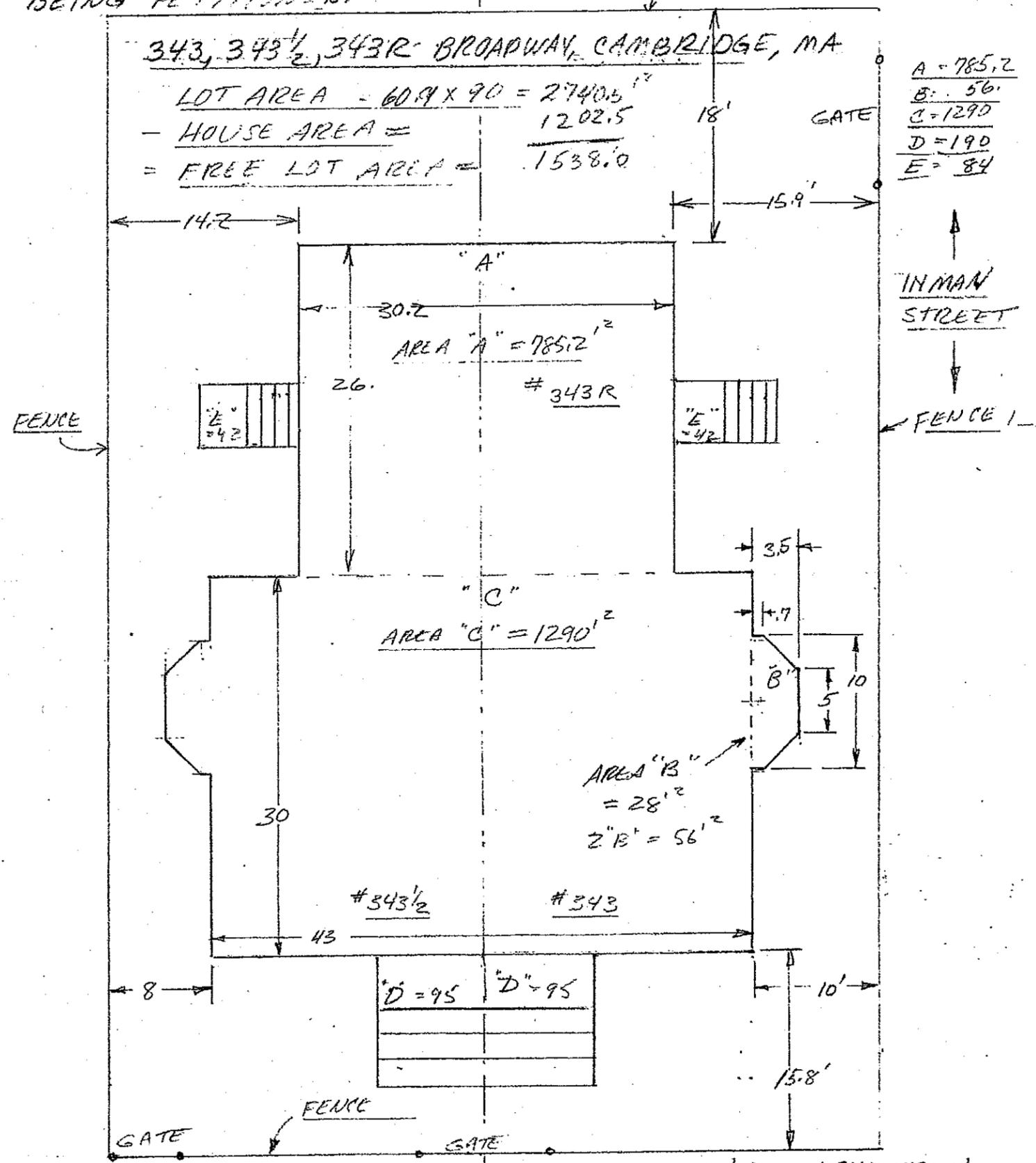
SITE PLAN WITH PARKING

SECTION "Z-Z" REPRESENT THE HOUSE AND LAND PORTIONS BEING PETITIONED.

343, 343 1/2, 343R BROADWAY, CAMBRIDGE, MA

LOT AREA =  $60.9 \times 90 = 2740.5$ <sup>12</sup>  
 - HOUSE AREA = 1202.5  
 = FREE LOT AREA = 1538.0

A = 785.2  
 B = 56  
 C = 1290  
 D = 190  
 E = 84



DRAWN BY N. SVENDSEN  
 MASS. P.E. # 23312  
 NOV 28, 1990.

SCALE 1" = 10'



343-343 1/2 Broadway



THE NEW YORK  
NO STOPPING  
→

TOW ZONE  
NO PARKING  
STREET CLOSING  
LAW FOR TOW  
SEE THE TOW  
CITY OF NEW YORK  
DEPARTMENT OF STREETS



343 & 343 1/2 Broadway,



343 Broadway (Sideview)



343<sup>+</sup> Broadway (side view)



343-343 1/2 Broadway

*Petitioner*

109-24  
ON THE RISE, INC.  
341 BROADWAY  
CAMBRIDGE, MA 02139

108-28  
MURPHY, PAUL J. & MARGARET F. MURPHY  
342 BROADWAY  
CAMBRIDGE, MA 02139

114-131  
O'CONNOR ANGELIKA  
343 1/2 BROADWAY  
CAMBRIDGE, MA 02139

109-25  
ROSE, RENATE S.  
64 INMAN ST. UNIT#1  
CAMBRIDGE, MA 02139

109-25  
CUDDY, BERNARD M. & BRENDA P. STANFIELD  
64 INMAN ST., #2  
CAMBRIDGE, MA 02139

*Petitioner*

114-132  
MCCARTHY, PAUL & PAULA MCCARTHY  
343 BROADWAY  
CAMBRIDGE, MA 02139

114-93  
MESS, SUSAN D. & DYLAN MESS  
67 INMAN ST  
CAMBRIDGE, MA 02139

114-94  
63 INMAN LLC,  
C/O CLAUD DE BANSA  
61 FAYETTE ST.  
CAMBRIDGE, MA 02139

114-96  
LIN, CHIN YUAN & SABINA BERRETTA  
14 WINCHESTER DRIVE  
LEXINGTON, MA 02420

114-97  
THOMSON, WARWICK,  
TR. OF BARRIER REALTY TRUST  
C/O W. THOMSON  
14 MOUNT AUBURN ST  
WATERTOWN, MA 02472

108-15  
CAMBRIDGE CITY OF CITY HALL ANNEX  
55 INMAN ST  
CAMBRIDGE, MA 02139

114-40  
LOPRESTI, JEAN  
18 ANTRIM ST.  
CAMBRIDGE, MA 02139

108-15  
CITY OF CAMBRIDGE  
C/O NANCY GLOWA  
CITY SOLICITOR

108-15  
CITY OF CAMBRIDGE  
C/O LOUIS DEPASQUALE  
CITY MANAGER